

# VILLAGE OF PALMYRA

## ZONING & DEVELOPMENT CODE

Approved by the Palmyra Village Board  
November 19, 2012  
Ordinance No. 2012-06

*(as amended by ordinances: 2014-02, 2014-03, 2015-01, 2016-02, 2017-01, 2018-02)*

*Prepared with assistance from:*

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*Insert Adoption Ordinance*

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## AMENDEMENTS

This page is used to track minor code amendments approved by the Village Board after adoption of this Chapter.

Page	Section Number	Ordinance #	Date	Comments
17.02-2	17.02(3)(d)(3)	2014-02	4-7-14	Minor amendment for code clarification
17.03-1	17.03(3)(d)	2014-02	4-7-14	Minor amendment for code clarification
17.04-1	17.04(1)	2014-02	4-7-14	Minor amendment for code clarification
17.05-7	17.05(6)(b)	2014-02	4-7-14	Minor amendment for code clarification
17.05-15	17.05(7)(l)(1)	2014-02	4-7-14	Minor amendment for code clarification
17.10-3	17.10(6)(d)(6)(b)	2014-02	4-7-14	Minor amendment for code clarification
17.10-3	17.10(6)(d)(6)(c)	2014-02	4-7-14	Minor amendment for code clarification
17.10-10	17.10(11)(d)(4)	2014-02	4-7-14	Minor amendment for code clarification
17.10-11	17.10(12)(d)(4)	2014-02	4-7-14	Minor amendment for code clarification
17.12-2	17.12(14)(c)(4)	2014-02	4-7-14	Minor amendment for code clarification
17.12-5	17.12(4)(m)(7)(a)	2014-02	4-7-14	Minor amendment for code clarification
17.12-9	17.12(5)(c)(4)	2014-02	4-7-14	Minor amendment for code clarification
17.17-8	17.17(5)(b)	2014-02	4-7-14	Minor amendment for code clarification
17.18-6 & 9	17.18	2014-02	4-7-14	Minor amendment for code clarification
17.08-1-9	17.08	2014-03	6-2-14	Shoreland-Wetland amendments for consistency with 2013 Wisconsin Act 80
17.02-9	17.02(9)	2015-01	1-5-15	Strike entirely, Minor amendment for code clarification
17.05-5	Table 17.05-A	2015-01	1-5-15	Minor amendment for code clarification
17.05-7	Table 17.05-B	2015-01	1-5-15	Minor amendment for code clarification
17.05-13	17.05(7)(j)(8)	2015-01	1-5-15	Minor amendment for code clarification
17.07	17.07	2015-01	1-5-15	Amended entire Floodplain Ordinance per FEMA Requirement
17.16-5 & 6	17.16(1)(k)(2 & 3)	2015-01	1-5-15	Minor amendment for code clarification



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## **SECTION 17.01 INTRODUCTION**

### **(1) TITLE**

This Chapter shall be known as and may be referred to or cited as the “Zoning and Development Code for the Village of Palmyra,” except as referred to herein, where it shall be known as “this Code”, “this Chapter”, “the Zoning Code”, or “the Development Code”.

### **(2) AUTHORITY**

This Chapter is adopted pursuant to the authority contained in Wisconsin Statutes sections 61.35, 62.23(7), and 87.30 and Chapters 236 and 703. All references to state law in this Chapter refer to Wisconsin Statutes current through 2011, and amendments thereto.

### **(3) JURISDICTION**

The regulations contained in this Chapter shall apply to all land and structures situated either wholly or partly within the boundaries of the Village of Palmyra, Wisconsin, and its extraterritorial limits in accordance with Wisconsin Statutes section 62.23(7a) and Chapter 236.

### **(4) PURPOSE**

The purpose of this Chapter is to protect and promote the public health, safety, prosperity, aesthetics, morals, and general welfare of the Village of Palmyra, Wisconsin. The provisions hereof shall be liberally construed in favor of the Village and as minimum requirements for the purposes stated.

### **(5) INTENT**

The intent of this Chapter is to regulate and restrict the use and design of all structures and lands, and:

- (a) To implement the policies and proposals of the Village of Palmyra Comprehensive Land Use Plan prepared and adopted by the Plan Commission in accordance with Wisconsin Statutes sections 66.1001, 62.23 and 61.35;
- (b) To divide the Village of Palmyra into districts regulating the location, construction, reconstruction, alteration, design, and use of buildings, structures and land for various uses, thereby providing a framework within which the community can develop in an orderly manner;
- (c) To facilitate the further division of larger tracts into smaller parcels of land, while minimizing conflict among adjoining lots and uses;
- (d) To ensure adequate legal description and proper survey monumentation of land divisions;
- (e) To prevent the overcrowding of land and to avoid undue concentration of population;
- (f) To preserve and protect the natural environment and open space;
- (g) To provide for adequate light, air, privacy, and convenience of access to property;
- (h) To secure safety from fire, flood, panic and other dangers;
- (i) To reduce or prevent congestion in the streets or parking areas;
- (j) To ensure the provision of adequate and efficient police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, recreational facilities, and other public facilities and services;

- (k) To conserve the values of property throughout the Village and neighboring areas and to protect the character and stability of residential, business, and industrial areas, and to promote the orderly and beneficial development of such areas;
- (l) To ensure buildings and structures are designed and maintained to preserve and enhance the aesthetics of the community or particular districts;
- (m) To preserve the community's history, heritage and rural character;
- (n) To ensure that public facilities, utilities, and services are available concurrent with land division development, and that they will have sufficient capacity to serve the proposed land division, and that the community will be required to bear no more than its fair share of the cost of providing such facilities, utilities, and services;
- (o) To encourage balanced economic development;
- (p) To establish administrative procedures whereby the Village may objectively and equitably phase development based upon its fiscal and environmental impacts upon the surrounding area and the Village as a whole.
- (q) To provide for the administration and enforcement of this Chapter, and to provide penalties for violations of this Chapter.

## **(6) RULES OF CONSTRUCTION AND INTERPRETATION**

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where this Chapter imposes a greater restriction on the use of land or structures or the height or bulk of structures, or requires greater open space about structures, or greater areas or dimensions of sites than is imposed or required by other Village ordinances, this Chapter shall govern. The following rules shall apply in the construction and interpretation of this Chapter and of the terms used herein:

- (a) The present tense includes the future tense.
- (b) The masculine gender includes the feminine and the neutral.
- (c) The singular number includes the plural, and vice versa.
- (d) The word shall is always mandatory: the word may is always permissive.
- (e) The word person includes partnership, association, firm, trust, club, company, or corporation as well as the individual.
- (f) The word used or occupied or located as applied to any land, building, use, structure, or premise shall be construed to include the words intended, arranged, or designed to be used or occupied or located.
- (g) The word lot shall include the words plot and parcel.
- (h) In the event of a conflict between the text of this Chapter and any caption, figure, illustration, table or map contained or referred to herein, the text shall control.
- (i) In the event there is any conflict in the limitations, requirements, or standards contained within this Chapter as applied to an individual use or structure, the more restrictive provision shall apply.

**(7) ABROGATION**

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

**(8) REENACTMENT AND REPEAL OF CONFLICTING ORDINANCES**

This Chapter, in part, carries forward by reenactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the “Zoning and Development Code of the Village of Palmyra, Wisconsin”, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to reenact and continue in force such existing provisions so that all rights and liabilities that have accrued there under are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map. All provisions of Chapter 17 of the Zoning and Development Code of the Village of Palmyra which are not reenacted herein are hereby repealed.

**(9) EFFECT ON UNLAWFUL STRUCTURES AND USES**

No lot, building, structure or use which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this Chapter, it remains unlawful hereunder. The adoption of this Chapter shall not prevent any pending or future prosecution of, or action to abate, any existing violation of any prior zoning ordinance, as amended, if the violation is also a violation of the provisions of this Chapter.

Where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this Chapter, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designated, subject thereafter to the provisions of Section 17.03 Nonconforming Structures, Lots, and Uses.

**(10) SEVERABILITY**

If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby. If an application of this Chapter to a particular structure or land is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure or land not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

**(11) EFFECTIVE DATE**

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

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## SECTION 17.02 GENERAL ZONING PROVISIONS

### (1) PURPOSE

The purpose of this section is to provide those general requirements which are applicable to all zoning districts, land uses, or structures which may be further regulated under other sections of this Chapter.

### (2) SITE RESTRICTIONS AND LAND SUITABILITY

- (a) No structure, development, land, or airspace shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, substantially improved, extended, enlarged, converted, or structurally altered without a building or zoning permit and without fully complying with the provisions of this Chapter and all other local, county, and state regulations.
- (b) No land shall be used or structure erected where the use or structure will result in a significant traffic impact and/or where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography or low bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community.
- (c) No land or structure shall be used which does not meet the Site Maintenance and Performance Standards of Section 17.13 or the Engineering Requirements of Section 17.14 of this Chapter.
- (d) It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of cultural resources and historical sites or buildings is a public benefit and should be encouraged by the Village as part of its land development process.
- (e) The Plan Commission, in applying the provisions of this 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 or propose adequate mitigation, if they so desire. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

### (3) USE REGULATIONS

- (a) **Permitted Uses:** These uses are permitted by right, subject to the provisions of this Chapter.
- (b) **Principal Uses:** These uses represent the main or primary use of property or structures as permitted by the regulations of the zoning district in which such use is located.
- (c) **Conditional Uses:** These uses may be granted by the Village upon a determination of acceptable project impact and imposition of appropriate conditions as provided in Section 17.04 of this Chapter.
- (d) **Accessory Uses and Structures:** These subordinate uses, buildings, and structures are customarily incidental to and located upon the same lot occupied by the principal use or structure. Any accessory use or structure shall conform to the established regulations of the district in which it is located, except as specified below in par. 1 and par. 2. No accessory use or structure shall be permitted that by reason of noise, dust, odor, appearance, lighting, traffic generation, or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.

1. Permit Required. Accessory structures, whether permitted by right or as a conditional use under the regulations of this Chapter, are subject to the regulations and permit requirements of the Village's Building Code, Chapter 14 of the Municipal Code of Ordinances.
2. Exceptions to Bulk Requirements. In the case of any new accessory structure not exceeding 200 square feet in ground area, the setback, offset, height, and open area requirements of the district in which such structure is to be located may be modified by up to 25% when approved by the Plan Commission following a public hearing duly noticed and held by the Plan Commission. In granting such modification, the Plan Commission may require such architectural treatment, screening by landscape or architectural means, regulation of lighting, or other measures as they deem necessary as a condition to such modification. Any such modification would be based solely on the unique merits of that particular case and would not set any precedent. In the event that a written protest against any modification, signed and acknowledged by the owners of twenty (20%) or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20%) or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land is filed with the Clerk of the Village of Palmyra, such modification shall not be allowed except by 3/4 vote of the Plan Commission.
3. Maximum Size. In all districts the maximum size of an accessory building or structure may not exceed the requirements of the applicable district, unless such accessory building or structure is part of an approved site plan for a multi-family residential use, part of an approved Planned Unit Development, or approved as a conditional use, provided the minimum green space, setback, offset, and height requirements for the applicable district are met.
4. Number. The number of accessory structures is not limited, except that the aggregate square footage of all accessory structures shall not exceed the regulations outlined in par. 3 above, or cause the minimum green space requirements per lot to be exceeded.
5. Location of Detached Accessory Buildings. No detached accessory building shall be placed closer than five (5) feet from a principal building.
6. Restrictions on Placement of Accessory Structures in Easements. In no case shall an accessory structure of any kind be placed or maintained in an easement designated for public or private utility, public sewer, public water, stormwater, drainage, public access or other purpose where obstructions would interfere with the purpose of the easement.
7. Restrictions on Use as a Dwelling. Except for residential uses authorized by a conditional use permit, no accessory building shall be used for dwelling purposes.
8. Construction Restrictions. Except where expressly permitted by the applicable district regulations, no accessory building shall be erected prior to the establishment or construction of the main building to which it is accessory unless a conditional use permit authorizing such construction has been issued as provided Section 17.04. Accessory structures shall reflect or compliment the character, color, and materials of the primary structure. Accessory structures exceeding 200 square feet shall be constructed upon a concrete slab and appropriate foundation.
9. Garages. No private garage in a residential district shall be used for operation of any metalworking, woodworking, masonry, carpentry, contracting, or repair business except as a permitted accessory use or home business.
10. Children's Play Structures. For the purposes of this Chapter, children's play structures, including play houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the applicable zoning district setback standards, whether such play structures are placed on a foundation or not. Swing sets, slides, and sandboxes are not considered children's play structures.



(e) **Temporary Uses and Structures:** Any temporary structure or temporary use may be permitted subject to the approval of the Building Inspector and Zoning Administrator upon their review of potential impacts of the use and/or structure. Where such structure does not comply with the setback requirements of the district in which it is located, Plan Commission approval and the written approval of the abutting property owner must be obtained.

1. General Provisions.

- a. A permit shall be required for temporary uses and structures allowed in this Chapter, except that temporary uses and structures operated or sponsored by a governmental entity and located on a lot owned by that entity do not require a permit, nor do those uses described in Section 17.03(e)(2)(d) below.
- b. The applicant shall submit a site plan or other suitable description to the Zoning Administrator, with any required permit fee. As a condition of permit issuance, the Zoning Administrator may require conformance with specific conditions regarding the operation of the temporary use as may be reasonably necessary to achieve the requirements of this Chapter. If the Zoning Administrator finds that the applicable requirements have not been met, he may revoke the permit and may require the cessation of the temporary use. Where a permit for a temporary use has been revoked, no application for a new permit shall be approved within six (6) months following revocation.
- c. All temporary uses shall comply with the following requirements:
  - i. No temporary use shall be established or conducted so as to cause a threat to the public health, safety, comfort, convenience and general welfare, either on or off the premises.
  - ii. Temporary uses shall comply with all requirements of the Palmyra Municipal Code.
  - iii. Temporary uses shall not obstruct required fire lanes, access to buildings or utility equipment, or egress from buildings on the lot or on adjoining property.
  - iv. Temporary uses shall be conducted completely within the lot on which the principal use is located, unless the Village Board authorizes the use of Village-owned property or right of way.
  - v. When a permit is required for a temporary use, the Zoning Administrator shall make an assessment of the number of parking spaces reasonably needed for the permanent uses on the lot where the proposed temporary use is to be located and the availability of other public and private parking facilities in the area. The Zoning Administrator may deny the permit for a temporary use if he finds that its operations will result in inadequate parking being available for permanent uses on the same lot that are not connected with the business proposing the temporary use.
  - vi. During the operation of the temporary use, the lot on which it is located shall be maintained in an orderly manner, shall be kept free of litter, debris, and other waste material, and all storage shall comply with the regulations outlined in Section 17.05(7), Outdoor Storage.
  - vii. Signs for a temporary use shall be permitted only in accordance with Section 17.11.

2. Permitted Temporary Uses:

- a. Public Markets, Farmers Markets: and Farm Stands: Public markets, farmers markets, and farm stands shall be regulated in accordance with any restrictions imposed by the Village Board. Temporary permits for farm stands shall be issued for a permit of no more than one (1) year, renewal from the date of approval.
- b. Outdoor Arts, Crafts, Antique Vehicle and Plant Shows, Exhibits and Sales: Outdoor arts, crafts, antique vehicle and plant shows, exhibits and sales conducted by a nonprofit or charitable

organization shall be permitted in any nonresidential zoning district, and may be conducted in addition to the time limits for Outdoor Sales Areas, Section 17.05(7), for a period of not more than seven (7) days.

- c. House, Apartment, Garage and Yard Sales: House, apartment, garage and yard sales are allowed in any residential district, when the offering for sale includes personal possessions of, or arts and crafts made by, the owner or occupant of the dwelling unit where the sale is being conducted; in addition, personal possessions of other neighborhood residents may also be offered for sale. Such uses shall be limited to a period not to exceed three (3) consecutive days, and no more than three (3) such sales shall be conducted from the same residence in any twelve (12) month period. No permit is required for such sales.
- d. Other Temporary Outdoor Sales: Other Temporary Outdoor Sales, not listed in par. a-c above, shall be limited to three (3) events within one (1) calendar year per lot. These events shall be restricted to the following time limits: one (1) event of not more than ninety (90) days, and two (2) events of not more than thirty (30) days each.
- e. Temporary Outdoor Entertainment:
  - i. Temporary Outdoor Entertainment shall be permitted as part of a community festival or an event hosted by the Village, School District, or other governmental body, or as a temporary accessory use to a private business use. When Temporary Outdoor Entertainment is conducted as part of a community festival or event, no permit is required; when conducted as an accessory use to a business use, a permit is required and the following additional standards shall be met:
  - ii. The application for a permit for Temporary Outdoor Entertainment shall be submitted a minimum of thirty (30) days before the date that the outdoor entertainment event is to commence. The applicant is encouraged to meet with the Village staff to discuss the application and coordinate services that may be provided by the Village. The Zoning Administrator may refuse to issue a permit for Temporary Outdoor Entertainment when the application is received less than thirty (30) days before the date that the entertainment is to commence, if he finds that there is inadequate time to review the application and arrange for the provision of necessary Village services.
  - iii. Permits for Temporary Outdoor Entertainment accessory to a business use shall be limited to a maximum of three (3) days, and the permitted hours of operation shall be limited to between 10:00am to 10:00pm. No business establishment shall be permitted more than two (2) Temporary Outdoor Entertainment permits per calendar year.
  - iv. The sound level produced by Temporary Outdoor Entertainment accessory to a business use shall not exceed sixty (60) decibels, as measured at the property line in any residence district.
- f. Temporary Contractor Trailers and Real Estate Model Units: Temporary contractor trailers and real estate sales trailers or model units shall be permitted in any zoning district when accessory to a construction project for which a building permit or site development permit has been issued. Such uses shall be limited to a period not to exceed the duration of the active construction phase of such project or the active selling and leasing of space in such development, as the case may be. No such use shall contain any sleeping or cooking accommodations, except those located in a model unit.

- (f) **Nuisance Uses:** Any use, in any district, which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, may be required to be corrected or eliminated by such measures as are directed by the Village Board or its authorized representative.
- (g) **Unclassified or Unspecified Uses:** These uses are not specifically listed and shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of questions as to the classification of use, the question shall be submitted to the Plan Commission for determination. Unclassified or unspecified uses may be permitted by the Village Plan Commission provided such uses are similar in character to the principal uses permitted in the district, following a public hearing duly noticed and held by the Plan Commission. In the event that a written protest against any unclassified or unspecified use, signed and acknowledged by the owners of twenty (20%) or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of twenty (20%) or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land is filed with the Clerk of the Village of Palmyra, such unclassified or unspecified use shall not be allowed except by 3/4 vote of the Plan Commission.

#### **(4) LOT AREA AND DIMENSION**

- (a) **Minimum Lot Area and Dimensions:** No building or other structure shall hereafter be erected, altered or enlarged on a lot which does not meet the minimum lot area and lot dimensions prescribed by the applicable district regulations. Lots created prior to adoption of this Chapter are exempt from this prohibition; however, buildings or other structures may only be erected, altered, or enlarged provided the minimum green space requirement and setbacks for that zoning designation are satisfied.
- (b) **New Lots Meeting Bulk Regulations:** No lot shall be divided into two (2) or more lots, and no portion of any lot shall be sold or otherwise transferred, unless all lots resulting from such division, sale, or transfer, and all buildings on such lots, will conform with all bulk and dimensional standards applicable to the zoning district in which the lots are located, except where a substandard lot being created is legally restricted from building development.

#### **(5) NUMBER OF PRINCIPAL BUILDINGS ON A LOT**

Except in the case of a planned unit development, condominium, plex, or multiple-family development, or approved construction of speculative homes prior to final subdivision plat approval, not more than one (1) principal building shall be located on a lot. The Plan Commission may permit more than one (1) principal building per lot by Conditional Use as outlined in Section 17.04 for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.

#### **(6) BUILDING AND STRUCTURE LOCATION**

- (a) **Purpose and Intent:** The purpose and intent of regulating building and structure location is as follows:
  1. To require the provision of a buffer zone between noise-intolerant land uses (e.g. residences, nursing homes, day care centers, schools, churches) and adjacent streets or highways to effectively attenuate noise and buffer such developments from the pollution and hazards attendant to vehicular traffic;
  2. To require the provision of adequate physical separation between uses to minimize conflict;
  3. To prevent placement in an easement designated for public or private utility, public sewer, public water, stormwater, drainage, public access or other purpose where obstructions would interfere with the purpose of the easement;
  4. To allow exposure to optimum amounts of light, air, and ventilation;

5. To attenuate noise, odors, fumes and dust generated by land use before they infringe upon adjacent land use;
6. To provide aesthetic open space of sufficient size to accommodate landscaping and to soften, complement and enhance architectural design of buildings, parking areas, loading facilities and utilities;
7. To provide adequate area for snow piling;
8. To insure adequate separation between pedestrian and vehicular circulation;
9. To promote cluster development and other internally oriented living, shipping and working environments and to discourage strip development;
10. To provide adequate area to detain, retain, and facilitate surface drainage;
11. To protect and preserve the quality and quantity of ground water resources;
12. To prevent development which may result in unacceptable non-point source pollution;
13. To provide diversified and balanced growth.

**(b) Setbacks and Offsets:** Unless otherwise specified within an individual zoning district, section (d) below, or allowed through appropriate variance and appeal, no building or structure shall be erected, constructed, structurally altered or relocated on a lot closer to the setback or offset line than the minimum distance specified in the established zoning district. Any required setback or offset area shall be landscaped and kept clean and free from the accumulation of debris or refuse.

**(c) Setbacks, Corner Lots:** Where lots have street frontage on more than one side, front setback requirements shall apply to each side adjacent to a street, and side offset requirements to all other yards.

**(d) Setback & Offset Exceptions:**

1. Additions to existing structures which lack the required setback may be allowed, provided the use is not non-conforming, if the addition is setback at a distance greater than or equal to the average of the existing building setback and required setback.
2. Additions to existing structures which lack the required side offset may be allowed, provided the use is not non-conforming, if the addition is offset at a distance greater than or equal to the average of the existing building offset and required offset.
3. On corner lots, of record as of the effective date of this Chapter, the effect of the setback regulations shall not reduce the buildable width of such corner lot to less than thirty (30) feet.
4. In the case of any lot of record which has a minimum average width less than that required by the district in which it is located, the offset from a side lot line may be reduced proportionally to the ratio of the actual minimum average width and the required minimum average width (i.e. actual width/required width) provided; however, that no side offset shall in any case be less than seventy-five (75%) percent of the applicable required offset.
5. Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
6. The required offset area on one property may be reduced if the offset area on the adjoining property is increased by deed restriction to include the required offset area plus the equivalent amount of offset area resulting from the adjacent reduction.

(e) **Attached Structures:** In the case of attached single-family, multiple-family, commercial or industrial use structures, two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the state building code relative to such construction are complied with, and provided that at both ends of such row type buildings the applicable offset requirements shall be complied with.

(f) **Improvements in the Front Yard Setbacks:** Except as prohibited in Section 17.02(3)(d)(6) and Section 17.02(6)(a)(3), the following improvements shall be permitted in the front yard setback areas required by the district regulations, subject to any applicable building or zoning permits:

1. Landscape features in accordance with Section 17.10(6)
2. Fences in accordance with Chapter 14.15
3. Flag poles
4. Freestanding yard signs
5. Basketball backboard and hoop in any residential district
6. Signs permitted in accordance with Section 17.11
7. Driveways and parking spaces
8. Utility service connections and equipment
9. Ramps specifically designed and required for access by disabled persons
10. Patios or decks (provided no portion of which is covered by a roof or other overhead structure), which may extend up to 10 feet into the front yard setback.

(g) **Improvements in the Side or Rear Yard Offsets:** Except as prohibited in Section 17.02(3)(d)(6) and Section 17.02(6)(a)(3), the following improvements shall be permitted in the side yard offset areas required by the district regulations, subject to any applicable building or zoning permits:

1. All improvements permitted within front yard setbacks by pars. (7.)a-j above.
2. Open terraces, decks, patios, and similar structures, no portion of which is covered by a roof or other overhead structure, provided that any such improvements may extend no closer to the lot line than allowed for accessory buildings in the applicable zoning district.
3. Play equipment and clotheslines and their supporting structures provided that any such improvements may extend no closer to the lot line than allowed for accessory buildings in any residential district.

## **(7) FLOOR AREA, GREEN SPACE, AND DENSITY REQUIREMENTS**

(a) **Residential Floor Area Regulations:** Any building intended in whole or part for residential purposes shall provide a minimum floor area as hereinafter specified by the regulations for the district in which such building is located. Floor area shall be measured at each level from outside of wall to outside of wall, but for the purpose of determining minimum required floor area shall not include basements, attached garages, open porches, or attics and other storage areas having an average height of less than eight (8) feet.

(b) **Floor Area Ratio Regulations:** The maximum total floor area of a building shall not exceed the floor area ratio specified by the regulations for the zoning district in which the building is located. For example, a 30% floor area ratio will allow a maximum building size of 13,068 square feet on one acre of land (i.e., one acre or 43,560 sq. ft. x .30 = 13,068 sq. ft.)

- (c) **Green Space Regulations:** The total amount of green space for a development (excluding parking area, drives and structural improvements) shall not be less than the minimum green space ratio specified by the regulations for the zoning district in which the development is located.
- (d) **Residential Density:** Residential density (either referred to as units per acre or minimum lot size) shall not exceed the density hereinafter specified by the regulations for the district in which the development/building is located except as otherwise regulated in this Chapter.

## **(8) HEIGHT REGULATIONS**

- (a) **Maximum Height:** No structure shall be erected or structurally altered to a height in excess of that specified in the structure's zoning district except as provided below in par. c.
- (b) **Determining Height:** The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
- (c) **Exceptions:** The following shall be excepted from the height regulations of all districts:
  - 1. Chimneys and flues.
  - 2. Electrical power and communication transmission lines.
  - 3. Subject to the approval of the Plan Commission: cooling towers, elevator bulk heads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, and necessary mechanical appurtenances.
  - 4. Radio and television antennas. In no case, however, shall any radio or television antenna be erected or structurally altered to an overall height in excess of twenty-five (25) feet or to a height in excess of five (5) feet above the highest point on the roof of the principal structure located on the same property, whichever is greater. Furthermore, the overall height shall not exceed the distance measured in a straight line to the nearest property line.
  - 5. Television antennas intended for the common use of a subdivision, group project development or multiple family developments or for use in conjunction with a closed circuit television system serving a school, church, public utility facility, public administrative office, public service building or other similar type of facility may be subject to the approval of the Building Inspector. Except as otherwise regulated herein, such television antennas shall not be erected or structurally altered to a height in excess of thirty-five (35) feet. In no case, however, shall the overall height exceed the distance measured in a straight line to the nearest property line.
  - 6. Radio towers and antennas, provided that such towers and antennas are intended for the use of appropriately licensed amateur radio operators or for use as part of a commercial or industrial enterprise being conducted on an appropriately zoned property, may be subject to the approval of the Building Inspector and/or Village Board. Except as otherwise regulated herein, such radio towers or antennas shall not be erected or structurally altered to a height in excess of seventy-five (75) feet. In no case, however, shall the overall height exceed the distance measured in a straight line to the nearest property line.
- (d) **Increase Permitted with Village Board Approval:** The maximum height of any non-agricultural structure may be increased up to ten (10) feet if offset and setbacks are increased by one (1) foot for each additional foot of structural height exceeding the standard district requirement. The maximum height of any agricultural structure, other than dwellings, in the RH District may be increased above the maximum allowed in the district provided all required setbacks are increased by one (1) foot for each foot by which an agricultural structure exceeds the height limits.

- (e) **Palmyra Municipal Airport:** No structure shall be constructed, altered, located or permitted to remain after such construction, alteration or location, and no trees shall be allowed to grow to a height in excess of the height limit indicated on the map entitled "Height Limitation Zoning Map, Palmyra Municipal Airport, Palmyra Wisconsin" on file with the Village Clerk and the Wisconsin Bureau of Aeronautics.

**(9) ISOLATION FROM SEWAGE TREATMENT FACILITIES**

Except as otherwise specifically provided in this Chapter, the current and future Administrative Code provisions DNR 110.15(3)(d)(1)(a) and (c), describing the required isolation distances from sewage treatment facilities, are adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future Administrative Code provision, incorporated herein by reference, is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the current or future Administrative Code, incorporated herein, are intended to be made part of this Chapter in order to secure compliance with State regulations.

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## SECTION 17.03 NONCONFORMING STRUCTURES, LOTS, AND USES

### (1) PURPOSE

It is necessary and consistent with the establishment of the various zoning districts by this Chapter that buildings, structures and uses which do not conform to the district regulations be eliminated or made to conform to the regulations as soon as reasonable fairness to the property owner or occupant permits. The purpose of this section is to provide for the regulation of nonconforming structures, lots, and uses and to specify the circumstances and conditions under which nonconforming structures, lots, and uses may be continued in accordance with Wisconsin Statutes sections 62.23(7)(h) and 62.23(7a). The provisions of this section are intended only to excuse, on the terms and conditions set forth herein, noncompliance with the regulations of this Chapter, and nothing herein shall be construed to waive or modify any other statute, regulation or ordinance governing the use of land or the occupancy of any building.

### (2) CLASSIFICATION AND CONTINUANCE OF USE

- (a) Structures, lots, and uses which were legally existing prior to enactment of this Chapter but do not conform to the regulations of the district in which they are located shall be considered legal nonconforming structures, lots, and uses unless otherwise specifically established by action of the Village Board.
- (b) Any lawfully established use of a structure or land that does not conform to the use regulations for the district in which it is located shall be deemed to be a legal nonconforming use and may be continued, except as otherwise provided within this section.
- (c) Any lawfully established lot or parcel of land which does not meet the requirements for minimum lot width and area for the district in which it is located shall be deemed to be a legal nonconforming lot and may be used as provided within this section.
- (d) Any legal nonconforming structures may be continued in use provided there are no structural changes other than necessary maintenance and repair, except as otherwise provided within this section.

### (3) EXPANSION

- (a) **Nonconforming Structure:** No such structure shall be expanded, structurally repaired or enlarged except as provided herein. Razing a non-conforming structure for the purpose of replacing it with another non-complying structure of different design shall not be allowed.
- (b) **Nonconforming Lot:** No such lot shall be reduced in size or have less open space than required by the district in which it is located. Vacant, contiguous, non-conforming lots shall be combined to create a conforming lot prior to the application for and issuance of a building permit.
- (c) **Nonconforming Use:** The extent of any nonconforming use of a building, structure, or land shall not be increased, nor shall such use be expanded, extended or relocated to any other portion of the building, structure or land, except as provided herein.

#### **(4) REPAIRS AND ALTERATIONS**

(a) **Non-Conforming Uses:** The total structural repairs or alterations to any building, premises, structure or fixture containing a non-conforming use shall not exceed 50% of the assessed value of the building, premises, structure or fixture unless permanently changed to a non-conforming use.

(b) **Non-Conforming Structures:**

1. Repair and maintenance of non-conforming structures. A structure that is legally, non-conforming as to setback, height, lot coverage or side yard may be repaired, maintained, renovated or remodeled with no limit as to the cost of those activities (Wisconsin Statutes section 62.23(7)(hb)).
2. Restoration of non-conforming structures. A legal, non-conforming structure that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation on or after march 2, 2006 may be restored to the size, location and use it had immediately before the damage or destruction occurred, unless a larger size is required to comply with applicable state or federal requirements. Any restoration must be completed within twelve (12) months from the date of damage or destruction.

#### **(5) ABANDONMENT OF NONCONFORMING USES**

If the nonconforming use of any building, structure, or land is discontinued for any period of twelve (12) months, such use shall be considered abandoned, and any future use thereof shall conform to the applicable district regulations.

## SECTION 17.04 CONDITIONAL USE REGULATIONS

### (1) PURPOSE

Conditional uses are designed to allow the Village to permit 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 at 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 the location, development, and operation of such uses. In addition, where specifically indicated within this Code, the Village may permit reductions in bulk standards for structures or deviations in site plan requirements through a conditional use permit.

### (2) CONDITIONAL USE PERMITS

- (a) **Permit Required:** Uses listed as permitted by conditional grant may be permitted in the appropriate zoning district subject to the approval of the Village and to such conditions as deemed appropriate.
- (b) **Application to Accessory Uses and Structures:** Uses and structures accessory to the conditional use grant shall be regulated in accordance with the regulations of the district in which it is located.
- (c) **Application to Existing Uses:** A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a conditional grant, shall automatically be granted conditional use status. The grant of conditional use in such case shall be based upon the existing conditions at that time and any expansion in use shall require an amendment to the conditional use grant. Petition may be made at any time for expansion or other change of the conditional use grant and such petition shall not prejudice the existing grant as herein authorized. Conditional use status granted under previous zoning regulations shall be considered in effect under this Chapter subject to the conditions established by the original grant. Any expansion or other change, however, shall be subject to the provisions of this Chapter.
- (d) **Standards for Approval:** No conditional use permit shall be granted unless the Village finds that the use authorized hereby, as limited by any enforceable conditions imposed by the Village:
  - 1. Will be consistent with the purposes and intent of the zoning code, and will not adversely affect the public health, safety or welfare;
  - 2. Will not be hazardous, harmful or otherwise adverse to the environment or to the reasonable use and value of nearby properties or the community in general;
  - 3. Will be compatible with the existing uses of, and structures upon, surrounding properties, and will not impede the normal and orderly development and improvement of other properties for uses permitted in the district;
  - 4. Will be designed and operated in a manner which minimizes adverse effects, including visual impacts, on surrounding properties and the community as a whole;
  - 5. Provides adequate means of ingress and egress so as to minimize traffic congestion in the public streets and will not cause any significant traffic problems;
  - 6. Has, or makes provisions for, adequate utilities, access roads, drainage and other necessary site improvements;

7. Will be compatible with the applicable Comprehensive Plan and any Detailed Neighborhood Plan, or Master Plan for the area in which it is located; and
8. Conforms to all other applicable requirements for the district in which it is located.

**(e) Conditions on Approval:** In granting any conditional use permit, the Village may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the proposed use as it determines to be reasonably necessary to protect the public health, safety and welfare and to assure continued compliance with each of the standards set forth in par. (d) above. The Village may require such written agreements, deed restrictions, easements or other documents as it deems necessary to assure that any conditions imposed will be satisfied. The conditions and restrictions imposed may include, without limitation, specifications for any or all of the following:

1. Landscaping;
2. Type of construction;
3. Construction schedules and completion dates;
4. Sureties;
5. Lighting;
6. Fencing;
7. Operational controls and restrictions;
8. Hours of operation;
9. Traffic circulation and access restrictions;
10. Setback and yard requirements;
11. Sewage and water supply systems;
12. Screening of exterior structures or operations;
13. Off-street parking.

### **(3) PROCEDURE**

**(a) Petition:** A request for a conditional use grant shall be submitted in writing to the Zoning Administrator and it shall be accompanied by appropriate data, information, and development plans of the proposed use, in accordance with the requirements herein. The Zoning Administrator shall promptly refer such petition to the Plan Commission for determination.

1. Development plans of the proposed use shall be submitted for approval to the Plan Commission. Such plans shall be in sufficient detail to enable the Plan Commission to evaluate the suitability of architectural and landscape treatment; the proper siting of the building or buildings on the lot; generation of vehicular traffic and provision for parking and circulation needs; drainage and sewage disposal; exterior lighting; control devices where necessary to eliminate noise, dust, odor, smoke or other objectionable operating conditions; and the general compatibility of the proposed use with the area in which it is located.

**(b) Pre-application Conference:** Upon receipt of a complete application, the applicant or Zoning Administrator may schedule a pre-application conference with the applicant or the applicant's representative and those Village officers or employees deemed appropriate by the Administrator. The purpose of the conference is to discuss the application informally and to provide the applicant with the results of the staff review of the proposal and to identify those ways in which the proposed use complies or fails to comply with the intent of the Zoning Code and the standards for approval. The views expressed by the staff shall be for informational purposes only and designed to afford the applicant the opportunity to revise the application prior to its formal submission to address staff concerns.

- (c) **Hearing:** Upon referral of the petition, the Plan Commission shall hold an official public hearing thereon as soon as possible and in the manner provided in Section 17.17(3) of this Chapter.
- (d) **Recommendation and Report:** The Plan Commission shall consider all comments made at the public hearing and any recommendations made by Village staff and shall forward a report to the Village Board with its recommendations for action on the application. The Plan Commission may recommend approval, denial or approval with additional conditions or restrictions. The Plan Commission shall make and report its findings as to whether or not the proposed use will satisfy each of the standards for approval set forth in Section 17.04(1)(d). Such report shall include an accurate description of the approved use, the property description and all conditions applied to the approval.
- (e) **Approval by Village Board:** The Village Board shall, make a final decision to grant, with or without conditions, or deny each application for a conditional use permit after receiving and reviewing the report of the Plan Commission, provided; however, that the Village Board may act on any application if the Plan Commission has failed to submit its report within thirty (30) days following the public hearing.
- (f) **Mapping and Recording:** When a conditional use grant is approved, an official record of such conditional grant shall be prepared by the Village Clerk on a prescribed form which shall include the description of the use for which the grant is given and all development plans and conditions attached thereto. A copy of the completed form shall be recorded at the Jefferson County Register of Deeds as a covenant on the title for the premises for which the conditional use was granted and also any conditions for which responsibility shall inure to a tenant shall be made a part of any lease agreement affecting the property.

#### **(4) LIMITATIONS ON CONDITIONAL USE PERMITS**

- (a) **Time Limitations:** 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 Village 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 pursued.
- (b) **Conditional Use Permit Runs with the Land and Not the Petitioner:** Unless otherwise provided in the granting of a conditional use permit, a conditional use permit shall be deemed to relate to, and to be for the benefit of, the use and lot in question rather than the petitioner, owner, or operator of such use or lot.
- (c) **Amendments to Conditional Use Permits:** A conditional use permit may be amended, varied, add to or enlarged only pursuant to the procedures and subject to the standards and limitations provided in this Chapter for its original approval. Any addition or enlargement of the conditional use without having proceeded through the approval process shall be subject to termination as set forth in (d) below.
- (d) **Termination:** Where a permitted conditional use does not continue in conformity with the conditions of the original approval, or where there is a change in the nature, character, or extent of the permitted conditional use, or where a change in the character of the surrounding area or of the use itself causes it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for the public welfare, the conditional use grant may be terminated by action of the Village Board after public hearing thereon. Such use shall thereafter be classified as a legal non-conforming use, except that where the action is due to failure to comply with the conditions of the conditional use grant, the Village Board may require complete termination of such use.

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## SECTION 17.05 ZONING DISTRICTS AND LAND USES

### (1) PURPOSE

This section provides specific regulations for the zoning and use of land within the Village of Palmyra, and its extraterritorial jurisdiction, in accordance with the general purpose and intent of this Chapter.

### (2) ZONING MAPS

(a) **Official Village of Palmyra Zoning Map**: The location and boundaries of the districts and overlay districts established by this Chapter are set forth on the Official Zoning Map, which is incorporated herein and made a part of this Chapter. The Official Zoning Map, together with all notations, references and other information shown thereon, and all amendments thereto, shall be deemed included within this Chapter as though fully set forth and described herein. The Official Zoning Map is sometimes referred to in this Chapter as the Zoning Map or the Zoning District Map. Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this Chapter, as set forth in Section 17.17(4). The Village Clerk shall keep copies of superseded prints of the zoning map for historical reference.

(b) **Extraterritorial Zoning Map**: Reserved for future use.

### (3) DISTRICT BOUNDARIES

(a) **Zoning Boundary Determination**: The boundaries for the various districts as shown on the Official Zoning Map shall be established along corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of street, highways, alleys, easements, and railroad rights-of-way or such lines extended; flood boundaries; and wetland boundaries unless otherwise shown. Distances not specifically shown on the zoning map shall be determined by the scale of the zoning map. Flood boundaries shall be determined as specified in Section 17.7(1)(e).

(b) **Split Zoning of Newly Created Lots**: No lot shall be divided into more than one zoning district, other than an overlay district or another zoning district intentionally created with boundaries to follow land features other than lot boundaries, such as various flood districts or conservancy districts.

(c) **Zoning of Streets, Alleys, Sidewalks, Waterways, and Railroad Rights-of-Way**: All streets, alleys, sidewalks, waterways, and railroad rights-of-way, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such alleys, streets, public-ways, or waterways and railroad rights-of-way. Where the centerline of a street, alley, public-way, waterway or railroad right-of-way serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

### (4) ANNEXED LAND

Except as provided in Wisconsin Statutes section 59.692(7), an annexation ordinance may temporarily classify annexed territory as Rural Holding (RH) District. All such ordinances shall be referred first to the Plan Commission who shall issue a recommendation. The temporary RH classification remains until a petition and amendment is made as provided herein under Section 17.17(4) and Wisconsin Statutes sections 62.23(7)(d). The temporary classification is inapplicable if the territory had been governed by county zoning and the annexation has been challenged in court until ultimate determination of the action pursuant to Wisconsin Statutes sections 59.69(7).

## **(5) ESTABLISHMENT OF ZONING DISTRICTS**

In order to carry out the purpose and provisions of this Chapter, the Village of Palmyra is hereby divided into the following districts.

### **(a) Residential Zoning Districts, Description and Purpose:**

1. Rural Holding (RH) District. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density detached single-family residential development at a density of one dwelling unit for every 20 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding (RH) District shall either serve as a designation which preserves and protects agricultural activities or as a "holding zone" which provides for an interim land use (agriculture/rural residential) that will easily permit further development (with rezoning to another district) at the appropriate time. This district is used to provide for the protection of agricultural activities and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Holding (RH) District designation is retained. In this manner, even if all property were developed in a given area within the Rural Holding (RH) District designation, the rural community character of that area would still be maintained.
2. Single-Family Residential (R1-4) District. The purpose of the Single-Family Residential (R1-4) District is to accommodate lower density single-family residential development in the Village. This district primarily consists of post-World War II residential neighborhoods that have a suburban character, and has a maximum density of four (4) units per acre. The R1-4 district is the preferred residential zoning district for all new single-family residential subdivisions.
3. Traditional Single-Family Residential (R1-5) District. The purpose of the Traditional Single-Family (R1-5) District is intended to allow the continued use of certain existing small residential lots primarily within the older platted portion of the Village (pre-World War II). The district provides for an urban environment of medium density residential development utilizing single-family detached and two-flat dwellings. A two-flat dwelling is defined as a single family home which has been converted for use as two dwelling units; an example being a two story home with an upstairs apartment. This district has a maximum density of five (5) units per acre.
4. Plex Residential (R2-6) District. The purpose of the Plex Residential (R2-6) District is to provide the principal location for single-family attached dwelling types, including duplexes, townhomes, and twin homes, but not more than four (4) dwelling units per building. This district has a maximum density of six (6) units per acre.
5. Multi-Family Residential (R3-12) District. The purpose of the Multi-Family Residential (R3-12) District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of twelve (12) units per acre. The R3-12 district provides the highest density residential permissible.
6. Reserved for Future Use.



**(b) Non-Residential Zoning Districts, Description and Purpose:**

1. Central Business (B1) District. The B1 District is established to maintain the attractive pedestrian-friendly scope of a naturally formed community business area that provides for the needs of surrounding residential areas, is the central place for many non-commercial community activities including cultural and civic functions, and is not predominated by the need to support automobile-oriented retailing. Development within the B1 District is intended to promote the rehabilitation and full utilization of existing older structures as well as appropriate redevelopment to assist in maintaining the long-term viability of the center of the community.
2. General Business (B2) District. The B2 District is intended to accommodate retail, service and other businesses which serve the needs of the community or surrounding region. This district is designed to support commercial activities which require large land areas, are oriented to the automobile and do not depend upon adjoining uses for reasons of comparison shopping and pedestrian traffic. The B2 District permits a mix of uses but care must be taken to ensure that adequate access, parking and screening is provided so as not to negatively impact adjoining residential neighborhoods.
3. Business Park (B3) District. The B3 District is intended to provide for the orderly and attractive grouping at appropriate locations of office and service facilities, limited light industrial uses, and commercial activities of a more general retail and wholesale nature serving a larger community trade area. Uses in the B3 District have the potential to generate significant automobile and truck traffic; therefore, care must be taken to properly design access and parking facilities. Since this district is located along the roads that serve as gateways, quality building architecture, landscaping and other site improvements are necessary to ensure this type of development enhances Palmyra's image. The size and location of such districts shall be based upon relationship of the community need and economy. Uncoordinated, piecemeal developments of small parcels that do not fit into a larger context are discouraged in the B-3 District. Compatible land uses, access, traffic circulation, stormwater management and natural features, all should be integrated into an overall development plan.
4. Reserved for Future Use.
5. General Industrial (I1) District. The I1 District is intended to provide for the development of light industrial, agricultural, office, wholesale, warehousing and specialized manufacturing businesses of a non-nuisance type. Some retail uses are permitted such as those uses which contain outdoor-oriented goods and equipment sales or retail uses which are compatible or complimentary with those industrial uses permitted within the district.
6. Reserved for Future Use.

**(c) Special Purpose Districts, Description and Purpose:**

1. Public and Institutional (PI) District. The purpose of the PI District is to regulate the development of public, semipublic, and institutional uses in a manner harmonious with surrounding uses. The PI District designation is intended to provide an area for activities relating to necessary public services, provide for continued operation and facilitate managed growth of existing institutions, and provide and protect parks, open space and other natural, physical assets of the community to improve the aesthetic and functional features of the community.

2. General Conservancy (C1) District. The purpose of the General Conservancy (C1) District is to conserve, protect and enhance areas of ponds, small wetlands, woodlands, poor soils, steep slopes and drainageways which are not regulated under either the Floodplain Overlay (FPO) District or the Shoreland-Wetland Overlay (SWO) District, but which nonetheless shall remain largely in its natural state so as to prevent potential hazards to public and private property. The conservation, protection and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve ground and surface water quality; reduce flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities and significant woodlands; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the Village. Refer to Section 17.05(7) for additional regulations.
3. Reserved for Future Use.

**(d) Overlay Zoning Districts, Description and Purpose:**

1. Planned Unit Development (PUD) Overlay District. The Planned Unit Development (PUD) Overlay District is established to allow for variation from the use and dimensional standards defined by other zoning districts when an area of land is developed as a cohesive unit, while insuring substantial compliance to the basic intent of the zoning ordinance and adopted plans. Section 17.06 defines the process by which unique standards can be established for each planned unit development to allow flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community.
2. Floodplain Overlay (FPO) District. The purposes of the Floodplain Overlay (FPO) District are to ensure public safety through reducing the threats to life and personal injury; eliminate new hazards to emergency response officials; prevent the occurrence of public emergencies resulting from water quality contamination, and pollution due to flooding; avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding; eliminate costs associated with the response and cleanup of flooding conditions; and reduce damage to public and private property resulting from flooding waters. Refer to Section 17.07 for specific regulations within the Floodplain Overlay (FP) District.
3. Shoreland-Wetland Overlay (SWO) District. The Shoreland-Wetland Overlay (SWO) District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Village. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control stormwater runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreational resources of the Village. Refer to Section 17.08 for specific regulations within the Shoreland-Wetland Overlay (SWO) District.
4. Additional Overlay Zoning Districts. The Village of Palmyra may find it necessary to develop additional overlay zoning districts for the purpose of carrying out the intent of this Chapter. Refer to Section 17.09.

**(e) Extraterritorial Zoning Districts: Reserved for future use.**

**(6) LAND USE AND BULK REGULATIONS**

(a) **Matrix of Land Uses:** The Table 17.5-A indicates, by zoning district, the principal and accessory uses activities permitted by right (P) or by conditional use (C). Blank spaces in the matrix specify that a listed use is prohibited. **Refer to Section 17.05(7) for additional standards and regulations for specific uses or districts.**

Table 17.05-A Matrix of Land Uses

PRINCIPAL USES		Residential					Non-Residential					
PRINCIPAL USES		RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
AG	Agricultural Retail	C						C	C	C		
	Agricultural Services	C						C	C	C		
	Commercial Fish Hatcheries	C										
	Crop Cultivation/Harvesting	P									P	C
	Practice of Silviculture	P									P	C
	Raising or Keeping of Livestock	P									P	
		RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
RESIDENTIAL	Assisted Living Facility (e.g. Nursing Home)				C	C	C	C				
	Bed and Breakfast	C	C	C	C	C	C	C				
	Community Living Arrangement (<8 persons)	P	P	P	P	P						
	Community Living Arrangement (9-15 persons)	C	C	C	C	P						
	Community Living Arrangement (16+ persons)	C	C	C	C	C		C				
	Day Care Center (<8 persons)	C				C	C	C				
	Dwelling Unit, Duplex, Townhouse, Twin Home	C	C	C	P	C	C					
	Dwelling Unit, Multi-Family				C	P	C					
	Dwelling Unit, Single-Family	P	P	P	C						C	
	Dwelling Unit, Upper Level/Story of Business						P	C				
	Residential Quarters in Work Place						C	C		C		C
	Mobile Home Park, Existing			C		C						
	Mobile Home Park, New					C						
		RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
Civic and PUBLIC	Airport / Heliport & On-Site Aviation Sales and Services											C
	Boat Access Sites (public)	C									C	C
	Cemetery, Mausoleums, Crematoriums	C										C
	Civic Buildings / Operations (other than listed)	C	C	C	C	C	C	C	C	C		C
	College / University								C	C		P
	Communication Antenna/Tower	C	C	C	C	C	C	C	C	C		C
	Cultural Facility, Musuem, Library	C					P	P	C	C		P
	Golf Course	C						C				C
	Hospital							C	C			C
	Office, Government	C	C	C	C	C	P	P	P	C		P
	Outdoor Recreation, Private	C						C	C		C	C
	Outdoor Recreation, Public Active	C	C	C	C	C	C	C	C		C	P
	Outdoor Recreation, Public Passive	C	C	C	C	C	C	C	C		C	P
	Power Generation Facility						C	C	C	C		C
	Religious Institution	C	C	C	C	C	C			C		P
	School, Primary or Secondary		C	C	C	C	C					P
	School, Specialized Instruction		C	C	C	C	C					P
Theater, Concert Halls						P	P				C	
Utility Offices						P	P	P	P		P	
		RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
RETAIL and SERVICE	Adult (Sexually) Oriented Establishments									P		
	Art Gallery / Studio	C					P	P	C	C		C
	Building Maintenance Services						C	C	C	P		
	Campground	C										C
	Car Wash						C	P	P	P		
	Clinic, Medical or Dental						P	P	P	C		
	Commercial Animal Boarding	C						C	C	C		
	Commercial Wind Energy System	C										C
	Convenient Cash Businesses						C	P	C	C		
	Convenience Store						P	P	C	C		
	Day Care Center (9+ children)					C	C	C	C			C
	Day Care Center, Adult					C	C	C				C
	Entertainment, Indoor						P	P	P			
	Entertainment, Outdoor						C	C	C			
	Equipment Repair Services						C	C	C	P		
	Equipment Sales						C	C	C	C		
	Financial Institution						P	P	P	P		
	Food Preparation						P	P	P	C		
	Funeral Services						P	P	P			
	Gas Station						C	C	C	C		
	Greenhouses, Commercial	C						P	C	C		
Hardware, Home Improvement Center						P	P	P	P			

PRINCIPAL USES	Residential					Non-Residential					
	RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
Indoor Commercial Lodging						C	P	C			
Indoor Recreation and Amusement						P	P	C	P		
Indoor Sales or Service						P	P	C	P		
Intermediate Care Facilities					C	P	P				
Laundry Services						P	P	C	P		
Liquor Sales						C	C		C		
Lodge or Private Club	C				C	C	C				C
Lumber Supply	C						C		C		
Motor Vehicle Sales and Leasing						C	C	C	C		
Motor Vehicle Service and Repair						C	C	C	C		
Nursery	C						P	C	C		
Office, Professional						P	P	P	C		
Outdoor Amusement							C		C		
Parking Lot, Private with no principal structure					C	C	C	C	C	C	C
Parking Lot, Public with no principal structure					C	C	C	C	C	C	C
Personal or Professional Service						P	P	C	C		
Printing and Publishing						C	C	P	P		
Recreation Equipment, Sales or Lease						P	P	C	P		
Recreation Equipment, Service						C	C	C	C		
Recreation/Fitness, Indoor						P	P	P	P		
Restaurant, Coffee or Tea Shop						P	P	C	C		
Restaurant, Dine-In or Sit-Down						P	P	C	C		
Retail and Service, Personal						P	P	C	P		
Retail Sales						P	P	C	P		
Services, Research						C	C	P	C		
Services, Testing						C	C	C	C		
Tavern / Bar						C	C		C		
Veterinary Office / Animal Hospital	C						C	C	C		
	RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
<b>INDUSTRIAL</b>											
Distribution Center							C	P	P		
Freight Terminal							C		C		
Heavy Industrial									C		
Junkyard or Salvage									C		
Light Industrial								P	P		
Manufacturing, Custom								P	P		
Manufacturing, General								P	P		
Mini-Warehouse or Personal Storage							P	C	P		
Processing, General							C	P	P		
Production, General							C	P	P		
Resource Extraction	C								C		
Storage or Wholesaling, Indoor							P	P	P		
Storage or Wholesaling, Outdoor							C	C	C		
Waste Disposal Facility								C	C		C
	RH	R1-4	R1-5	R2-6	R3-12	B1	B2	B3	I1	C1	PI
<b>ACCESSORY USES</b>											
<b>ACCESSORY</b>											
Additional Farm Residence	C										
Drive-Thru Facility						C	C	C			
Dwelling Unit	C	C	C			C	C				C
Greenhouses, private residential	P	P	P	C	C						
Guest House	C	C	C								
Home Businesses	P	P	P	C							
In-Family Suite	C	C	C	C							
Keeping of Chickens (on non-agricultural lots)	C	C	C	C						C	
Kennel, Private Residential	P	P	P	C							
Live Entertainment (outdoor)						C	C	C	C		C
Non-Residential Farm Structure	P									C	
Office, Temporary Sales or Construction	C	C	C	C	C	C	C	C	C		C
Outdoor Recreation Lighting, Court / Field	C	C	C	C	C					C	C
Outdoor Uses	C					C	C	C	C		C
Portable-Temporary Outdoor Storage Units	P	P	P	P	P	P	P	P	P	P	P
Private Garage	P	P	P	P	P	P	P	P	P	C	P
Public Utility Installations	P	P	P	P	P	P	P	P	P	C	P
Utility Shed	P	P	P	P	P	P	P	P	P	C	P
Satellite Dishes/Communication Antennae/Towers	C	C	C	C	C	C	C	C	C	C	C
Solar or Wind Energy System, Small	C	C	C	C	C	C	C	C	C	C	C
Swimming Pools	P	P	P	P	C		C				C

P = Permitted Use, C = Conditional Use

(b) **Matrix of Bulk Regulations:** The Table 17.5-B indicates the requirements for building location and bulk in both residential and nonresidential districts. **Refer to Section 17.05(7) for additional standards and regulations for specific uses or districts.**

**Table 17.05-B Matrix of Bulk Regulations**

		Residential Districts					
		R-H	R1-4	R1-5	R2-6	R3-12	
Lot	Min Area	1 ac or 20 ac <sup>3</sup>	1/4 ac 10,890 sf	7,000 sf	1/4 ac 10,890 sf	1 ac 43,560 sf	
	Min Width	150 ft	80 ft	60 ft	80 ft	150 ft	
	Min. Green Space Requirement	70%	60%	50%	50%	40%	
Principal Structure	Min. Floor Area per Dwelling Unit	1,400 sf	1,200 sf	1,000 sf	700 sf 1 bdrm 1,000 sf 2+ bdrm	350 sf Studio 600 sf 1 bdrm 1800 sf 2+ bdrm	
	Max. Density (Dwelling Units/acre)	1 DU/20 ac.	4 DU/ac	5 DU/ac	6 DU/ac.	12 DU/ac.	
	Max. Building Height	42 ft	35 ft	35 ft	35 ft	42 ft	
	Min. Setback	50 ft	25 ft	20 ft	25 ft	30 ft	
	Min. Side Offset	15 ft	15 ft	8 ft	15 ft	15 ft	
	Min. Rear Offset	30 ft	30 ft	25 ft	25 ft	30 ft	
Accessory Structure	Max. Building Size (Floor Area)	2% <sup>1</sup>	2% <sup>1</sup>	2% <sup>1</sup>	2% <sup>1</sup>	2% <sup>1</sup>	
	Max. Building Size - Farm Structure	1,000 ft <sup>2</sup>	NA	NA	NA	NA	
	Max. Building Height	25 ft	20 ft	20 ft	20 ft	20 ft	
	Max. Bldg. Ht. - Farm Structure	60 ft	NA	NA	NA	NA	
	Min. Setback	50 ft	25 ft	25 ft	30 ft	30 ft	
	Min. Side Offset	5 ft	5 ft	5 ft	5 ft	5 ft	
	Min. Rear Offset	5 ft	5 ft	5 ft	5 ft	5 ft	
	All Setbacks & Offsets - Farm Structures	50 ft	NA	NA	NA	NA	
Garage Area (min.-max.)	350-800 sf	350-800 sf	250-800 sf	350 sf per Unit	NA		
1. Shall not exceed 2% of the property area, unless approved by conditional use per Section 17.02(3)(d)(3)							
2. More than 1,000 square feet with approval of a conditional use permit							
3. For lots smaller than 20 acres located within the Village as of November 19, 2012 and zoned RH, the minimum lot size is 1 acre, otherwise the minimum lot area is 20 acres							
		Nonresidential Districts					
		B1	B2	B3	I1	PI	C1
Lot	Min Area	6,000 sf	1/4 ac 10,890 sf	1/4 ac 10,890 sf	1/4 ac 10,890 sf	No min. <sup>10</sup>	No min. <sup>11</sup>
	Min Area per Dwelling Unit	NA	NA	NA	NA	NA	5 ac
	Min Width	25 ft	75 ft	100 ft	100 ft	60 ft	150 ft
	Min. Green Space Requirement	15% <sup>4</sup>	20% <sup>6</sup>	20% <sup>6</sup>	20% <sup>6</sup>	20% <sup>6</sup>	80%
Principal Structure	Min. Floor Area per Dwelling Unit	350 sf Studio 600 sf 1 bdrm 800 sf 2+ bdrm	NA	NA	NA	NA	1,200 sf
	Max. Floor Area Ratio	70%	50%	50%	50%	50%	NA
	Max. Building Height	42 ft	42 ft	42 ft	42 ft	42 ft	35 ft
	Min. Setback	10 ft <sup>5</sup>	25 ft <sup>7</sup>	40 ft	40 ft	25 ft	25 ft
	Min. Side Offset	10 ft <sup>5</sup>	15 ft <sup>8</sup>	15 ft <sup>8</sup>	15 ft <sup>8</sup>	15 ft <sup>8</sup>	15 ft
	Min. Rear Offset	10 ft <sup>5</sup>	15 ft <sup>8</sup>	15 ft <sup>8</sup>	15 ft <sup>8</sup>	15 ft <sup>8</sup>	30 ft
Accessory Structure	Max. Building Size	250 sf	500 sf	500 sf	500 sf	500 sf	2% <sup>1</sup>
	Max. Building Height	No higher than principal structure					20 ft
	Min. Setback	10 ft	25 ft <sup>7</sup>	25 ft	30 ft	25 ft	25 ft
	Min. Side Offset	5 ft	15 ft <sup>9</sup>	15 ft <sup>9</sup>	15 ft <sup>9</sup>	15 ft <sup>9</sup>	5 ft
	Min. Rear Offset	5 ft	15 ft <sup>9</sup>	15 ft <sup>9</sup>	15 ft <sup>9</sup>	15 ft <sup>9</sup>	5 ft
	Garage Area (min.-max.)	NA	NA	NA	NA	NA	350-800 sf
4. Less than 15%, minimum of 5% with a conditional use					8. 30 ft if adjoining property is zoned residential		
5. Less than 10 ft permitted with a conditional use					9. 20 ft if adjoining property is zoned residential		
6. Less than 20%, minimum of 15% with a conditional use					10. To be determined by the Plan Commission based on the use		
7. Less than 25 ft, minimum 10 ft, permitted with a conditional use if adjacent commercial building is closer than 25 ft					11. Generally follows natural features		

## **(7) STANDARDS AND REGULATIONS FOR SPECIFIC USES OR DISTRICTS**

### **(a) Adult (Sexually) Oriented Establishments:**

1. Purpose. It is the purpose of this Section to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the residents of the Village of Palmyra, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the Village of Palmyra. The provisions of this section have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors or exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.
2. Findings of Fact.
  - a. The Village Board finds that Adult-Oriented Establishments, as defined and otherwise regulated by the Village in its Adult-Oriented Licenses and Permits Ordinance in Chapter 12.12 of the Palmyra Municipal Code, require special zoning in order to protect and preserve the health, safety, and general welfare of the Village.
  - b. Based its review of studies conducted in Phoenix AZ, Garden Grove CA, Los Angeles CA, Whittier CA, Indianapolis IN, Minneapolis MN, St. Paul MN, Cleveland OH, Oklahoma City OK, Amarillo TX, Austin TX, Beaumont TX, Dallas TX, Houston TX, Newport News VA, Bellevue WA, Seattle WA, New York NY, St. Croix County WI, and the Report of the Attorney General's Working Group of Sexually Oriented Businesses (June 6, 1989, State of Minnesota), and statistics obtained from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986); *Coleman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000); *East of the River Enterprises II v. City of Hudson*; 2000 Wisc. App. Lexis 734 (Ct. App. Aug. 1, 2000); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702, 2003 WL 132541 (7th Cir. 2003), the Village Board finds that there is convincing evidence that the secondary effects of Adult-Oriented Establishments include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing businesses and surrounding residential areas, and decreased property values.
  - c. The Village Board intends to control the impact of these secondary effects in order to protect the health, safety, and general welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and areas.
  - d. It is not the intent of the Village Board to suppress any speech activities protected by the First Amendment, but to enact a content-neutral ordinance which addresses the secondary effects of Adult-Oriented Establishments while providing an outlet for First Amendment protected activities.
  - e. In order to minimize and control the secondary effects of Adult-Oriented Establishments upon the Village, it is the intent of the Village Board to prevent the location of Adult-Oriented Establishments within a certain distance of other specified locations which are incompatible with and would suffer from the secondary effects of Adult-Oriented Establishments.

- f. Based upon its review of materials linking alcohol consumption and high-risk sexual behavior and materials linking alcohol consumption and crimes such as sexual assault, the Village Board finds that a geographic separation of Adult-Oriented Establishments from alcohol beverage licensed premises is warranted.
3. Location of First Amendment Protected Adult-Oriented Establishments.
    - a. The First Amendment and other provisions of the United States Constitution, as interpreted by the United States Supreme Court and other courts, require that Adult-Oriented Establishments, as defined and otherwise regulated by the Village in Chapter 12.12 of the Municipal Code, are entitled to certain protections, including the opportunity to locate in the Village. Therefore, if an Adult-Oriented Establishment License has been granted by the Village, and if all the requirements of this Chapter have been met, an Adult-Oriented Establishment may be a permitted in the General Industrial (I1) zoning districts and shall be a prohibited use in any other zoning district.
    - b. Adult-Oriented Establishments shall be located at least one thousand (1,000) feet from:
      - i. Any residential zone;
      - ii. Any playground lot line, public park lot line, or athletic field;
      - iii. Any place of religious worship, public or private school, library, licensed day care facility, or youth facility;
      - iv. Any other structure housing an establishment which holds an alcohol beverage license;
      - v. Any other existing Adult-Oriented Establishment.
  4. The distances provided in this section shall be measured in a straight line, without regard to intervening structures or objects, from the closest point of the structure (or portion of the structure) occupied or proposed for occupancy by the sexually oriented business, to the nearest point of the parcel of property or land use district boundary from which the proposed land use is to be separated.
  5. For Adult-Oriented Establishments located in conjunction with other buildings such as in a shopping center, and clearly separate from other establishments, measurements shall be taken from the boundaries of the space occupied by the Adult-Oriented Establishment.
  6. For any Adult-Oriented Establishment located above ground level in a multi-story structure and clearly separate from other establishments within the structure, the distance measurements shall be taken from the ground floor public entrance/exit nearest the Adult-Oriented Establishment (excluding emergency exits).

**(b) Agricultural Land Uses & Farm Residences/Structures:**

1. Raising or Keeping of Domestic Livestock. The raising or keeping of domestic livestock (e.g. poultry, cattle, hogs, goats, fur bearing animals, etc.) may be permitted as part of a principal agricultural use of the premises on farms of at least 10 acres on a basis of not more than one (1) head of livestock per acre and twenty (20) fowl per acre. One horse shall be permitted on lots of at least one and a half (1.5) acres, with one (1) additional horse allowed per each acre thereafter.
2. Secondary (Additional) Farm Residences. One (1) secondary farm residences which is occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the farm, may be permitted as a conditional use of the premises on farms of at least ten (10) acres. The additional residence must be located at least 150 feet from the primary residence and sited such that it would be possible to one day split the two residences into separate lots.

3. Farm Structures. Accessory farm structures shall be located at least fifty (50) feet from any residential district, except with respect to existing structures when the residence district has been created for an existing farm residence or by separating a farm residence from a farm property and the separated parcel has been rezoned to a residence district after or at the time of the division.

(c) **Bed and Breakfast Establishment:** A structure designed and occupied as a bed and breakfast residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients shall conform to the following regulations:

1. The establishment and operation shall be located within an existing owner-occupied single-family dwelling containing a minimum of four (4) bedrooms.
2. There shall be no more than ten (10) guests lodging at the establishment at any one time.
3. The owner of the property shall be responsible for the operation of the property and shall be a resident of the property when the establishment is in operation.
4. The establishment shall provide no meals other than breakfast, and breakfast shall only be provided to renters of the place. No cooking facilities, including, but not limited to, stoves, microwave ovens, toaster ovens, and hot plates, shall be available within guest rooms. The establishment shall comply with Wisconsin Statutes Chapter 254, Subchapter VII.
5. The single-family residence in which the operation is located shall be maintained so that the appearance of the building and grounds remain that of a single-family residence.
6. Exterior lighting shall be so shaded as to prevent illumination off-site, a lighting plan shall be submitted with the conditional use permit.
7. Parking shall be provided in accordance with Section 17.12(4).

(d) **Central Business District Uses:** Any permitted use in this district involving construction of a new building, addition to an existing building or exterior remodeling shall be deemed a Conditional Use and shall require Plan Commission approval in accordance with Section 17.4 of this Chapter. An exterior remodel does not include minor maintenance such as repainting an exterior surface.

(e) **Commercial Animal Boarding:**

1. Outdoor runs and exercise areas shall be a minimum of five hundred (500) feet from any residential zoning district.
2. All animals shall be kept either within completely enclosed structures or under direct control of the kennel operator or staff at all times, and shall be kept within completely enclosed structures between the hours of 9:00 PM and 7:00 AM.

(f) **Community Living Arrangement:** In addition to the locations permitted by the various district regulations, community living arrangements, foster homes, treatment foster homes and adult family homes shall be permitted as authorized in Wisconsin Statutes section 62.23(7)(i), according to the criteria set forth therein. In cases where Wisconsin Statutes section 62.23(7)(i) allows a use in a particular district only by special permission, said permission shall be available by conditional use permit as provided in Section 17.04. The Village Board may order the cessation of operation, or require an application for a conditional use permit, if it finds that the operation of a community living arrangement or adult family home poses a threat to the health, safety or welfare of the residents of the Village in which it is located under the procedure provided by statute.



**(g) Construction Waste Receptacles.**

1. Permitted Locations. Construction waste receptacles, used to temporarily store waste or recyclable building materials during a construction, renovation, or demolition project, shall be located entirely on the private property where the construction project is occurring, unless written authorization is granted by the Zoning Administrator in consultation with the Palmyra Police Chief or Building Inspector. If placed in a public roadway, orange construction cones, reflectors, or other traffic safety devices shall be placed on or near the receptacle in a manner consistent with standard traffic engineering standards. The placement and maintenance of receptacles in any public right-of-way shall comply with all terms and conditions of any privilege or permit issued pursuant to Wisconsin Statute section 66.0425, or an applicable ordinance in conformity therewith.
2. Maximum Duration. Construction waste receptacles shall remain only during the course of the associated construction project, and shall be removed from the premises within one week (7 days) following the earlier of (i) completion of the associated project or (ii) the expiration or revocation of all building permits issued for the project.

**(h) Convenient Cash Businesses and Similar Establishments:** The purpose of this section is to provide for the regulation of convenient cash businesses. It is recognized that convenient cash businesses have the potential to be harmful to the public welfare, both in regards to the community harmony and with respect to potential effects on the quality, aesthetics and functional aspects of the community. The purpose of regulating convenient cash services is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of convenient cash services. Additionally, it has been found that through their business practices, convenient cash businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area or strung out along an arterial street, such concentration creates an unwarranted negative impression regarding the economic vitality of a commercial district and the community at large. Based on their proliferation, their susceptibility to crime and the negative effects of their proliferation. The Village Board finds that the health, safety and welfare of the residents of the Village of Palmyra should be protected by legislation limiting the geographic proliferation of convenient cash businesses. It is therefore the intent of this title to regulate the locations and hours of operation of convenient cash businesses in the Village of Palmyra.

1. Location and Operation of Convenient Cash Businesses.

- a. Convenient cash businesses shall not be located within one thousand (1,000) feet of any other convenient cash business.
  - b. Convenient cash businesses shall not be located within one thousand (1,000) feet from a residential district as measured by the shortest line between the parcel to be occupied by the proposed convenient cash facility and the property line of the nearest residential property.
  - c. Hours of Operation. Convenient cash businesses shall not operate between the hours of ten p.m. and six a.m.
  - d. Business shall keep a glass entrance and exit doors with all windows clear of any signs or advertisements.
2. Security Plan. Applicant must provide a security plan to the Village of Palmyra Police Department that addresses the following:
- a. Limits on amount of cash immediately available for withdrawal;
  - b. Plans for maintaining visibility into the interior of the check cashing facility;
  - c. Plans for security of the check cashing area of the facility;

- d. Hours of operation; and
- e. Use of security guards or cameras.

**(i) Drive-Thru and Car Wash Facilities:**

1. Design. Drive-Thru Facilities and Car Wash establishments shall be designed so that:
  - a. The minimum dimension of queuing spaces shall be nine (9) feet in width and twenty (20) feet in length.
  - b. Queuing spaces shall be placed in a single line up to the point of service.
  - c. Queuing spaces shall be located so that, when in use, they do not obstruct ingress/egress to the site, they do not obstruct access to required parking or loading spaces, and do not otherwise interfere with vehicle circulation on the site.
  - d. Vehicle queuing and equipment associated with the Drive-Thru or Car Wash shall be concealed from view from public streets and surrounding property to the greatest extent possible by their orientation, design or by screening. This will often involve orienting the Drive-Thru or Car Wash to the side or rear of the building, away from the public street.
2. Required Queuing Length.
  - a. The number of required queuing spaces for drive-thru restaurants shall be six (6), with three (3) spaces minimum at ordering station. For all other uses three (3) spaces at ordering station.
  - b. For a Car Wash, queuing spaces shall begin behind the last vehicle being washed. For all other Drive-Thru uses, queuing spaces shall include the vehicle stopped at a last point of service, such as a window.
  - c. Maintenance. The operator of the Drive-Thru facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.

**(j) Gas Stations (including automotive repair facilities with gas stations) & Convenience Stores:**

1. Architectural Design Adjacent to Residential Districts. All gas stations and convenience stores abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block, or stone. Canopies roofs above pump stations shall be architecturally compatible to the main building.
2. Fuel pump location. Any fuel pumps and pump islands shall be at least forty (40) feet from any street or abutting lot line and meet all other State of Wisconsin regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.
3. Repair services. All repair services shall be done within a completely enclosed building and shall meet the following requirements:
  - a. No more than the required off-street parking set forth under the provisions of Section 17.12(4) of this Chapter shall be allowed.

- b. All overnight storage of vehicles awaiting needed parts shall be within the building or in an enclosed or screened-in yard. Said screening shall consist of a minimum height of six (6) feet.
  - c. All damaged or inoperable parts shall be stored indoors until removed from the premises.
  - d. An automotive repair facility shall store all vehicle parts within a completely enclosed building.
  - e. The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission as a condition of approval.
4. Outdoor Storage and Display of Merchandise. Outdoor storage and display of merchandise shall include, but not be limited to, ice storage or vending boxes, vending machines, and/or propane tanks and or other flammable materials. The outdoor storage or display of other merchandise may be permitted as outlined in Section 17.05(7)(q) and Section 17.05(7)(r).
  5. Concrete Curb and Gutter Required. Concrete curb and gutter shall be required throughout all off-street parking, drive, and loading areas of the development.
  6. Hours of Operation. Hours of operation shall be established by the Plan Commission after review the applicants Plan of Operations.
  7. Sale and/or Rental of Trucks/Trailers. The sale and/or rental of trucks, automobiles, and/or trailers on the premises may be permitted under the conditional use permit issued or amended.
  8. Secondary Business Uses as an Accessory Use. Financial institutions, restaurants, etc. may be permitted as an accessory use if said use does not occupy more than forty (40) percent of the floor area of the principal structure and is housed completely within the principal structure. The Plan Commission may impose hours of operation for the accessory use different from the hours of operation of the principal use.

**(k) General Conservancy District:**

1. Permitted Uses:
  - a. The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds in a manner that is not injurious to the natural reproduction of such crops and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.
  - b. The practice of silviculture, including the planting, thinning and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silviculture activities if not corrected.
  - c. Construction and maintenance of fences.
  - d. Existing agricultural uses provided they do not involve extension of cultivated areas, extension of or creation of new drainage systems and further provided they do not substantially disturb or impair the natural fauna, flora, topography or water regimen.
  - e. Raising or keeping of domestic livestock provided the regulations of Section 17.05(7)b)(1) are met.

- f. Ditching, tiling, dredging, excavating or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
  - g. The construction and maintenance of piers, docks and walkways, including those built on pilings.
  - h. The maintenance, repair, replacement and reconstruction of existing streets, roads and bridges.
2. Conditional Uses:
- a. Single-family detached residential development may be allowed at a maximum density of one (1) unit per five (5) acres of land. Structural footings shall be located a minimum of one (1) foot above the water table.
  - b. The construction of streets which are necessary for the Village street system, necessary for the provision of essential utility and public safety services or necessary to provide access to permitted open space uses provided that:
    - i. The street cannot, as a practical matter, be located outside a wetland; and
    - ii. The Street is designed and constructed to minimize the adverse impact upon the natural functions of the wetlands and meets the following standards: The street shall be designed and constructed for the minimum cross-section practical to serve the intended use; Street construction activities are to be carried out in the immediate area of the roadbed only; and Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the street.
  - c. The establishment and development of public and private parks and recreation area, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private habitat areas in the General Conservancy District, provided that:
    - i. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
    - ii. No filling is to be done; and
    - iii. Ditching, excavating, dredging, dike and dam construction may be done in wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
  - d. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities in the General Conservancy District by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to members provided that:
    - i. The transmission and distribution lines and related facilities cannot as a practical matter be located outside a wetland;
    - ii. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural function of the wetlands.
  - e. The construction and maintenance of railroad lines in the General Conservancy District, provided that:
    - i. The railroad lines cannot as a practical matter be located outside a wetland; and

- ii. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural function of the wetlands.
  
- f. Stormwater management systems including drainage channels and swales, detention and retention ponds and associated stormwater management facilities provided that the Village Engineer has reviewed and approved a Stormwater Management Plan for the proposed site. The Stormwater Management Plan shall contain all information that the Village Engineer may need to determine runoff rates and volumes and their control. Such plans may include, as may be appropriate, profiles and cross sections, design assumptions and hydraulic design computations for proposed stormwater management facilities. The Village Engineer may impose time schedules for the completion of drainage facilities and may require appropriate sureties to guarantee that proposed facilities are constructed in accordance with approved plans and time schedules

**(l) Home Businesses:**

1. The Village Board may approve Home Businesses without necessity of a Plan of Operations. All persons engaged in Home Businesses shall register their use by completing a Business Registration Form available from the Village Clerk.
2. All such uses shall be carried on wholly within the principal building or within a building accessory thereto, and shall be incidental and secondary to the use of the dwelling unit for residential purposes and shall not endanger the public health or safety.
3. All such uses shall be carried out only by residents occupying the premises and one additional person not a resident of the premises.
4. No home business shall be permitted that by reason of noise, dust, odor, appearance, lighting, traffic generation, or other objectionable factors creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.
5. Such uses shall not include the outside storage of materials or other operational activity which would result in offensive noise, vibration, smoke, dust, odors, heat or glare which may create a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.
6. Any off street parking area provided shall be maintained reasonably dustless and adequately screened from adjoining residential properties.
7. Prohibited Home Businesses.
  - a. Uses including the conduct of any retail or wholesale business on the premises
  - b. Removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes
  - c. Animal hospitals, veterinary office, kennels
  - d. Processing of domestically produced or raised animals
  - e. Restaurants
  - f. Funeral chapels or homes, crematoria, and mausoleums
  - g. Medical and dental clinics
  - h. Places of amusement such as theaters or video arcades
  - i. Adult oriented establishments

- j. Manufacturing, repair, refurbishing or assembly of firearms, ammunition, explosive materials or toxic chemicals
- k. The storage, packaging, shipping or handling of explosive or toxic materials
- l. Warehousing (except warehousing of recreational vehicles in the RH district)

**(m) In-Family Suite:**

- 1. The dwelling unit and the in-family suite shall together appear as a single-family dwelling, and the suite must have an internal connection to the primary residence. External stairs serving as the primary access to the in-family suite are prohibited.
- 2. In-Family Suite may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios and decks.
- 3. A separate outdoor access or separate access to the garage may be provided.
- 4. A separate address and utility connection or meters for the in-family suite are not permitted.
- 5. The in-family suites may not be occupied by a non-family member.
- 6. In-family suites are considered and regulated as part of a single-family dwelling unit.

**(n) Keeping of Chickens:** Keeping of up to four (4) chickens on a lot, when the primary use is not agricultural, as an accessory use provided that:

- 1. No person shall keep any rooster.
- 2. No person shall slaughter any chickens.
- 3. The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- 4. No enclosure shall be located closer than twenty-five (25) feet to any residential structure on an adjacent lot.
- 5. The owner, operator, or tenant obtains a license under Chapter 12 of the Palmyra Municipal Code of Ordinances.
- 6. The applicant for a license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator. Notification is not required for renewal of a license.

**(o) Mobile Home Parks:** The standards as set forth in this section are the minimum standards for all construction and sanitation facilities and other necessary facilities for the safety, health and general welfare of the occupants. The following standards shall apply to all mobile home park lands and units. The standards shall be in accordance with applicable state standards governing mobile home parks.

- 1. Development Standards for Mobile Home Park District.
  - a. The minimum site area for a mobile home park development shall be ten (10) acres.
  - b. No principal building or structure erected will have a height greater than thirty-five (35) feet.

- c. Lot Setback Requirements:
    - i. Front yard abutting public ROW: 25-feet.
    - ii. Minimum Side yard: 10-feet
    - iii. Sum of Side Yards: 25-feet.
    - iv. Rear yard: 25-feet.
  - d. Landscape Requirements: Said yard shall be landscaped and maintained in accordance with Section 17.10(6).
2. Individual Area and Yard Requirements. Each mobile home space shall have:
- a. Minimum area: 4,250 square feet.
  - b. Minimum width: Thirty-five (35) feet.
  - c. Minimum depth: Sixty (60) feet.
  - d. Distance between residential mobile home units or other permitted buildings or structures. A minimum separation of fifteen (15) feet shall be required between all units and attached appurtenances.
  - e. Accessory Structures. Each mobile home unit shall be permitted one (1) accessory structures not to exceed 150SF.
  - f. Each occupied manufactured home or mobile home shall have solid skirting with an approved material around the entire structure.
3. Access, Parking and Traffic.
- a. Each mobile home park will abut a dedicated street improved to standards. The applicable governing body standards are as follows:
  - b. Mobile home park design will be so arranged to avoid vehicular, pedestrian and bicycle traffic congestion. Pedestrian, bicycle and vehicular safety will be protected, emergency vehicle access maintained and no adverse impact to adjoining properties will be created.
  - c. All interior streets and access shall be hard surfaced, and shall comply with Village standards as enforced by the Public Works Superintendent.
4. Park/Recreation Area.
- a. Mobile home parks shall provide a maintained and landscaped park recreational area(s) for the use of the mobile home park residents.
  - b. Park/recreational area(s) will total not less than 700 SF of land area for each unit.
5. Additional Requirements.
- a. Each mobile home unit will be connected to municipal sanitary sewer system.

- b. Service yards, storage areas and trash disposal areas will be completely screened by a continuous visual barrier.
- c. Fire protection facilities will be installed within each mobile home park in accordance with the requirements of the responsible fire protection agency.

**(p) Mini-Warehouses:** Mini-warehouse facilities shall meet the following requirements:

1. Limitations on Use of Facilities. Such facilities shall be used only for the storage of materials or articles and shall not be used for assembly, fabrication, processing, or repair.
2. Services and Sales Activities Prohibited. No services or sales shall be conducted from any storage unit. Garage sales and/or flea market type activities are prohibited.
3. Practice Rooms, Meeting Rooms, and Residences Prohibited. Facilities shall not be used for practice rooms, meeting rooms, or residences.
4. Outdoor Storage. No outdoor storage shall be permitted.
5. Storage of Explosive or Highly Flammable Material. Storage of explosive or highly flammable material shall be prohibited.

**(q) Motor Vehicle Sales:** Automobile sales (including automobile sales with automotive repair facilities) shall meet the following requirements:

1. Architectural Design. All motor sales facilities abutting residential uses and zoning districts shall have pitched roofs matching the roof lines of adjoining residential structures. The buildings shall use the same architectural materials on all sides of the building. All such buildings shall be constructed of brick masonry, split face concrete block, or stone.
2. Fuel Pump Location. Any fuel pumps and pump islands shall be at least forty (40) feet from any street or abutting lot line and meet all other State of Wisconsin regulations. Underground storage tanks shall be located in compliance with State and Federal regulations.
3. Repair services. All repair services shall be done within a completely enclosed building and shall meet the following requirements:
  - a. No more than the required off-street parking outlined in Section 17.12(4) of this Chapter shall be allowed.
  - b. All overnight storage of vehicles or trailers awaiting needed parts shall be within the building or in an enclosed or screened-in yard as approved by the Plan Commission.
  - c. All damaged or inoperable parts shall be stored indoors until removed from the premises.
  - d. An automotive repair facility shall store all vehicle parts within a completely enclosed building.
  - e. The maximum allowable number and size of tow trucks which can be parked at the site shall be determined by the Plan Commission.
4. Outdoor storage and display of merchandise. Outdoor storage and display of merchandise shall include, but not be limited to, ice storage or vending boxes, vending machines, and/or propane tanks and or other flammable materials. The outdoor storage or display of other merchandise may be permitted as outlined in Section 17.05(7)(r) below.



5. Concrete curb and gutter required. Concrete curb and gutter shall be required throughout all outdoor automobile show areas, off-street parking, drive, and loading areas of the development.
6. Hours of operation. Hours of operation shall be established by the Plan Commission after review the applicants Plan of Operations.
7. Rental of Trucks/Trailers. The rental of trucks, automobiles, and/or trailers on the premises may be permitted under the conditional use permit issued or amended.

**(r) Outdoor Uses:**

1. General. All business, sales, service, storage and display of goods, manufacturing, and repairs shall be conducted wholly within enclosed buildings, except where a permanent or temporary outdoor use is specifically allowed by this section or approved by the Village as part of an applicant's Plan of Operations.
2. Outdoor Dining. Outdoor Dining shall be permitted only as an accessory use to a restaurant or when specifically permitted in conjunction with a temporary use permit. Outdoor dining areas shall not be located in a yard abutting any residential district.
3. Outdoor Entertainment. Outdoor Entertainment accessory uses may be allowed as part of a conditional use permit or when permitted in conjunction with a temporary use permit. A Plan of Operations must be submitted for review and approval by the Plan Commission.
4. Outdoor Sales. This section regulates Outdoor Sales areas that are used for longer periods of time than Temporary Outdoor Sales areas permitted in Section 17.02(3)(e)(2)(a), whether permanent or seasonal. These Outdoor Sales areas are permitted only if allowed by the regulations of the zoning district in which the lot is located, and shall conform to the following requirements:
  - a. Approval. Outdoor sales shall be permitted by conditional use in accordance with Section 17.04.
  - b. Location. Outdoor sales shall not be conducted within fifty (50) feet of any residential zoning district unless screened from view. Outdoor sales shall be conducted only within the designated area.
  - c. Screening. Screening shall consist of an opaque barrier of landscaping, walls, fencing, berms or other methods sufficient in density and height to mitigate sight lines and noise as much as practicable from the lot line of any lot in a residential zoning district, and from the street.
  - d. Maintenance. Outdoor sales areas and the surrounding premises shall be maintained in an orderly manner, free of litter and other refuse. Storage of goods for sale shall be no more than five (5) feet in height. Outdoor Sales shall not obstruct required access to buildings or parking spaces on the site, or to adjoining property.
5. Outdoor Storage.
  - a. Approval. Outdoor storage for all non-residential land uses shall be permitted by conditional use in accordance with Section 17.04.
  - b. Location. Outdoor storage shall not be permitted in a front yard. Short-term display items or items that are available for purchase by customers shall follow Section 17.05(7)(r)(4).
  - c. Visibility. Outdoor storage shall not be visible from any existing or planned residential area or public street.

- d. Screening. The following minimum screening requirements shall apply to outdoor storage adjacent to or potentially visible areas identified in par.(c) of this section:
  - i. A solid masonry wall or opaque fence not more than eight feet high. Screening walls and fences shall be architecturally compatible with the principal structure.
  - ii. No storage may exceed the height of the screening wall or fence.
  - iii. Screening landscaping in the street frontage yard, located in front of the wall or fence, to soften the view shall be required.
  - iv. No screening wall or fence shall be located within a yard.
- e. Surfacing. Outdoor storage areas shall be located on a concrete or bituminous surface draining to an approved stormwater management system. Outdoor storage areas may be surfaced with partially permeable materials with Plan Commission approval.

**(s) Portable Outdoor Storage Units:**

1. Applicability. The standards within this subsection apply to portable outdoor storage units in all zoning districts, except that pars. (3-5) below shall apply only in residential districts.
2. Permitted Locations. Units may not be placed on a public right-of-way, including public sidewalks and public terrace areas, or on other public property except by the public entity that owns the property. Units may only be placed on property owned by the user/lessee of the storage unit. Units shall be placed on a hard, all-weather surface, such as gravel, concrete or asphalt. Units may not be placed in such a fashion as to impede or obstruct the flow of drainage or obstruct emergency, vehicle, pedestrian, or utility access to or through the property or area.
3. Maximum Duration of Placement. No unit shall be placed on the same lot for more than thirty (30) consecutive days, except that the Zoning Administrator may allow an extension of no greater than ninety (90) additional days if he determines that a legitimate need has been established.
4. Maximum Number. Not more than one (1) unit may be placed on any lot at any one time, nor shall there be a unit placed on any lot more than three (3) times in any calendar year.
5. Maximum Size per Unit. No unit placed on any lot shall exceed eight (8) feet in width, nine (9) feet in height, or sixteen (16) feet in length.
6. Permitted Uses of Units. Units may be used for temporary storage of personal goods and belongings. Units may not be used for occupancy or sleeping, housing of animals, housing or storage of hazardous, flammable, or unlawful materials or substances. Units shall be closed and secured from unauthorized access at all times when not under the direct supervision of the lot owner or occupant.
7. Condition of Units. All units shall be maintained in a good and clean condition, free from rust, peeling paint, or other visible deterioration.

**(t) Power Generation Facilities:** Power generation facilities shall meet the following requirements:

1. Minimum Required Setbacks. Front, rear, and side yards shall be a minimum of fifty (50) feet from all lot and right-of-way lines.
2. All applicable local, state, and federal regulations and environmental standards to be met. Proof of the ability to meet all applicable local, state, and federal regulations and environmental standards shall be provided.

**(u) Residential Quarters in Work Place:**

1. The building and the residential quarters shall together appear as a business/commercial property, and the residential quarters must have an internal connection to the primary business.
2. Residential quarters may contain separate kitchen, dining, bathroom, laundry, living, and sleeping areas, but may not exceed 400 square feet in area.
3. A separate outdoor access or separate access to a garage may be provided.
4. A separate address and utility connection or meters for the residential quarters are not permitted.
5. The residential quarters may only be occupied by the business owner, except for residential sleeping quarters within public fire stations which may be temporarily occupied by employees' on-shift, or for clergy in the case of residential sleeping quarters within a religious institution.

**(v) Satellite Earth Stations, Commercial Communication Antenna, Commercial Communication Towers, and Amateur Radio Antennae,:**

1. Permit Required. No person shall erect, install, construct, or place any type of satellite earth station, commercial communications antenna, commercial communications tower, or amateur radio antennae on any lot or structure until a conditional use permit has been obtained from the Village, except satellite dishes not exceeding four feet (4') in diameter, see par. (3a) below. The Building Inspector shall not issue a building permit until a conditional use permit is approved under the provisions of this Chapter, except that where the installation of additional antennae and associated equipment was anticipated in a previous approval of the conditional use permit for a satellite earth station, commercial communications antenna, commercial communications tower, or amateur radio antennae, the Village will not require approval of a new conditional use permit or conditional use permit amendment for such subsequent installation. Also, in such instances, the Zoning Administrator shall determine whether site plan review under Section 17.15 will be required, based on the impact to the public and adjacent land owners of such additional installation.
2. Application. Application for a conditional use permit to install a satellite earth station, commercial communications tower, or commercial communications antenna (where applicable) shall be made in writing to the Building Inspector and be accompanied by a current fee and a set of plans and specifications, showing the location of the proposed structure with respect to existing structures and property lines.
3. Installation Restrictions.
  - a. Size. Satellite dishes shall not exceed a diameter of four feet (4') unless approved by the Plan Commission through a conditional use permit.
  - b. Number of Units. Only one ground-mounted satellite earth station and one ground-mounted television or amateur radio antenna support tower shall be permitted per dwelling unit on any residential lot.
  - c. Co-location of Commercial Communications Antennas. To minimize the number of tower sites, existing towers shall be utilized whenever feasible for the co-location of commercial communications antenna and a conditional use permit for a new commercial communications tower may be denied unless the applicant demonstrates to the satisfaction of the Village Board that at least one of the following conditions exists:
    - i. No existing commercial communication tower is located within the area in which the applicant's equipment must be located.

- ii. No existing commercial communication tower within the area in which the applicant's equipment must be located is of sufficient height to meet applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost.
  - iii. No existing commercial communication tower within the area in which the applicant's equipment must be located has sufficient structural strength to support applicant's equipment and the deficiency in structural strength cannot be remedied at a reasonable cost.
  - iv. The applicant's equipment would cause electromagnetic interference with equipment on all existing commercial communication tower(s) within the areas in which the applicant's tower must be located, or the equipment on the existing commercial communication tower(s) would cause interference with the applicant's equipment and the interference from whichever source, cannot be eliminated at a reasonable cost.
  - v. The fees, costs or contractual provisions required by the owners of all otherwise feasible towers in order to co-locate on an existing commercial communication tower are unreasonable relative to industry norms.
  - vi. There are other factors which render existing commercial communication towers unsuitable or unavailable and the public interest is not significantly impaired by the placement or construction of a new commercial communication tower.
  - vii. The proposed new tower will be used only for amateur radio antennae governed by par. (4) below.
- d. Location and Setbacks. Ground-mounted satellite earth stations, commercial communications towers or commercial communications antennas shall meet all location and setback requirements for accessory structures for the specific zoning district in which they are located, and shall not be located in the front yard in any residential zoning district. All ground or pole mounted satellite earth stations shall be screened from view from any street by an opaque fence, wall, or hedge of a minimum of six (6) feet in height
- e. Mounting. Wall- or roof-mounted satellite earth stations or commercial communications towers and commercial communications antenna shall be attached only to a structure which is constructed to carry the imposed loading. All satellite earth stations, commercial communications towers and commercial communications antenna shall be permanently mounted in accordance with manufacturer's instructions and to meet a minimum wind load design velocity of eighty (80) m.p.h.
- f. Height. In all districts, ground-mounted satellite earth stations or commercial communications antenna and commercial communications towers may not exceed twenty (20) feet in height or the minimum height necessary to effectively receive and transmit communications, whichever is greater. Wall- or roof-mounted units, in residential districts, shall not extend more than eight (8) feet, or the minimum height necessary to effectively receive and transmit communications, whichever is greater, above the roof line as measured from the lowest point of the existing roof. Wall- or roof-mounted units in all other districts shall not extend more than twenty (20) feet above the median roof line or the minimum height necessary to adequately receive communications.
- g. Electrical Installations. All electrical work performed in connection with the installation of satellite earth stations or commercial communications tower or commercial communications antenna, 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 case of conflict the stricter requirement shall govern. All cable used to conduct current or signals from the satellite earth station or commercial communications tower or commercial communications antenna to the receiver shall be installed underground and the location of all underground lines shall be shown

on the permit application. All such units shall be adequately grounded against direct lightning strikes.

- h. Advertising. No form of advertising or identification, sign, or mural is allowed on any communications tower or communications antenna other than a manufacturer's identification plate and any warning labels or similar communications affixed to the unit by the manufacturer.
- i. Color. The color of any satellite dish or television or radio antenna tower and their support structures shall be neutral.

4. Special Regulations for Amateur Radio Antennae.

- a. The purpose of this paragraph is to recognize and accommodate the federal and state declared interest in promoting and preserving amateur radio operations while protecting the legitimate interests of the general public including:
  - i. Minimizing the unnecessary detriment to the aesthetic quality of the Village and its extraterritorial zoning area;
  - ii. Preserving the character of various neighborhoods within the Village and the values of properties within the Village and its extraterritorial zoning area;
  - iii. Providing for adequate review of designs and installation of facilities which pose substantial risk of collapse if improperly designed or installed;
  - iv. Protecting the owner and operator of an amateur radio antenna and neighboring property owners and the public in general from unreasonable risks of injury or property damage from the collapse of a communications tower or communications antenna or from electrical charges generated or conducted by such facilities;
  - v. Assuring that all amateur radio operators have a reasonable opportunity to construct and maintain the equipment and facilities necessary to effectively participate in amateur radio operations.
- b. In making recommendation on conditional use permit applications for amateur radio antennae, the Planning Commission shall make reasonable efforts to formulate reasonable conditions and the minimal practical restrictions that will allow for the approval of such facilities and shall recommend denial only if it finds that the requested use, if installed and operated in accordance with all reasonable conditions and restrictions, will cause a significant danger to the public safety or welfare. The Village Board shall apply the same standards in deciding to approve, conditionally approve or deny an application, and in doing so may waive, in whole or in part, any of the provisions of par. (3) above if it determines that the purposes of such regulations can be met through other means that can be enforced through appropriate conditions.

It shall be a condition to all permits issued under this paragraph that the amateur radio antennae and the operation of the amateur radio service using such antennae shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.

**(w) Small Solar or Wind Energy System:**

1. Applicability. Small solar energy systems and wind energy systems, as defined in this Chapter, are allowed as conditional accessory uses and structures, subject to the standards in this subsection. The applicable requirements of the Wisconsin Statutes, including but not limited to Wisconsin Statutes sections 66.0401 and 66.0403, shall apply to all such systems.
2. Permitted Locations. Small wind or solar energy systems shall meet all detached accessory building setbacks in the applicable zoning district. Additionally, small wind energy systems shall not be located in any front yard or side yard having frontage on a public street and shall be set back from the nearest property line, public road right-of-way, nearest inhabited building other than the principal inhabitable structure served by the small wind energy system and any public communication and electrical line by a distance of not less than 1.1 times the total height of the small wind energy system. No small wind energy system shall be sited or operated in a manner that causes permanent or material interference with television or other communication signals.
3. Height. Rooftop, ground-mounted, and building-mounted small solar energy systems shall comply with the height limits and setbacks for principal structures. For small wind energy systems located on lots up to two (2) acres in area, the total height shall not exceed sixty (60) feet. For small wind energy systems located on lots over two (2) acres in area, the total height shall not exceed 150 feet. The minimum height of the lowest extent of a turbine blade shall be thirty (30) feet above the ground or thirty (30) feet above the maximum allowable height of any structure or obstacle within 100 feet of the small wind energy system, whichever is greater. No small wind energy system tower shall have a climbing apparatus located within twelve (12) feet of the ground.
4. Noise. Sound emanating from a small wind energy system shall not exceed seventy five (75) dBA as measured at the property line or fifty (50) dBA as measured at the nearest neighboring dwelling, not including the principal building(s) served by the small wind energy system.
5. Appearance and Vegetation. Small wind energy or solar system structures shall be finished in a rust-resistant, non-obtrusive finish and color that is non-reflective. The small wind energy system structure shall be designed as a monopole or other freestanding structure and shall not use guy wires. All electrical connections shall be located underground or within a building. No small wind or solar energy system shall be lighted unless required by the Federal Aviation Administration. Clearing of natural vegetation for the purposes of installing a small wind or solar energy system shall be limited to that which is necessary for the construction, operation and maintenance of the small wind or solar energy system and as otherwise prescribed by applicable laws, regulations, and ordinances. No signs of any kind or nature whatsoever shall be permitted on any small wind or solar energy system, except that the manufacturer's identification and appropriate warning signs are allowed.
6. Security. All access doors or access ways to towers and electrical equipment shall be lockable. Every small wind energy system shall be equipped with both manual and automatic overspeed controls.
7. Application Procedures. A small wind or solar energy system shall require a building permit before installation. Building permit applications shall include the following information in addition to that required by the Building Code:
  - a. A site plan drawn to scale showing the location of the proposed small wind or solar energy system and the locations of all existing buildings, structures, public rights-of-way, and property lines. All distances shall be measured and labeled on the site plan.
  - b. Elevations of the site drawn to scale showing the height, design, and configuration of the small solar or wind energy system and the heights of all existing structures, buildings and electrical lines in relation to property lines and their distance from the small wind or solar energy system.

- c. Standard drawings and an engineering analysis of the wind energy system's tower, including load-bearing and wind-bearing capacity.
- d. A standard foundation design along with specifications for the soil conditions at the site.
- e. Specific information on the type, size, rotor material, rated power output, performance, safety, and noise characteristics of the system including the name and address of the manufacturer, model, and serial number.
- f. A description of emergency and normal shutdown procedures.
- g. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes and this subsection.
- h. Evidence that the provider of electrical service to the property has been notified of the intent to install an interconnected electricity generator, except in cases where the system will not be connected to the electricity grid.
- i. A sound level analysis prepared by the wind turbine manufacturer or other qualified engineer.
- j. Evidence of compliance with or non-applicability with Federal Aviation Administration requirements.

**(x) Solid Fuel Fired Outdoor Heating Devices:**

1. Purpose. Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This local law is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of the Village.
2. Regulations. A solid fuel fired outdoor heating device may be installed and used in the Village of Palmyra in accordance with the following provisions.
  - a. The solid fuel fired outdoor heating device may be installed and used only in single-family residential zoning districts with a minimum lot size of one-half (1/2) acre.
  - b. A conditional use permit must be obtained from the Palmyra Plan Commission by anyone considering installing a solid fuel fired outdoor heating device prior to commencement of installation. A site plan must be submitted to the commission for approval, prior to obtaining proper permits, from the Building Inspector. Prior to use, the device must be inspected and approved by the Building Inspector.
  - c. All solid fuel fired outdoor heating devices shall, in addition, be operated and maintained as follows: Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device. The following fuels are prohibited:
    - i. Rubbish or garbage including but not limited to, food waste, food wraps, animal carcasses, paint or painted material, composite shingles, construction or demolition debris or other household or business wastes.
    - ii. Waste oil or other oil waste.

- iii. Asphalt or products containing asphalt.
- iv. Treated or painted wood, including but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- v. Any plastic material including but not limited to, nylon, pvc, abs, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.
- vi. Rubber including tire and synthetic rubber like products.
- vii. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.

d. Chimney heights and device location:

- i. The outdoor wood fired furnace shall be located at least 100 feet from the nearest building which is not on the same property as the outdoor wood fired furnace, so as not to create a nuisance to neighbors.
- ii. Fifty (50) feet from nearest side or rear property line.
- iii. One hundred (100) from any road.
- iv. Any request for chimneys greater than fifteen (15) feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and how the chimney shall be supported.
- v. All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations and all other applicable local, state, & federal standards.
- vi. All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets the EPA emission criteria identified in 40CFR Part 60 SubPart AAA, Section 6.532(b)(2).

3. Nuisances: Should any solid fuel-fired outdoor heating device permitted under this Chapter become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the Building Inspector, Fire Chief, and/or the County health department then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance cannot be abated then operation of the device shall be discontinued until a solution to the nuisance can be found.
4. Existing Solid Fuel Fired Outdoor Heating Devices: All existing units which have not obtained a permit under par. (2) shall apply for a conditional use permit within thirty (30) days from the effective date of this Chapter. All existing nonconforming devices upon the complaint of a Village resident shall be investigated by the Village Building Inspector, who will submit a report of his/her findings to the Village Board. The Village Board shall make the final determination as to whether the device shall be allowed, removed replaced or modified to meet the requirements of this Chapter. If the determination is made that the device must be removed, replaced or modified, the owner shall have forty five (45) days from notification to rectify the situation as specified by the Village Board. This notification shall be delivered by the Village Building Inspector, Village police department or other Village officer or agent.
5. Monitoring: It has been found that the use of outdoor wood fired furnaces used in an urban setting can create noxious and hazardous smoke, fumes, odors and air pollution that can be detrimental to citizens health and can deprive neighboring property owners of the enjoyment of their property when such devices are used. Therefore all installed outdoor wood fired furnaces may be subject to monitoring by the Village or its agents.



6. Violations and Penalties: Any person found to be in violation of any provision of this Chapter shall be subject to a penalty as provided in Section 17.17(7).

**(y) Swimming Pools:**

1. Permit Required. A building permit is required for all in-ground and above-ground pools which require a permanent or hardwired connection to any public utilities. Before work is commenced on the construction or erection of a private or residential swimming pool, a building permit shall be obtained from the Building Inspector. Plans and specifications and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.
2. Construction Requirements. The Building Inspector shall not issue a permit for construction as provided for in par. (1) above, unless the following construction requirements are observed:
  - a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all local ordinances.
  - b. All plumbing work shall be in accordance with all applicable ordinances and state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall chemically treated waters from any pool be drained into the storm sewer system, nor onto lands or other properties adjacent to that on which the pool is located.
  - c. All electrical installations, including but not limited to lighting and heating, which are provided for, installed, and used in conjunction with a private swimming pool, shall be in conformity with the state laws and local ordinances regulating electrical installations.
3. Exempt Pools. Storable swimming or wading pools that are so constructed that they may be readily disassembled for storage and reassembled to their original integrity, are exempt from the provisions of par (4) below. Spas and hot tubs are also exempt.
4. Pool Safety Measures. Except as provided in par. (3) above, all swimming pools that are not enclosed with a permanent building, shall have at least one of the following:
  - a. A fence or wall of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four (4) feet in height and shall be so constructed as not to have voids, holes, or openings larger than four (4) inches in one dimension. Gates or doors shall be self-closing and self-latching for keeping the gate or door securely closed at all times. Also refer to Chapter 14.15(7) Palmyra Building Code.
  - b. A raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top and secured access to such deck.
  - c. A pool cover or other protective device of such a design and material of sufficient strength to prevent access to the pool. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes.
5. Setbacks and Locational Requirements.
  - a. All swimming pools, exempt and non-exempt, shall be erected or constructed only on the rear or side yards of lots occupied by a principal building.
  - b. All swimming pools shall be located at least ten (10) feet from any lot line or structure.
  - c. All overhead and below ground electric wiring shall be at least ten (10) feet from the inside wall of any swimming pool.

**(z) Twin Home (Zero Lot Line):**

- a. Twin Homes shall be built with one unit per subdivided lot, and with no more than two (2) units per building, with each dwelling unit being attached to the adjacent unit.
- b. The aggregate widths of both lots that a twin home occupies shall total not less than 80 feet. No single lot width shall be less than 35 feet. The aggregate area of both lots that a twin home occupies shall total not less than 10,890 square feet. No single lot area shall be less than 5,000 square feet. Principal building side setbacks shall be zero feet on side yard(s) that includes the common wall(s) of the structure.
- c. A subdivision plat or certified survey showing the common wall and lot line shall receive approval from the Village prior to the issuance of any required building, plumbing, occupancy or other permit.
- d. All Village of Palmyra building and fire codes are applicable to Twin Homes, as well as a minimum one hour fire separation, complying with the Wis. Admin. Code, and which provides for a vertical separation of all adjacent areas of each dwelling unit from the lowest level flush against the underside of the roof. Each twin home unit shall have separate sewer and water laterals and shall have separate utility services for all other utility hook-ups.
- e. The developer shall provide, with the application, a draft agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common utilities and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Village Board approval, and then recorded by the developer against all affected properties and continually maintained by the property owners before the building permit will be issued or the conditional use permit takes effect.
- f. The Village Board may require restrictive covenants be recorded against the property as a condition to any certified survey map or subdivision plat approval or conditional use, occupancy, building or plumbing permit issuance. The recorded restrictive covenants shall be filed with the Village Clerk prior to the issuance of any permit for zero lot line dwellings.

**(aa) Utilities:** All local utility uses (excluding small solar and wind energy systems) shall be permitted in all zoning districts without limitation as to minimum lot area, yard, or other bulk requirements, provided that the installation thereof shall comply with the requirements of the applicable administrative authorities, state, or federal regulations. Power Generation Facilities shall be permitted only in accordance with the provisions of the zoning district in which they are located.

## SECTION 17.06 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

### (1) PURPOSE

PUD-Planned Unit Development Overlay District is intended to permit developments that will 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 vehicular 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 PUD Planned Unit Development Overlay District under this section will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements as set forth in the underlying basic zoning district.

### (2) FLEXIBLE DEVELOPMENT STANDARDS

The following exemptions to the development standards of the underlying standard zoning districts may be provided with the approval of a PUD. The burden of providing evidence and persuasion that any such exceptions are necessary and desirable shall in every case rest with the petitioner.

- (a) **Uses:** Uses permitted in a PUD overlay district shall conform to uses generally permitted in the underlying basic use district, provided however, that no use shall be permitted except in conformity with a specific and precise development plan pursuant to the procedural and regulatory provisions established by this section.
- (b) **Lot Size, Yard, and Bulk Regulations:** All requirements for the density/intensity and bulk regulations of the underlying standard zoning district are expected to be observed but may be waived or exchanged within a PUD for other characteristics equally desired by the Village upon presentation of a compelling justification/rationale. Such requirements shall be made part of an approved recorded precise development plan.
- (c) **Landscaping:** All requirements listed in Section 17.10(6) are expected to be observed but may be waived or exchanged within a PUD for other characteristics equally desired by the Village upon presentation of a compelling justification/rationale. Such requirements shall be made part of an approved recorded precise development plan.
- (d) **Off-Street Parking and Loading:** All requirements listed in Section 17.12(4) are expected to be observed but may be waived or exchanged within a PUD for other characteristics equally desired by the Village upon presentation of a compelling justification/rationale. Such requirements shall be made part of an approved recorded precise development plan.
- (e) **Signage:** All requirements listed in Section 17.11 are expected to be observed but may be waived or exchanged within a PUD for other characteristics equally desired by the Village upon presentation of a compelling justification/rationale. Such requirements shall be made part of an approved recorded precise development plan.

### **(3) PROCEDURE**

The procedure for rezoning to a PUD District shall be as required for any other zoning map amendment under this Chapter, except that in addition thereto the rezoning may only be considered in conjunction with a General Development Plan and shall be subject to the following additional requirements.

#### **(a) Preapplication Conference:**

1. A petitioner desiring to obtain zoning to construct a planned unit development may request a preapplication conference with the Plan Commission prior to submitting an application.
2. The purpose of this preapplication conference shall be to familiarize both the petitioner and the Plan Commission with each other's intentions with respect to the planned unit development. Although a preapplication conference shall not be required, this preliminary meeting between the Plan Commission and the petitioner is desirable since it should help clarify many procedural and policy issues.
3. The petitioner shall not be required to present any written or graphic materials at the preapplication conference; however, a general concept plan/sketch is encouraged to illustrate the development. Appropriate topics for discussion may include any of the information required as part of the PUD General Development Plan or other items as determined by the Plan Commission.
4. Points of discussion and conclusions reached in this stage of the process shall be in no way binding upon the petitioner or the Village but should be considered as the informal, nonbinding basis for proceeding to the next step. The Plan Commission cannot approve zoning at the preapplication conference.

#### **(b) Concept Plan:** Prior to formally submitting a rezoning application and General Development Plan the petitioner is encouraged to submit a concept plan to the Zoning Administrator for Village Staff review. The concept plan should contain written or graphic material describing the following:

1. General land use layout and general location of principal and accessory buildings;
2. General project themes and images;
3. General location of major public streets and/or drives;
4. The general mix of dwelling unit types and/or land uses;
5. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and green space ratio;
6. The general treatment of natural features;
7. The general relationship to nearby properties and public streets;
8. The general relationship of the project to the Comprehensive Plan;
9. A written description of potentially requested exemption from the requirements of the underlying standard zoning district, in the following order:
  - a. Land Use Exemptions;
  - b. Density and Intensity Exemptions;
  - c. Bulk Exemptions;
  - d. Landscaping Exceptions;
  - e. Parking and Loading Requirements Exceptions;

10. The petitioner may elect to submit the concept plan electronically or can provide scaled drawings at 11" x 17". Village Staff will review the concept plan and provide the petitioner with feedback. At the petitioner's request a meeting with appropriate Village Staff and/or the Plan Commission can be arranged to discuss the staff review. Additional iterations of the concept plan may be submitted and reviewed at the petitioner's discretion prior to the formal rezoning petition and General Development Plan.

**(c) Petition:** Following the pre-petition conference and concept plan review, the owner or his agent may file a petition with the Village Clerk for an amendment to the Village's zoning district map designating and adding a Planned Unit Development Overlay District to the underlying standard zoning district thereby permitting the application of the provisions of this section to the designated area. Such petition shall be accompanied by the General Development Plan, appropriate fee, and the following information:

1. A summary statement which sets forth the relationship of the proposed Planned Unit Development Overlay District to the Villages adopted Comprehensive Land Use Plan or any adopted component thereof and the general character of and the uses to be included in the proposed Planned Unit Development Overlay District, including the following information:
  - a. Total area to be included in the PUD Planned Unit Development Overlay District, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any 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. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land division ordinance, sign ordinance, other Village regulations or administrative rules or other universal guidelines.

**(d) General Development Plan:** A General Development Plan application shall be submitted with the rezoning petition and shall include the following written, quantitative data, and graphic materials. The number of copies to be submitted shall be determined by the Zoning Administrator.

1. Legal description of the subject property;
2. A map of the subject property showing all lands for which the Planned Development District is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Jefferson County (as provided by the Village of Palmyra). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
3. A general written description of proposed Planned Development District including:
  - a. General project themes and images;
  - b. The general mix of dwelling unit types and/or land uses;
  - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
  - d. The general treatment of natural features;
  - e. The general relationship to nearby properties and public streets;

- f. The general relationship of the project to the Comprehensive Plan.
4. Statement of Rationale outlining the need and justification for Planned Development District zoning. This shall identify barriers that the Petitioner perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Petitioner suggests are available through the proposed PDD zoning.
5. A complete list of zoning standards which will not be met by the proposed PDD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PDD and the location(s) in which they apply shall be identified to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
6. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
  - a. Land Use Exemptions;
  - b. Density and Intensity Exemptions;
  - c. Bulk Exemptions;
  - d. Landscaping Exceptions;
  - e. Parking and Loading Requirements Exceptions;
  - f. Signage Exceptions.
7. A General Development Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Petitioner) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
  - a. A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Petitioner may submit copies of a larger version of the plan in addition to the 11" x 17" reduction;
  - b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
  - c. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, green space ratio and ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Village Board; and
  - d. Notations relating the written information provided in par. (c) above to specific areas on the GDP Drawing.
8. A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of Section 17.10(6) (except as noted in the listing of exceptions) and the use of extra landscaping and buffer strips.
9. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.

**(e) Referral and Hearing:**

1. The General Development Plan application shall be filed with the Zoning Administrator, who after ascertaining it contains the information required by this section shall forward the application to the Plan Commission for review at their next available meeting.
2. Hearing Requirement. As with any zoning map amendment, no such amendments shall be made without a hearing before the Plan Commission.
3. Following public hearing the Plan Commission shall forward the General Development Plan petition to the Village Board, with a recommendation that the plan be approved as submitted, approved with modifications/conditions, or disapproved.
4. Approval of the rezoning and related General Development Plan shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a Specific Implementation Plan, and shall not make permissible any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan.

#### **(4) CRITERIA FOR APPROVAL OF THE GENERAL DEVELOPMENT PLAN**

As a basis for determining the acceptability of a Planned Unit Development District application, the following criteria shall be considered:

- (a) That the specific development plans have been prepared with competent professional advice and guidance.
- (b) Whether the proposed PUD is consistent with the spirit and intent of this Chapter, and conforms to the adopted Comprehensive Plan for the portion of the Village in which the Planned Unit Development District is located.
- (c) That the economic impact of the development in terms of income levels, property values, and service demands is at least as beneficial to the community as that which would be anticipated under the standard zoning district.
- (d) Whether the proposed PUD provides benefits to the Village which outweighs its adverse effects. In making this determination, the Plan Commission shall consider the following:
  1. Quality of site design, including integration of a variety of land uses, building types, designs, and densities; preservation of natural or historic features; compatibility and adjacent land uses; provision and type of open spaces; and provision of other amenities designed to benefit the general public.
  2. Adequate parking; traffic flow and safety for pedestrians, bicyclists, and motor vehicles.
  3. Adequacy of utilities, other public works facilities, fire and police protection.
- (e) That the project appears economically sound, that a surety/proof of financing is provided to the Village.
- (f) **Implementation Schedule**: The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

**(5) SPECIFIC (PRECISE) IMPLEMENTATION PLAN**

- (a) Submittal:** A specific and detailed plan for implementation of all or a part of a proposed Planned Unit Development District must be submitted within a reasonable period of time, as determined by the Village Board. If a Specific Implementation Plan has not been submitted within said time, which the Village Board determines to be a reasonable phase of the total plan, a petition to remove the PUD Overlay District shall be filed with the Village Clerk for processing.
- (b) Specific Implementation Plan Requirements:** The Specific Implementation Plan shall be submitted to the Zoning Administrator and shall include the following detailed construction and engineering plans and related detailed documents and schedules. The number of copies to be submitted shall be determined by the Zoning Administrator.
1. An accurate map of the area covered by the plan, including the relationship to the total general development plan.
  2. The pattern of public and private roads, driveways, walkways and parking facilities.
  3. Detailed lot layout and subdivision plan where required.
  4. The arrangement of building groups other than single family residences, and their architectural character.
  5. Sanitary sewer and water mains.
  6. Grading plan and storm drainage system.
  7. The location and treatment of open space areas and recreational or other special amenities.
  8. General location and description of any areas to be dedicated to the public.
  9. General landscape treatment.
  10. Location of trash and garbage receptacles and type of screening.
  11. Proposed treatment of the perimeter of the development, including materials and techniques used such as screens, fences and walls
  12. A development schedule indicating:
    - a. The approximate date when construction of the project can be expected to begin;
    - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    - c. The anticipated rate of development;
    - d. The approximate date when the development of each of the stages will be completed.
  13. Agreements, bylaws, provision or covenants which govern the organizational structure, use maintenance, and continued protection of the Planned Unit Development and any of its common services, common open areas or other facilities.
  14. A final plat of the lands to be subdivided as part of the Specific Implementation Plan, suitable for recording with the Register of Deeds for Jefferson County.



15. Any other plans, documents or schedules requested by the Village.

**(c) Approval of the Specific Implementation Plan:**

1. Following a review of the Specific Implementation Plan, the Plan Commission shall recommend to the Village Board that it be approved as submitted, approved with modifications/conditions or disapproved.
2. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and, if in the opinion of the Plan Commission such change or addition constitutes a substantial alteration of the original plan, the procedure for a General Development Plan and PUD rezoning described in this section shall be required.
3. Upon receipt of the Plan Commission recommendations, the Village Board may approve the plan and authorize development to proceed accordingly or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
4. Criteria for approval of the Specific Implementation Plan shall be similar to the criteria used for reviewing the General Development Plan.
5. The developer shall enter into a developer's agreement with the Village to comply with all applicable laws and regulations, including any conditions and restrictions adopted to regulate a specific planned development, and to assure the construction of all facilities and infrastructure associated with the project.
6. No building permit shall be issued until all applicable fees and assessments have been paid and either all public construction has been completed and approved, or a developer's agreement has been approved and executed and a bond has been posted. For staged development, such developer's agreements may provide for the construction of improvements and the use of common areas outside of the subject stage.

**(6) CHANGES OR REVISIONS**

- (a) All proposed changes, revisions, and additions to any aspect of an approved Planned Unit Development project shall be submitted to the Zoning Administrator for its review. The Zoning Administrator shall determine whether the change, revision or addition is minor or if it materially affects the intended design of the project and the impact of the project on neighboring uses.
- (b) If the requested change is determined by the Zoning Administrator to be substantial, because of its effect on the intended design of the project or on neighboring uses, a public hearing, subject to the notice requirements of a conditional use request, shall be held by the Plan Commission to review and pass its findings to the Village Board for final approval.
- (c) If the change is determined to be minor, the Zoning Administrator shall review the request and may approve the change without a public hearing.
- (d) If the Village Board approves any substantial or material change, a resolution shall be passed and any necessary amendments to any developer's agreement(s) shall be executed prior to the Developer proceeding with implementation of any approved change or modification.

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## SECTION 17.07 FLOODPLAIN OVERLAY DISTRICT (FPO)

### **(1) STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, AND GENERAL PROVISIONS**

(a) **Statutory Authorization:** This section is adopted pursuant to the authorization in Wisconsin Statutes sections 61.35 and 62.23, for villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in Wisconsin Statutes section 87.30.

(b) **Finding of Fact:** Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

(c) **Statement of Purpose:** This section is intended to regulate floodplain development to:

1. Protect life, health and property;
2. Minimize expenditures of public funds for flood control projects;
3. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
4. Minimize business interruptions and other economic disruptions;
5. Minimize damage to public facilities in the floodplain;
6. Minimize the occurrence of future flood blight areas in the floodplain;
7. Discourage the victimization of unwary land and homebuyers;
8. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
9. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(d) **General Provisions:**

1. **Areas to be Regulated.** This section regulates all areas within the limits of the municipality that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM), or other maps approved by the DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
2. **Official Maps & Revisions.** The boundaries of all floodplain districts are designated as A, AE, AH, AO, or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the WIDNR and FEMA through the Letter of Map Change process (see *17.07(8) Amendments*) before it is effective. No changes to Regional Flood Elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Municipal Clerk, Village of Palmyra. Official Maps: Based on the FIS:
  - a. Flood Insurance Rate Map (FIRM), panel numbers 55055C0363F, 55055C0364F, 55055C0476F, 55055C0477F dated February 4<sup>th</sup>, 2015 with corresponding profiles that are based on the Flood Insurance Study (FIS) dated February 4<sup>th</sup>, 2015, Volume number 55055CV001B and 55025CV002B. Approved by: The DNR and FEMA.
  - b. Jefferson County Flood Insurance Rate Map Panel Number 55055C0364F, dated February 2, 2015, is hereby amended to include a Dam Failure Analysis approved by the Wisconsin Department of Natural Resources for the Spring Lake Dam across the Scuppernong River and South Branch, Village of Palmyra, as depicted by:

- i. The Dam Failure map dated 8/21/2014 and titled “Hydraulic Shadow Map, Spring Lake Dam DFA, Village of Palmyra, Wisconsin, Appendix G” by GRAEF.
  - ii. The table dated 01/22/2016 showing the maximum stage elevation by cross section for a dam failure and titled, “Summary Table for Spring Lake Dam Failure” (table by MSA based on GRAEF model data).
- 3. **Establishment of Districts.** The regional floodplain areas are divided into three districts as follows:
  - a. The Floodway Overlay District (FWO) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
  - b. The Floodfringe Overlay District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
  - c. The General Floodplain Overlay District (GFPO) is those areas that have been or may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
- (e) **Locating Floodplain Boundaries:** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (1) or (2) below. If a significant difference exists, the map shall be amended according to Section 17.07(8). 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 boundary line shall be settled according to Section 17.07(7)(c)(3) and the criteria in par. (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Section 17.07(8) Amendments.
  - 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.
- (f) **Removal of Lands from Floodplain:** Compliance with the provisions of this section 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 Section 17.07(8) Amendments.
- (g) **Compliance:** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
- (h) **Municipalities and State Agencies Regulated:** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if Wisconsin Statutes section 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wisconsin Statutes section 30.2022 applies.

(i) **Abrogation and Greater Restrictions:**

1. This section supersedes all the provisions of any municipal zoning ordinance enacted under Wisconsin Statutes sections 59.69, 59.692 or 59.694 for counties; sections 62.23 for cities; sections 61.35 for villages; or sections 87.30, which relate to floodplains. If another ordinance is more restrictive than this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
2. This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.

(j) **Interpretation:** In their interpretation and application, the provisions of this section 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 section, required by Wisconsin Administrative Code Chapter NR 116, is unclear, the provision 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.

(k) **Warning and Disclaimer of Liability:** The flood protection standards in this section 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 section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this section create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this section.

(l) **Severability:** Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

(m) **Annexed Areas for Cities and Villages:** The Jefferson County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Wisconsin Administrative Code Chapter NR 116 and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality'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 municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

**(2) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

(a) **General Development Standards:** The Village 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 that meets the subdivision definition of this Chapter and all other requirements in Section 17.07(e) Land Use Permit. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

**(b) Hydraulic and Hydrologic Analyses:**

1. No floodplain development shall:
  - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
  - b. Increase regional flood height due to floodplain storage area lost.
2. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood heights, based on the officially adopted FIRM or other adopted map, unless the provisions of Section 17.07(8) Amendments are met.

**(c) Watercourse Alterations:** No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of Section 17.07(2)(b) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to Section 17.07(8) Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

**(d) Chapter 30, 31, Wis. Stats., Development:** Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to Section 17.07(8) Amendments.

**(e) Public or Private Campgrounds:** Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

1. The campground is approved by the Wisconsin Department of Health Services;
2. A land use permit for the campground is issued by the Zoning Administrator;
3. The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants;
4. 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 the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
5. 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 par. (4) above to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
6. Only camping units that are fully licensed, if required, and ready for highway use are allowed;
7. The camping units may not occupy any site in the campground for more than 180 consecutive days, at

which time the camping unit must be removed from the floodplain for a minimum of twenty four (24) hours;

8. 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 180 days and shall ensure compliance with all the provisions of this section;
9. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
10. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Section 17.07(3), Section 17.07(4), or Section 17.07(5) for the floodplain district in which the structure is located;
11. 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; and
12. 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.

### **(3) FLOODWAY OVERLAY DISTRICT (FWO)**

**(a) Applicability:** This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 17.07(5)(d).

**(b) Permitted Uses:** The following open space uses are allowed in the Floodway Overlay District and the floodway areas of the General Floodplain Overlay District, if

- they are not prohibited by any other ordinance;
  - they meet the standards in Section 17.07(3)(c) and 17.07(3)(d); and
  - all permits or certificates have been issued according to Section 17.07(7)(e).
1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  2. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  3. 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 17.07(3)(c)(4).
  4. Uses or structures accessory to open space uses, or classified as historic structures that comply with Section 17.07(3)(c) and 17.07(3)(d).
  5. Extraction of sand, gravel or other materials that comply with Section 17.07(3)(c)(4).
  6. 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 Wisconsin Statutes Chapters 30 and 31.

7. Public utilities, streets and bridges that comply with Section 17.07(3)(c)(3).

**(c) Standards for Developments in the Floodway:**

1. General.

- a. Any development in floodway areas shall comply with Section 17.07(2)(a) and have a low flood damage potential.
- b. Applicants shall provide the following data to determine the effects of the proposal according to Section 17.07(2)(b) and Section 17.07(7)(e)(3):
  - i. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
  - ii. An analysis calculating the effects of this proposal on regional flood height.
- c. The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream, based on the data submitted for par. (b) above.

2. 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:

- a. The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage.
- b. Shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. Must be anchored to resist flotation, collapse, and lateral movement;
- d. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- e. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

3. Public Utilities, Streets, and Bridges. Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate flood proofing measures are provided to the flood protection elevation; and
- b. Construction meets the development standards of Section 17.07(2)(b).

4. Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:

- a. The requirements of Section 17.07(2)(b) are met;
- b. No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Wisconsin Statutes Chapter 30, and a permit pursuant to s. 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 section are met;



- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

**(d) Prohibited Uses:** All uses not listed as permitted uses in Section 17.07(3)(b) are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
2. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
4. 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 Wisconsin Administrative Code Chapter SPS 383;
5. 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 Wisconsin Administrative Code Chapter NR 811 and NR 812;
6. Any solid or hazardous waste disposal sites;
7. Any wastewater treatment ponds or facilities, except those permitted under Wisconsin Administrative Code section NR 110.15(3)(b); and
8. 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.

#### **(4) FLOODFRINGE OVERLAY DISTRICT (FFO)**

**(a) Applicability:** This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 17.07(5)(d).

**(b) Permitted Uses:** Any structure, land use, or development is allowed in the floodfringe district if the standards in par. (c) below are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Section 17.07(7)(e) have been issued.

**(c) Standards for Development in Floodfringe Areas:** Section 17.07(2)(b) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Section 17.07(6) Nonconforming Uses.

1. **Residential Uses.** Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe area, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Section 17.07(6) Nonconforming Uses:
  - a. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of par. b below can be met. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure;

- b. 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;
  - c. Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d) below;
  - d. In developments where existing street or sewer line elevations make compliance with par. (c) above impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
    - i. The municipality 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
    - ii. The municipality has a DNR-approved emergency evacuation plan.
2. Accessory Structures or Uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
  3. Commercial Uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Section 17.07(4)(c)(1). Subject to the requirements of par. 5 below, 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.
  4. Manufacturing and Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in Section 17.07(6)(d). Subject to the requirements of par. 5 below, 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.
  5. 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 17.07(6)(d). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
  6. Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
    - a. 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 17.07(6)(d) to the flood protection elevation;
    - b. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
  7. Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section 17.07(6)(d), to the flood protection elevation and shall meet the provisions of all local ordinances and Wisconsin Administrative Code Chapter SPS 383.
  8. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section 17.07(6)(d), to the flood protection elevation and shall meet the provisions of Wisconsin Administrative Code Chapters NR 811 and NR 812.

9. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
10. Deposition of Materials. Any deposited material must meet all the provisions of this section.
11. Manufactured Homes.
  - a. 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.
  - b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - i. have the lowest floor elevated to the flood protection elevation; and
    - ii. be anchored so they do not float, collapse or move laterally during a flood.
  - c. 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 17.07(4)(c)(1).
12. Mobile Recreational Vehicles. All mobile recreational vehicles that are on-site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in par. 11.b. and 11.c. above. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

##### **(5) GENERAL FLOODPLAIN OVERLAY DISTRICT (GFPO)**

- (a) **Applicability**: The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
- (b) **Permitted Uses**: Pursuant to par. d below, it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway, Section 17.07(3)(b) and floodfringe, Section 17.07(4)(b) areas are allowed within the general floodplain district, according to the standards of par. c below, provided that all permits or certificates required under Section 17.07(7)(e) have been issued.
- (c) **Standards for Development in the General Floodplain District**: Section 17.07(3) applies to floodway areas, Section 17.07(4) applies to floodfringe areas. The rest of this section applies to either district.
  1. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:
    - a. at or above the flood protection elevation; or
    - b. two (2) feet above the highest adjacent grade around the structure; or
    - c. the depth as shown on the FIRM
  2. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

**(d) Determining Floodway and Floodfringe Limits:** Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

1. 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 flood proofing measures; and the flood zone as shown on the FIRM.
2. 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:
  - a. A Hydrologic and Hydraulic Study as specified in Section 17.07(e)(3);
  - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

## **(6) NONCONFORMING USES IN FLOOD AREAS**

**(a) General:**

1. Applicability. If these standards conform with Wisconsin Statutes section 59.69(10) for counties or section 62.23(7)(h) 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.
2. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this section may continue subject to the following conditions:
  - a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b. 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;

- c. The municipality 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;
- d. 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 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 17.07(4)(c)(1). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 17.07(4)(c)(1).
- f. If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 17.07(4)(c)(1).
- g. Except as provided in par. h below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h. 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 minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
  - i. Residential Structures
    - Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Section 17.07(6)(d).
    - Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
    - Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

- In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
  - In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 17.07(5)(c)(1).
  - In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- ii. Nonresidential Structures
- Shall meet all of the requirements of par. i above.
  - Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in Section 17.07(6)(d)(1) or (2).
  - In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 17.07(5)(c)(1).
3. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Section 17.07(3)(c)(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 17.07(6)(d) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 17.07(6)(a)(2)(h)(i) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

**(b) Floodway District:**

1. 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 or addition:
  - a. Has been granted a permit or variance which meets all ordinance requirements;
  - b. Meets the requirements of Section 17.07(6)(a);
  - c. Will not increase the obstruction to flood flows or regional flood height;
  - d. Any addition to the existing structure shall be floodproofed, pursuant to Section 17.07(6)(d), by means other than the use of fill, to the flood protection elevation; and
  - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - i. 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 (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
    - ii. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

- iii. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  - iv. The use must be limited to parking or limited storage.
2. 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, Section 17.07(6)(d)(3) and Wisconsin Administrative Code Chapter SPS 383.
  3. 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 municipal ordinances, Section 17.07(6)(d)(3) and Wisconsin Administrative Code Chapters NR 811 and NR 812.

**(c) Floodfringe District:**

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of Section 17.07(4)(c) except where par. 2 below is applicable.
2. Where compliance with the provisions of par. (1) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Section 17.07(7)(c), may grant a variance from those provisions of par. (1) above 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:
  - a. No floor is allowed below the regional flood elevation for residential or commercial structures;
  - b. Human lives are not endangered;
  - c. Public facilities, such as water or sewer, will not be installed;
  - d. Flood depths will not exceed two (2) feet;
  - e. Flood velocities will not exceed two (2) feet per second; and
  - f. The structure will not be used for storage of materials as described in Section 17.07(4)(c)(5).
3. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section 17.07(6)(d)(3) and ch. SPS 383, Wis. Adm. Code.
4. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this section, Section 17.07(6)(d)(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

**(d) Floodproofing:**

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

**(7) ADMINISTRATION**

Where a Zoning Administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Wisconsin Statutes sections 59.69, 59.692 or 62.23(7), these officials shall also administer this section.

**(a) Zoning Administrator:**

1. Duties and Powers. The Zoning Administrator is authorized to administer this section and shall have the following duties and powers:
  - a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
  - b. Issue permits and inspect properties for compliance with provisions of this section, and issue certificates of compliance where appropriate.



- c. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- d. Keep records of all official actions such as:
  - i. All permits issued, inspections made, and work approved;
  - ii. Documentation of certified lowest floor and regional flood elevations for floodplain development;
  - iii. Floodproofing certificates;
  - iv. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
  - v. All substantial damage assessment reports for floodplain structures; and
  - vi. List of nonconforming structures and uses.
- e. Submit copies of the following items to the Department Regional office:
  - i. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  - ii. 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.
  - iii. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f. Investigate, prepare reports, and report violations of this section to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g. Submit copies of amendments to the FEMA Regional office.

**(b) Zoning Agency:**

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

**(c) Board of Appeals:** The Board of Appeals, created under Wisconsin Statutes section 59.694 for counties or section 62.23(7)(e) for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.

1. Powers and Duties. The Board of Appeals shall:
  - a. Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this section;
  - b. Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
  - c. Variances. Hear and decide, upon appeal, variances from this sections standards.
  
2. Appeals to the Board. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality 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 board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
  - a. Notice and Hearing for Appeals Including Variances: The Board shall:
    - i. Fix a reasonable time for the hearing;
    - ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
    - iii. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least ten (10) days in advance of the hearing.
  - b. Hearing: Any party may appear in person or by agent. The board shall:
    - i. Resolve boundary disputes according to par. 3 below;
    - ii. Decide variance applications according to par. 4 below; and
    - iii. Decide appeals of permit denials according to Section 17.07(7)(d).
  - c. Decision: The final decision regarding the appeal or variance application shall:
    - i. Be made within a reasonable time;
    - ii. Be sent to the Department Regional office within ten (10) days of the decision;
    - iii. Be a written determination signed by the chairman or secretary of the Board;
    - iv. State the specific facts which are the basis for the Board's decision;
    - v. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
    - vi. 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 Board proceedings.

3. Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
  - a. 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;
  - b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
  - c. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Section 17.07(8).
  
4. Variance.
  - a. The Board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:
    - i. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
    - ii. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
    - iii. The variance is not contrary to the public interest; and
    - iv. The variance is consistent with the purpose of Section 17.07(1)(c).
  - b. In addition to the criteria in par. (a) above, to qualify for a variance under FEMA regulations, the following criteria must be met:
    - i. The variance may not cause any increase in the regional flood elevation;
    - ii. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
    - iii. 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 section.
  - c. A variance shall not:
    - i. Grant, extend or increase any use prohibited in the zoning district;
    - ii. Be granted for a hardship based solely on an economic gain or loss;
    - iii. Be granted for a hardship which is self-created; and
    - iv. Damage the rights or property values of other persons in the area;
    - v. Allow actions without the amendments to this section or map(s) required in Section 17.07(8); and

- vi. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

**(d) To Review Appeals of Permit Denials:**

1. The Board of Appeals shall review all data related to the appeal. This may include:
  - a. Permit application data listed in par. e below;
  - b. Floodway/floodfringe determination data in Section 17.07(5)(d).
  - c. Data listed in Section 17.07(3)(c)(1)(b) where the applicant has not submitted this information to the Zoning Administrator; and
  - d. Other data submitted with the application, or submitted to the Board with the appeal.
2. For appeals of all denied permits the Board shall:
  - a. Follow the procedures of Section 17.07(7)(c);
  - b. Consider zoning agency recommendations; and
  - c. Either uphold the denial or grant the appeal.
3. For appeals concerning increases in regional flood elevation the Board shall:
  - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Section 17.07(8) Amendments; and
  - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

**(e) Land Use Permit:** A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

1. General Information.
  - a. Name and address of the applicant, property owner and contractor;
  - b. Legal description, proposed use, and whether it is new construction or a modification;
2. Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
  - a. Location, dimensions, area and elevation of the lot;

- b. Location of the ordinary highwater mark of any abutting navigable waterways;
  - c. Location of any structures with distances measured from the lot lines and street center lines;
  - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
  - e. Location and elevation of existing or future access roads;
  - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
  - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
  - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Section 17.07(3) and 17.07(4) 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 17.07(2)(b). This may include any of the information noted in Section 17.07(3)(c)(1).
3. Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
- a. Zone A floodplains:
    - i. Hydrology. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
    - ii. Hydraulic Modeling. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
      - Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
      - Channel sections must be surveyed.
      - minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
      - A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
      - The most current version of HEC\_RAS shall be used.

- A survey of bridge and culvert openings and the top of road is required at each structure.
  - Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning’s N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- iii. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- b. Zone AE Floodplains
- i. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- ii. Hydraulic Model. The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
- Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
  - Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

- Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
  - Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
  - All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
  - Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- iii. Mapping. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
  - Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
  - Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
  - If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
  - The revised floodplain boundaries shall tie into the effective floodplain boundaries.
  - All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
  - Both the current and proposed floodways shall be shown on the map.
  - The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

4. Expiration. All permits issued under the authority of this section shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.
5. 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:
  - a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this section;
  - b. Application for such certificate shall be concurrent with the application for a permit;
  - c. 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;
  - d. The applicant shall submit a certification signed by a registered professional engineer, architect or 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 17.07(6)(d).
6. Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**(f) Public Information:**

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

**(8) AMENDMENTS**

- (a)** Obstructions or increases may only be permitted if amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sec. 8(b) below.
1. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sec. 8(b) below. Any such alterations must be reviewed and approved by FEMA and the DNR.
  2. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with sec. 8(b) below.
- (b) General:** The governing body may change or supplement the floodplain zoning district boundaries and this section in the manner outlined in sec. 8(c) below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
1. Any fill or floodplain encroachment that obstructs flow causing an increase in the regional flood height;



2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
3. Any changes to any other officially adopted floodplain maps listed in sec. 1(d)(2) above;
4. 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;
5. Correction of discrepancies between the water surface profiles and floodplain zoning maps;
6. Any upgrade to a floodplain zoning ordinance text required by Wisconsin Administrative Code section NR 116.05, or otherwise required by law, or for changes by the municipality; and
7. 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.

**(c) Procedures:** Ordinance amendments may be made upon petition of any interested party according to the provisions of Wisconsin Statutes section 62.23, for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by Section 17.07(5)(d) and 17.07(7)(e). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wisconsin Statutes section 62.23 for cities and villages or section 59.69 for counties.
2. No amendments shall become effective until reviewed and approved by the Department.
3. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **(9) VIOLATIONS, ENFORCEMENT AND PENALTIES**

Any violation of this section shall be subject to the provisions of Section 17.17(7) of this Chapter.

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## SECTION 17.08 SHORELAND WETLAND OVERLAY DISTRICT (SWO)

### (1) STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND STATEMENT OF PURPOSE

- (a) **Statutory Authorization:** This section is adopted pursuant to the authorization in Wisconsin Statutes sections 61.35, 61.351, 62.23, 62.231, 62.233, 87.30, and 281.31.
- (b) **Finding Of Fact:** Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base.
- (c) **Statement of Purpose:** This section is intended to regulate shoreland and wetland development to:
1. Promote the public health, safety, convenience and general welfare;
  2. Maintain the storm and flood water storage capacity of wetlands;
  3. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  4. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
  5. Prohibit certain uses detrimental to the shoreland-wetland area; and
  6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland wetland excavation, filling and other earth moving activities.

### (2) GENERAL PROVISIONS

- (a) **Compliance:** The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this section and other applicable local, state or federal regulations. However, see Section 17.08(4), for the standards applicable to nonconforming uses. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this section.
- (b) **Municipalities And State Agencies Regulated:** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if Wisconsin Statutes section 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wisconsin Statutes section 30.12(4)(a) applies.
- (c) **Abrogation and Greater Restrictions:** This section supersedes all the provisions of any municipal zoning ordinance enacted under Wisconsin Statutes sections 61.35, 62.23 or 87.30, which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.

- (d) **Interpretation:** In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this section is required by a standard in chapter Wisconsin Administrative Code Chapter NR 117, and where the section provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.
- (e) **Severability:** Should any portion of this section be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this section shall not be affected.

### **(3) SHORELAND-WETLAND OVERLAY ZONING DISTRICT**

- (a) **Shoreland-Wetland Zoning Maps:** The following maps are hereby adopted and made part of this section and are on file in the office of the Village Clerk:
1. Wisconsin Wetland Inventory maps stamped "FINAL" on January 28, 1994, and as amended.
  2. Flood Insurance Rate Map (FIRM), panel numbers 55055C0364E, 55055C0365E, 55055C0480E dated June 2, 2009 (and as amended) with corresponding profiles that are based on the Flood Insurance Study (FIS) dated June 2, 2009 (and as amended), volume 55055CV000A.
  3. United States Geological Survey maps titled Palmyra Quadrangle, photo revised 1971 (or most recent version), and as amended.
  4. Village of Palmyra zoning maps dated December 13, 2013, and as amended.
- (b) **District Boundaries:** The shoreland-wetland zoning district includes all wetlands in the municipality which are two (2) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this section and which are:
1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this section.
  2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this section. Floodplain zoning maps shall be used to determine the extent of floodplain areas.
  3. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

4. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in par. (c) and (d) below, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

(c) **Filled Wetlands:** Wetlands which are filled prior to January 28, 1994, the date on which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this section.

(d) **Wetlands Landward Of A Bulkhead Line:** Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under S. 30.11, Stats. are not subject to this section.

(e) **Permitted Uses in Wetland Areas:** The following uses are permitted subject to the provisions of Wisconsin Statutes Chapters 30 and 31 and the provisions of other local, state and federal laws, if applicable:

1. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
  - a. Hiking, fishing, trapping, hunting (if allowed by municipal ordinance, swimming, snowmobiling and boating);
  - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - c. The practice of silviculture, including the planting, thinning and harvesting of timber;
  - d. The pasturing of livestock;
  - e. The cultivation of agricultural crops; and
  - f. The construction and maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
  - a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
  - b. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
  - c. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
  - d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or

- maintenance;
- f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland—wetland listed in Section 17.08(6)(c); and
  - g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which are allowed upon the issuance of a conditional use permit, in accordance with Section 17.04, and which may include wetland alterations only to the extent specifically provided below:
- a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Section 17.08(3)(e), provided that:
    - i. The road cannot, as a practical matter, be located outside the wetland;
    - ii. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section 17.08(6)(c);
    - iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - iv. Road construction activities are carried out in the immediate area of the roadbed only; and
    - v. Any wetland alteration must be necessary for the construction or maintenance of the road.
  - b. The construction and maintenance of nonresidential buildings provided that:
    - i. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
    - ii. The building cannot, as a practical matter, be located outside the wetland;
    - iii. The building does not exceed 500 square feet in floor area; and
    - iv. Only limited filling and excavating necessary to provide structural support for the building is allowed.
  - c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
    - i. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
    - ii. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
    - iii. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section 17.08(6)(c); and
    - iv. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

- d. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:
  - i. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - ii. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
  - iii. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section 17.08(6)(c).

**(f) Prohibited Uses in Wetland Areas:** Any use not listed in Section 17.08(3)(e) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 17.08(6). The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

**(g) Vegetative Management in Shoreland Areas:** A shoreland that was annexed by the Village after May 7, 1982, and prior to annexation was subject to a county shoreland zoning ordinance shall be subject to the following additional provisions:

1. Any person who owns shoreland property that contains vegetation shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending 35 feet inland from the ordinary high-water mark of the navigable water, except as provided in (a) and (b) below.
  - a. If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation, the owner of the shoreland property may remove such vegetation, except that if the owner removes all of the vegetation as described herein within the vegetative buffer zone, the owner shall reestablish vegetation within the vegetative buffer zone.
  - b. A person who is required to maintain or establish a vegetative buffer zone shall be allowed to remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no greater than 30 feet wide for every 100 feet of shoreline frontage and that extends no more than 35 feet inland from the ordinary high-water mark.

**(h) Shoreland Setback:** Areas within shorelands as defined by this Chapter shall be subject to the following:

1. A shoreland that was annexed by the Village after May 7, 1982, and prior to annexation was subject to a county shoreland zoning ordinance shall be subject to the following additional provisions:
  - a. A shoreland setback area of at least 50 feet from the ordinary high-water mark, except as provided in (b) below.
  - b. Construction or placement of a principal building within the shoreland setback area established under (a) above shall be allowed if all of the following apply:
    - i. The principal building is constructed or placed on a lot or parcel of land that is immediately adjacent on each side to a lot or parcel of land containing a principal building.
    - ii. The principal building is constructed or placed within a distance equal to the average setback of the principal building on the adjacent lots or 35 feet from the ordinary high-water mark, whichever distance is greater.
2. For purposes of this section, principal structures means the main building or structure on a single lot or parcel of land and includes any attached garage or attached porch. Accessory structures such as boathouses, detached garages, patios or decks do not have to comply with the 50 foot setback, but shall not be placed within the vegetative buffer zone unless it is placed in the viewing and access corridor established under Section 17.08(3)(g)(1)(b).

- (i) Section 17.08(3)(g) and Section 17.08(3)(h) do not apply to lands adjacent to an artificially constructed drainage ditch, pond, or storm water retention basin if the drainage ditch, pond, or retention basin is not hydrologically connected to a natural navigable water body.

#### **(4) NONCONFORMING STRUCTURES AND USES**

Refer to Section 17.03.

#### **(5) ADMINISTRATIVE PROCEDURES**

- (a) **Zoning Administrator:** The Village Zoning Administrator shall have the following duties and powers relative to administering and enforcing this section:

1. Advise applicants as to the provisions of this section and assist them in preparing permit applications and appeal forms.
2. Issue permits and certificates of compliance and inspect properties for compliance with this section.
3. Keep records of all permits issued, inspections made, work approved and other official actions.
4. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
5. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the WIDNR.
6. Investigate and report violations of this section to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

- (b) **Zoning Permits:** Unless another section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in this Chapter, or any change in the use of an existing building or structure is initiated. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following general and scaled site development plan information:

1. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
2. Legal description of the property and a general description of the proposed use or development.
3. Whether or not a private water supply or sewage system is to be installed.
4. Dimensions and area of the lot;
5. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
6. Description of any existing or proposed on-site sewage systems or private water supply systems;
7. Location of the ordinary high-water mark of any abutting navigable waterways;
8. Boundaries of all wetlands;



9. Existing and proposed topographic and drainage features and vegetative cover;
10. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
11. Location of existing or future access roads; and
12. Specifications and dimensions for areas of proposed wetland alteration.
13. All permits issued under the authority of this section shall expire twelve (12) months from the date of issuance.

**(c) Certificates of Compliance:**

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

**(d) Fees:** The Village Board may from time to time, by separate resolution, establish fees for the following:

1. Zoning and conditional use permits.
2. Certificates of compliance.
3. Public hearings.
4. Legal notice publications.
5. Rezoning petitions.
  
6. In addition to these fees the applicant must pay the actual engineering fees or expenses incurred by the Village in connection with the review of the permit or on-site inspection in accordance with Section 17.17(6)(b).

**(e) Recording:** Where a zoning permit, conditional use permit, or certificate of compliance is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

(f) **Revocation:** Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Plan Commission.

(g) **Board of Appeals:** Refer to Section 17.17(2)(d).

## **(6) AMENDING SHORELAND-WETLAND ZONING REGULATIONS**

(a) The Village Board may alter, supplement or change the district boundaries and the regulations contained in this section in accordance with the requirements of Wisconsin Statutes section 62.23(7)(d)2, Wisconsin Administrative Code Chapter NR 117, and the following: a copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency.

(b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Village Plan Commission, and a public hearing shall be held after Class 2 notice as required by Wisconsin Statutes section 62.23(7)(d)2. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

(c) In order to insure that this section will remain consistent with the shoreland protection objectives of Wisconsin Statutes section 281.31, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

1. Storm and flood water storage capacity;
2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Shoreline protection against erosion;
5. Fish spawning, breeding, nursery or feeding grounds;
6. Wildlife habitat; or
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(d) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in par. (c) above, the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

(e) The appropriate district office of the Department shall be provided with:

1. A copy of the recommendation and report, if any, of the Plan Commission on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Village Board.
2. Written notice of the action on the proposed text or map amendment within 10 days after the action is taken.

- (f) If the Department notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Section 17.08(6)(c), that proposed amendment, if approved by the Village Board, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department, as required by Section 17.08(6)(e)(2). If within the 30 day period, the Department notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by Wisconsin Statutes sections 62.231(6) and 61.351(6), the proposed amendment shall not become effective until the ordinance adoption procedure under Wisconsin Statutes section 62.231(6) or 61.351(6), is completed or otherwise terminated.

## **(7) VIOLATIONS, ENFORCEMENT AND PENALTIES**

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this section, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this section shall be subject to a forfeiture of not less than \$50 nor more than \$500 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wisconsin Statutes section 87.30(2).

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## **SECTION 17.09 RESERVED FOR FUTURE USE**

### **(1) PURPOSE**

This section is reserved for future use.

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## **SECTION 17.10 SITE AND BUILDING DESIGN GUIDELINES AND STANDARDS**

### **(1) PURPOSE**

This section is intended to promote compatible development; stabilize property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve the character and quality of the built and natural environment by maintaining the integrity of those areas which have a discernible character; protect certain public investments in the area; and raise the level of community expectations for the quality of its environment and buildings.

### **(2) FINDINGS OF FACT**

The Village Board finds that:

- (a) Trees and shrubs are proven producers of oxygen, a necessary element for human survival;
- (b) Trees and shrubs appreciably reduce the ever increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe;
- (c) Trees and shrubs transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;
- (d) Trees and shrubs have an important role in neutralizing waste water passing through the ground from the surface to groundwater tables and lower aquifers;
- (e) Trees and shrubs, through their root system, stabilize the groundwater tables and play an important and effective part in soil conservation, erosion control and flood control;
- (f) Trees and shrubs are an invaluable physical, aesthetic and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare and breaking the monotony of human developments on the land, particularly parking areas;
- (g) Trees and shrubs have an important impact on the desirability of land and therefore on property values;
- (h) Screening between two lots lessens the transmission of noise, dust and glare from one lot to another;
- (i) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimum screening can provide an impression of separation of spaces and more extensive screening can entirely shield one use from the visual assault of an adjacent use;
- (j) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening;
- (k) Establishing and maintaining architectural standards will tend to maintain a high character of community development and protect real estate from impairment and destruction of value;
- (l) Architectural standards will tend to prevent or minimize discordant and unsightly surroundings;
- (m) Architectural standards will protect and perpetuate a pleasant and inviting view for the enjoyment, environmental and cultural enrichment of the citizens of the community and its visitors;
- (n) Architectural standards will foster civic pride in the beauty of the community and enhance the community's aesthetic and economic vitality;
- (o) Improper use of exterior lighting by businesses or home owners creates light trespass, glare, visual clutter and artificial sky glow all of which can lessen the desirability of adjacent land or distract the attention of drivers of motor vehicles;
- (p) The provisions of this section are necessary to safeguard the public health, safety and welfare.

### **(3) APPLICABILITY**

Unless otherwise specifically indicated, the regulations within this section apply to both nonresidential and residential land uses and buildings.

### **(4) GUIDELINES VS. STANDARDS**

This section contains both guidelines (recommendations) and standards (requirements). Guidelines indicate those aspects of site and building design which the Village encourages, but does not require, conformance to. Standards indicate those aspects of site and building design which the Village requires, unless a waiver is granted. Unless otherwise indicated, all criteria for site and building design shall be considered standards.

### **(5) WAIVERS**

Applicants that do not believe they can or should follow a standard under this section must negotiate with the Village Board for a waiver of that requirement. Waivers are granted by the Village Board, upon recommendation of the Plan Commission, on a case-by-case basis and are decided based on the applicant's ability to demonstrate one or more of the following conditions:

- (a) The required design feature cannot be met on the site.
- (b) The requirement would create undue hardship for the applicant as compared to other properties in the district.
- (c) The intent of the standards can be successfully met with an alternative design.

Request for waivers which would have the effect, if granted, of being contradictory with a state or federal law or requirement shall not be considered by the Village.

### **(6) LANDSCAPING**

- (a) **Intent:** To provide significant natural features to enhance the aesthetics of property as well as to augment the natural functions landscaping provides, including stormwater management, air purification, screening incompatible land uses, reductions in the cost of heating and cooling buildings.
- (b) **Plan Requirements:** A landscaping plan following the standards set forth in this section and Section 17.15 shall be required for all projects requiring Site Plan Review.
- (c) **Guidelines:**
  - 1. **Existing Vegetation.** Existing mature woodlands or mature native trees and vegetation should be preserved whenever possible to act as buffers between adjoining developments and as site amenities within a lot.
  - 2. **New Vegetation.** Indigenous plants with low water and pesticide needs are strongly encouraged. Plants should be selected based on the criteria below:
    - a. General suitability for the climate and soil conditions of this area
    - b. Ease of maintenance
    - c. Tolerance to urban conditions (e.g. salt, soil compaction)
    - d. Tolerance to invasive insects
    - e. Availability from area nurseries



**(d) Standards:**

1. Significant Trees. On lots with existing mature trees, at least 50% of significant trees shall be preserved or transplanted on-site. For purpose of this section, "significant trees" include the following:
  - a. Deciduous trees with twelve inch (12") minimum diameter at breast height (DBH).
  - b. Evergreen trees twelve feet (12') or more in height.
  - c. Groups or stands of ten (10) or more trees with a minimum caliper of six inches (6").
2. Tree Protection During Construction. Significant trees shall be protected during construction with the erection of barrier fencing. Grading shall be avoided within the root area or drip line of any existing preserved trees.
3. Tree Replacement. If a significant tree designated to be preserved is removed or substantially damaged during clearing, grading, or construction, the developer shall replace the removed or damaged tree with new trees. Replacement trees shall be the same or similar species to the trees removed or damaged, or alternately a species native to Southern Wisconsin and a minimum planting size of 2.5-inches DBH. Trees removed or damaged shall be replaced by the developer on a diameter inches for diameter inches basis.
4. Street Trees. The developer shall provide for the planting or retention of street trees on both sides of all new roadways and, where deemed appropriate by the Plan Commission for aesthetic purposes, along existing roadways adjacent to the development. Each required tree shall have an initial caliper of no less than 1 1/2 inches at a point 1 1/2 feet above grade, and a height of at least seven (7) feet. To insure proper planting and growth, the trees shall be balled, burlapped and staked when installed. Such trees shall be provided at a rate of not less than one (1) tree every 40' of new roadway frontage and located within the road right-of-way at a point 2' from the right-of-way line unless otherwise required by the Plan Commission. The species of trees are subject to approval by the Public Works Superintendent.
5. Screening.
  - a. Every development shall provide sufficient screening to shield adjacent properties from any adverse external effects of that development and/or to shield the development from the negative impacts of adjacent uses, streets or railroad.
  - b. Where a non-residential or multi-family residential site adjoins a single-family residential site, a solid wall or fence, vine covered fence or compact vegetative screen not less than four and one-half (4-1/2) feet in height, shall be located adjoining the property line except in a required front yard in accordance with Section 17.10(8).
6. Landscaping Standards.
  - a. The undeveloped (green space) area of any non-agricultural parcel shall be landscaped with approved living trees, shrubs, vines, flowers, grass and ground covers and may include water bodies, crushed rock, sand, wood chips, landscaping furniture and ornamental pieces.
  - b. At least one (1) tree and two (2) shrubs shall be planted for each 1,000 square feet or portion thereof of the area to be developed with impervious surfaces up to the first 15,000 square feet and 0.5 trees and 1.5 shrubs for each 1,000 square feet or portion thereof exceeding 15,000 square feet. Each required tree shall have an initial caliper of no less than 1 1/2 inches at a point 1 1/2 feet above grade, and a height of at least seven (7) feet.
  - c. No tree shall be located within five (5) feet of a vehicular accessway, bike trail or public sidewalk (except as provided in sub. paragraph 4 above) or within ten (10) feet of a street light, stop sign, fire hydrant, street sign or directional sign.

- d. All landscaping material located within a sight distance triangle shall be two and one half (2.5) feet or less in height or have a clearance of eight (8) feet beneath the lowest branch or projection.
  - e. No permanent impervious surfacing or sub-surfacing shall be located around the base of any tree or shrub which may impede growth of said plant.
7. Landscaping Installation. All landscaping shall be installed within one (1) year of site plan approval and planted in a sound workmanship manner and according to accepted good planting procedures with quality plant materials. A representative of the Village shall inspect all landscaping and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein provided or the appropriate surety is established in compliance with the regulations of this Chapter for future installation of the required landscaping.
8. Landscaping Maintenance. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All landscaping areas shall be provided with a readily available water supply. The developer or property owner of a subdivision, condominium, industrial, institutional, commercial or multi-family residential site shall promptly replace any landscaping which is dead or damaged beyond repair within two (2) years of planting.

## **(7) STORMWATER MANAGEMENT**

- (a) **Intent:** To reduce the negative ecological impacts created by parking lots and intensive building development.
- (b) **Plan Requirements:** A stormwater management plan following the standards set forth in this section and Section 17.14(10) shall be required for all projects requiring Site Plan Review.
- (c) **Guidelines:**
- 1. Where possible the use of rain gardens or bioretention basins is encouraged to mitigate run-off and filter pollutants at their source.
  - 2. Shared stormwater management facilities such as bioswales along common lot lines are encouraged pursuant to an agreement for construction and maintenance between both property owners.
  - 3. Where large paved areas, such as parking lots are required, the use of permeable surfaces, pervious asphalt, pervious concrete, or special paving blocks is encouraged. Generally these permeable services can, at a minimum, be used in parking stalls and walkways.
- (d) **Standards:**
- 1. On-site stormwater management systems shall meet the Village's Erosion and Stormwater Control Regulations, Section 17.14(10).

## **(8) FENCING, BERMS, AND RETAINING WALLS**

- (a) **Intent:** To provide regulations for the construction of fencing and earthen berms designed to screen adjacent land uses.
- (b) **Permit:** No fence or retaining wall (except those less than three feet in height) shall be constructed or placed until a permit is obtained from the Building Inspector. All proposed fences, retaining walls, or earthen berms shall be shown on a Landscaping Plan following the standards set forth in this section and Section 17.15.
- (c) **Guidelines:**
1. **Residential Lots.** Decorative fencing (picket, wrought iron, etc.) and/or landscaping that visually define the lot at the street edge are encouraged.
- (d) **Standards:**
2. **Fences.** Fences, including walls and other architectural screening devices, when anchored to supports imbedded in the ground shall be considered permanent structures and shall be subject to the requirements of Section 14.15 of the Village of Palmyra Building Code. No such structures shall be permitted that by reason of appearance or other objectionable factor creates a nuisance or a substantial adverse effect upon the property value or reasonable enjoyment of the surrounding property.
  3. **Berms.** The construction of earthen berms shall be permitted subject to the following:
    - a. The berm shall not exceed 4-1/2 feet in vertical height and shall be located at least 5 feet from the road right-of way.
    - b. An earth berm exceeding 4—1/2 feet in vertical height shall be permitted only after approval of the Plan Commission as to the height and location and landscaping of the berm.
    - c. All berms shall be constructed such that the width of the base of the berm shall be no less than three (3) times the vertical height of a berm. The vertical height of a berm shall be measured from an average of the existing ground grades on either side of the berm.
    - d. A cover growth of Village approved plant material or mulching containing no noxious weeds shall be immediately established over the entire berm to prevent erosion or unsightly conditions.
    - e. In addition to a cover growth of plant material, all berms shall have landscape plantings spaced randomly to help visually break up the continuous line of the berm. Berm and landscape plans for commercial, multi-family, condominium and subdivision development shall be approved by the Plan Commission. Berm plans for individual single-family residential lots shall be approved by the Building Inspector.
    - f. Ground covers used in lieu of grass in whole or in part shall be planted in such a manner as to present a finished appearance and provide reasonably complete coverage within three (3) months after planting.
  4. **Retaining Walls.** The construction of retaining walls shall be permitted subject to the following:
    - a. Retaining walls are allowed in all zoning districts and may be placed anywhere on the lot provided the following:

- i. No individual wall may exceed six (6) feet in height, and a terrace of at least three feet be provided between any series of walls.
  - ii. The wall must be at least two (2) feet from property lines.
  - iii. Maximum height of any retaining wall series shall be twelve (12) feet.
- b. Retaining Walls and landscape plans for commercial, multi-family, condominium and subdivision development shall be approved by the Plan Commission. Retaining wall plans for individual single-family residential lots shall be approved by the Building Inspector.

**(9) BUILDING LAYOUT/LOCATION**

**(a) Intent:** To orient the location of buildings to ensure compatibility with surrounding land uses and public streets and to ensure convenient pedestrian access.

**(b) Permit:** No building shall be erected until a building permit has been issued in accordance with Chapter 14 of the Municipal Code and any site plan as approved by the Plan Commission following the standards set forth in this section and Section 17.15.

**(c) Guidelines:**

1. Respect to Natural Topography. To the maximum extent feasible the layout of developments shall follow the respect the natural topography of the site. Berms, channels, swales, and similar man-made changes to the landscape should be designed and graded to be an integral part of the natural landscape and to provide a smooth transition in changes of slope.
2. Setbacks. Building setbacks should be consistent within a given block. Deep setbacks behind large expenses of parking areas or vacant land should be avoided or commercial and multi-family developments.
3. Orientation. Buildings should be organized to present an attractive frontage to the street. Most cases buildings should have the primary entrance fronting the public street. Pitched roofs should orient the gable parallel to the street.
4. Pedestrian Access and Circulation. The use of mid-block walkways should be considered within large residential subdivisions or commercial developments to improve pedestrian access and circulation.
5. Multiple-Building Developments. When there is more than one (1) building in a commercial development, the development should comply with the following standards:
  - a. All primary building sites shall be arranged and grouped so that their primary orientation complements adjacent, existing development and either:
    - i. Frames the corner of an adjacent street intersection;
    - ii. Frames and encloses a “main street” pedestrian and/or vehicle access corridor within the development site;
    - iii. Frames and encloses parking areas, public spaces, or other site amenities;
  - b. Alternatives. An applicant may submit an alternative development pattern, provided such pattern achieves the intent of the above guidelines. Strictly linear or “strip commercial” development patterns should be avoided.

6. Garages. Within single-family residential developments garages should be recessed from the front façade(s) to minimize their visual impact. Within commercial or multi-family developments garages should be placed along the side or rear of the building.
7. Public Spaces/Gathering Places. For non-residential and multi-family developments the incorporation of small public gathering spaces, plazas, clock tower, water features, or outdoor art sculptures are encouraged.
8. Front Porches. Front porches are encouraged for single-family residential lots. Porches should be covered by a roof with a minimum depth of six (6) feet and constructed with materials that relate to the design of the home.

**(d) Standards:**

1. Setbacks. Refer to the bulk regulations described in Section 17.05(6).
2. Limits on Graded or Filled Man-Made Slopes. The maximum slope of any man-made slope shall be 3:1.
3. Pedestrian Access and Circulation.
  - a. Connection to Public Sidewalks/Trails. Interior walkways shall be provided to connect primary building entrance(s) to the public sidewalk or trail, if applicable, except for single-family residential uses.
  - b. Connections to Adjacent Buildings/Lots. Interior walkways shall be provided to connect to adjacent properties where existing walkways have been extended to the lot line for planned expansion.
  - c. Walkways along Buildings. Walkways long buildings shall be located at least three feet (3') from the base of the building to provide planting beds for foundation landscaping, except where the walkway meets a building entrance.
  - d. ADA Compliance. Interior walkways shall comply with the applicable requirements of the American with Disabilities Act, as amended from time to time.

**(10) BUILDING DESIGN**

- (a) Intent:** To provide high quality building design which is compatible with surrounding uses and includes variations in massing, height, materials, and colors so as to create variety and visual interest.
- (b) Permit:** No building shall be erected until a building permit has been issued in accordance with Chapter 14 of the Municipal Code and any site plan as approved by the Plan Commission following the standards set forth in this section and Section 17.15.
- (c) Guidelines:**
  1. Building Height. Building heights should be consistent within a given block. Stand alone commercial buildings are encouraged to establish a one-and-a-half (1.5) story presence. This can be accomplished by increasing the overall height of the building, by raising a cornice above the roofline, or providing a pitched roof.
  2. Exterior Building Walls. All new non-residential buildings are encouraged to utilize details or changes in materials to create a discernible base, middle, and top. Larger industrial buildings should have a small office component fronting the public street.

3. Roofline. Parapet walls with cornices are encouraged. Cosmetic “fake” parapets and facades, if used, should be designed three-dimensionally to hide their “fake” characteristics (as they usually lack depth).
4. Facades. The base of the building should include elements that relate to the human scale. These include doors, windows, texture, projections, awnings, ornamentation, etc. All building faces should use design features (i.e. window proportions, expression of structural bays, etc.) similar to the primary front façade. Secondary facades facing a public street (corner building) are encouraged to incorporate the same materials and design elements (proportions, scale, windows, doors, etc.) as the primary façade. If a change of design or material is desired, make the transition at an architectural feature, such as a column, structural bay articulation, protruding/receding building plane, etc.
5. Windows and Doors. The use of reflective or dark-tinted glass on the front façade is discouraged, especially at the ground level. A minimum of two (2) feet is desired between the glass and any interior dividers to allow for product display.
6. Projections.
  - a. The use of ground floor awnings and canopies are encouraged.
  - b. Awning colors should relate to and complement the primary colors of the building façade.
  - c. Glowing awnings (backlight, light shows through the material) are discouraged. Preferred lighting methods include lighting fixtures directed down onto the awning or light fixtures beneath the awning directed towards the sidewalk.
  - d. Awnings using wood or shingle components are discouraged. Cloth, vinyl, and metal are the preferred awning materials.
7. Colors and Materials.
  - a. Day-glow, fluorescent or neon, colors are strongly discouraged. Bright colors should not be used as the primary facade color, but rather as a secondary color to highlight expression lines or details.
  - b. Preferred exterior finish materials include kiln-fired brick, stucco, terra cotta, wood siding and details, and fiber cement siding.
  - c. Using vinyl siding as primary building material on the front facade is strongly discouraged.
  - d. EIFS (Exterior Insulation and Finish System) is discouraged as a principle facade material, especially at ground level where susceptible to damage, but is acceptable above the ground floor and as an accent material.
  - e. Gravel aggregate materials, stone or cultured stone in a random ashlar pattern, rough-sawn wood siding, polished stone, and panelized products are strongly discouraged as exterior building materials.
8. Corporate Identity. Buildings should be easily utilized for a wide variety of businesses, avoiding franchise design that signifies a particular brand or product. Corporate identity should be apparent yet reserved in its display.

9. Multiple Buildings in Commercial Centers. A consistent architectural style or theme should be used throughout a commercial center, and in particular to tie outlying accessory buildings to the primary building. Building entrances are appropriate locations to express individual building character or identity.

**(d) Standards:**

1. Building Height. Refer to the bulk regulations described in Section 17.05(6).
2. Exterior Building Walls. All building walls shall have architectural interest and variety to avoid the effect of a single, long or massive wall with no relation to human scale. Any building with a total width equal to or greater than its height shall utilize one or more of the following techniques:
  - a. Expressions of structural bays
  - b. Variations in material,
  - c. Variation in the building plane

Where a commercial or industrial building abuts residential zoning districts, the building shall use the same architectural materials on all sides of the building.

3. Roofline. A positive visual termination at the top of the building shall be established, using either a pitched roof with gable(s) facing the street or a flat roof with a defined cornice. Pitched roofs shall have a slope no less than 5:12. Where a commercial or industrial building abuts a residential zoning districts, the building shall have pitched roofs matching the roof lines of adjoin residential structures.
4. Facades. A discernible “base” shall be established. The base shall be at least two (2) feet in height, but may include the entire first floor. Buildings to be used primarily for industrial uses are excluded from this standard.
5. Windows and Doors. Facades within 80 feet of a public street shall be comprised of at least thirty (30) percent clear glass measured from two (2) to ten (10) feet above the ground. Buildings to be used primarily for industrial uses may meet this thirty percent threshold using the entire façade (rather than between two and ten feet).
6. Building Entrances. A minimum of one (1) functional building entrance shall be provided along the building façade facing the street. Buildings that face multiple streets shall provide an entrance facing the more prominent of the two streets.
7. Projections. Awnings/canopies shall be at least three (3) feet in depth and the underside of the projection shall be at least eight (8) feet above the sidewalk.
8. Colors and Materials. No building shall be permitted the design or exterior appearance which is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste. Additionally, no building shall be permitted the design or exterior appearance which is so identical with those adjoining as to create excessive monotony and drabness.

**(11) OFF-STREET PARKING AREAS**

- (a) **Intent:** To provide parking lots that are safe for drivers and pedestrians, while mitigating the visual and environmental impacts.
- (b) **Permit:** No parking areas shall be constructed until a site plan is approved by the Plan Commission following the standards set forth in this section and Section 17.15.

**(c) Guidelines:**

1. Bicycle Racks. Non-residential or multi-family residential uses should have a minimum of four (4) bicycle parking spaces. Bike racks should be designed to allow the frame to be locked directly to the rack.
2. Shared Parking Lots. Wherever feasible, shared parking lots are encouraged to allow direct vehicular circulation between adjacent parcels. This can be accomplished through the use of access easements and driveways connecting parking lots.
3. Location. Locating all required off-street parking stalls within the front yard is discouraged. When twenty (20) or more parking stalls are required parking areas should be designed around the side and rear yards.
4. Walkway Identification. Walkways that cross parking areas or a drive aisle are recommended to be clearly identifiable (e.g. use of different paving material, a painted crosswalk, etc.).

**(d) Standards:**

1. Location. Parking stalls and drive aisles shall be separated from the public right-of-way and adjacent property lines by a planted landscape buffer. The depth of this buffer shall be at least five (5) feet.
2. Connection to Public Sidewalks. Interior walkways shall be provided to connect primary building entrance(s) to the public sidewalk, if applicable.
3. Parking Lot Landscaping.
  - a. Parking lots with rows of more than twenty (20) parking spaces shall be interrupted by a landscape island or median. When trees are planted within the islands a minimum width of eight (8) feet is preferred.
  - b. Landscaping around the perimeter of parking lots shall be designed to allow for vehicle overhangs, unless wheel stops are used.
  - c. Plantings and low fences located between parking areas and the public street shall not obscure vision between four (4) and eight (8) feet above ground. Trees and bushes that would naturally obscure this zone at maturity shall not be used.
  - d. Parking lots adjacent to residential properties shall provide a semi-opaque buffer, a minimum of four (4) feet in height, in order to screen vehicle lights. Screening options include a berm with landscaping, a fence, a line of conifer trees, or a mix of these options. A chain-link fence without landscaping is prohibited. Required landscaping shall be placed around the exterior of any proposed fence, with additional interior landscaping as preferred by the property owner.
4. Loading and Parking Requirements. Refer to Section 17.12.

**(12) SERVICE, LOADING, OUTDOOR STORAGE, AND MECHANICAL AREAS**

- (a) **Intent:** To provide sensory (visual, olfactory, auditory) screening from adjacent properties, streets, affected pedestrian circulation routes, and affected pedestrian-oriented spaces.
- (b) **Permit:** No service, loading, outdoor storage or mechanical areas shall be constructed until a site plan is approved by the Plan Commission following the standards set forth in this section and Section 17.15.



**(c) Guidelines:**

1. Shared Facilities. Shared garbage and recycling facilities are encouraged, where practical, as a means to meet screening requirements and preserve access needs.
2. Trash Enclosures. Trash enclosures equipped with semi-opaque entry gates are the encouraged means of screening such facilities. Trash enclosures should be constructed of the same materials, finishes, and colors as adjacent primary buildings. Gates should be of a solid material and painted to match the architectural screening elements on nearby fences and walls.
3. Loading Areas. Rear or side yard loading dock and staging areas are encouraged.
4. Utilities. Underground placement of utility installations is encouraged.

**(d) Standards:**

1. Screening. Trash containers, recycling containers, street-level mechanical equipment (gas meters, electric meters, air conditioners, etc.) and rooftop mechanical equipment shall be located or screened so that they are not visible from a public street or sidewalk.
2. Trash Areas. A clear and safe pedestrian route shall be established to each trash area. Trash receptacles should be accessible for trash collection but should not block circulation drives near loading areas or conflict with parking.
3. Loading Areas. Any loading dock facing a residential property shall be screened with landscaping and/or solid fencing not less than six (6) feet in height and integrated with the overall site design and/or building elements.
4. Outdoor Storage. Refer to Section 17.05(8)(r)(5).

**(13) SIGNS**

**(a) Intent:** To promote effective and attractive signs that complements the buildings architectural character and reflects a pedestrian scale.

**(b) Permit:** No sign shall be constructed until a sign permit is approved by the Plan Commission following the standards set forth in this section and Section 17.11.

**(c) Guidelines:**

1. Signs are encouraged to be illuminated from above with lights directed downwards, rather than within the sign face or from below the sign.
2. Signs should be integrated with the architectural concept of the development in scale, detailing, use of color and materials, and placement.
3. Creative, detailed, artistic and unique signs are encouraged.

**(d) Standards:**

1. Refer to Section 17.11 of this Chapter.

**(14) EXTERIOR LIGHTING**

**(a) Intent:** To promote effective and attractive exterior lighting that does not produce glare or light pollution.

**(b) Permit:** Within non-residential and multi-family districts an application for permit shall be filed with the Building Inspector prior to the erection, installation or placement of any exterior artificial light source. All applications shall include a scaled plan depicting the proposed number, specific locations, intensity (stated in wattage and lumens), manufacturer's fixture cutsheet and the type of illumination of all light sources. The plans submitted in compliance hereto shall not necessarily be deemed sufficient to fulfill the technical requirements of the building and electrical ordinance of the Village but are in addition thereto Any permit issued by the Building Inspector under the provisions of this section shall expire and be null and void if not implemented within six months of the date of approval. Whenever a permit is granted in conjunction with a site plan approval, such permit shall be valid for the same time period as the related site plan.

**(c) Guidelines:**

1. Exterior lighting should be designed to complement the character of the building.
2. Parking lots and pedestrian walkways should be illuminated uniformly and to the minimum level necessary to ensure safety. A greater number of lower-watt lights may be necessary to achieve this guideline.
3. Exterior lighting should be energy efficient and should render colors as accurately as possible (i.e. white light rather than green or yellow light).
4. Preferred light types include: LED, fluorescent, and high-pressure sodium.

**(d) Standards:**

1. Refer to Section 17.13 of this Chapter.

## **SECTION 17.11    SIGNS**

### **(1) PURPOSE**

This section is intended to regulate the size, number, location, construction, and maintenance of signs within the Village. It is the intent of this section that advertising and informational signs be designed to be as compatible with their surroundings as possible; appropriate to the type of activity to which they pertain; expressive of the identity of the owner and of the Village in a manner which will not diminish property values; non-distractive to traffic safety and legible in the circumstances in which they are viewed. Official signs authorized by a governmental agency, such as traffic control, parking restriction, warning, directional and informational signs, shall be exempt from this section. Unless otherwise provided, it is the intent of this section that all advertising signs in the Village be "on premise" signs.

### **(2) PERMITS**

- (a)** Except as provided in par (3) below, no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit. For signs which are illuminated, an electrical permit shall also be required.
- (b)** Application for a sign permit shall be on forms provided by the Village for that purpose and shall be accompanied by a scale drawing of the proposed sign indicating the dimensions, materials, colors, type of illumination, method of construction or attachment, and location in relation to buildings, structures, grade elevation and property lines. A permit fee as stipulated in the adopted Village Fee Schedule on file in the Clerk-Treasurer's Office shall also accompany each application.
- (c)** Sign permit applications shall be filed with the Village Clerk, who shall review the application for completeness, accuracy and compliance with this section and forward it to the Building Inspector for approval or denial of the permit. If the proposed sign is of such unusual design or character that compliance with the intent of this section is questioned by the Building Inspector, the application may be referred to the Plan Commission for review and recommendation.
- (d)** A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the approval date.

### **(3) EXEMPTIONS**

The following signs are permitted in all zoning districts without a permit but subject to certain restrictions:

- (a)** Resident name signs and professional home office/home business signs non-illuminated and not to exceed one (1) square foot in area.
- (b)** Kiosks or bulletin boards for public, charitable or religious institutions, not to exceed twenty four (24) square feet in area (combined sides) and located at least six (6) feet from any lot line.
- (c)** Memorial signs and tablets, and names of buildings and/or date of construction when cut into any masonry surface or when constructed of wood, metal or other manufactured material and affixed flat against a structure.
- (d)** Entrance", "Exit", "No Hunting", "No Trespassing" and similar informational or warning signs, not to exceed two (2) square feet in area per sign.
- (e)** Signs displayed on business doors and less than two (2) square feet in gross area.

**(f) Temporary Signs:**

1. Real estate signs, not to exceed four (4) square feet (per side) in single-family residential districts and eight (8) square feet (per side) in all other districts, which advertise the sale, rental or lease of the premises upon which said signs are temporarily located. No real estate sign shall be placed on public property or within the street right-of-way.
2. Election campaign signs located on private property. Political signs may be placed on private property with the consent of the property owner or the person entitled to possession of the property or portion thereof pursuant to any lease. Signs may not be placed in a manner which would impede vehicular or pedestrian safety, must be outside of required vision triangles. No sign may include an electrical, mechanical or audio component, nor may it exceed more than 32 square feet (combined sides) as measured under Section 17.11(4)(a)(10).
3. Rummage sale and garage sale signs located on private property, not over four (4) square feet (per side), and displayed no more than 3 consecutive days and a total of nine (9) cumulative days in a twelve (12) month period.
4. For a temporary event of public interest, such as a church fair, one sign, not over thirty two (32) square feet in area (per side), located upon the site of the event will be permitted. Such sign shall not be erected more than 30 days before the event and shall be removed immediately after the event.
5. Over-street banners. Banners promoting public events of Village-wide interest displayed over a public street, alley or highway when approved by the Zoning Administrator. Such signs shall not be erected more than thirty (30) days before the event and shall be removed within five (5) days after the event. The sponsoring person, firm, organization, or corporation shall provide a certificate of liability insurance in the amount of not less than \$100,000 each person and \$300,000 each occurrence, bodily injury liability; and \$100,000 each occurrence, property damage liability.
6. Construction signs, not to exceed thirty two (32) square feet in area (per side), to be removed within fifteen (15) days following completion of the construction project.
7. Banners, Balloons, Streamers, Inflatable and Similar Signs. Temporary banners, balloons, streamers, inflatable and similar articles displayed no more than fourteen (14) consecutive days and a total of thirty (30) cumulative days in a twelve (12) month period.

**(4) SIGNS PROHIBITIONS AND LIMITATIONS**

The following regulations shall apply in all zoning districts:

**(a) Sign Prohibitions and Limitations:**

1. No sign shall use any word, phrase, symbol, shape, form or character in such manner as to interfere with moving traffic, including signs that incorporate typical street-type and/or traffic control-type signage designs and colors.
2. No sign shall be erected or maintained at any location where, by reason of its position, working, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device.
3. No flashing, fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants or other decorations shall be permitted, except for time and/or temperature signs.
4. No illuminated flashing signs shall be permitted except for those specified in Section 17.11(6)(c).

5. No bare reflecting-type bulbs, beacons, or search lights shall be permitted in conjunction with any sign or advertisement.
6. No mobile or portable signs, as defined in Section 17.18, shall be permitted.
7. No off-premise advertising signs, as defined in Section 17.18, shall be permitted. **Rationale:** This policy reflects a formal finding of fact on the part of the Village of Palmyra Plan Commission and Village Board that the prohibition of advertising signage furthers two compelling government interests: a) the general public interest of reducing visual clutter caused by advertising signage that the Village has determined is a significant cause of unsafe traffic conditions; and b) the public interest served by furthering the implementation of the purposes of this Chapter and the Village of Palmyra Comprehensive Plan in terms of limiting the spread of strip commercial development – of which advertising signs are a primary contributor. Furthermore, the Village of Palmyra advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayable on such advertising signs – namely, distributed print media, broadcast media, and point-of-purchase display, and are narrowly defined so as to limit said prohibition to commercial speech on exterior signage.
8. No sign shall be mounted on a roof or extend above the roof, if attached to the building.
9. No sign, temporary or otherwise, shall be affixed to a tree or utility pole on public property or within the public right-of-way unless otherwise authorized by the Zoning Administrator.

**(b) Sign Measurements:**

1. **Ground level:** The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
2. Sign area shall be measured in square feet in the following manner:
  - a. In the case of a sign placed within a frame, marquee sign, or other structure, sign area consists of the entire surface area of the sign on which the message could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the message. Where a sign has two or more display faces, the total area of the largest sign face shall be considered the sign face area.
  - b. In the case of a sign whose message is fabricated together with the background that borders or frames that message, sign face area shall be the total area of the entire background.
  - c. In the case of a sign whose message is applied to a background that provides no border or frame, sign face area shall be the area of the smallest rectangle that can encompass all words, letters, figures, emblems, and other elements of the sign message.

**(5) SIGNS PERMITTED IN RESIDENTIAL DISTRICTS**

The following signs shall be allowed in all residential zoning districts (RH, R1-4, R1-5, R2-6, R3-12, and C1) with a permit, subject to the following restrictions:

- (a) Identification Signs:** Subdivision, building and residential complex identification signs incorporated into an architectural feature such as a decorative wall, gate or landscaping, or as a separate ground sign not exceeding five (5) feet in height and no more than twenty four (24) square feet in area (combined sides). One sign shall be allowed at each entrance into the subdivision or residential complex.

**(b) Commercial Uses in Residential Districts.** For those commercial uses which may be allowed by the Plan Commission as a conditional use, such as fish hatcheries, green houses, stables, riding arenas, child day care centers or similar uses:

1. One non-illuminated monument sign not to exceed eight (8) square feet in area (combined sides) setback the greater of the actual sign height or three (3) feet from any property line or public easement, or
2. One non-illuminated wall sign with a maximum gross surface area not to exceed five (5) percent of the area of the wall of the building on which the sign is attached wall signs shall not extend above the roof line or project more than twelve (12) inches from the wall surface. Signs which project two (2) or more inches from the wall shall be mounted at least eight (8) feet above any sidewalk.

## **(6) SIGNS PERMITTED IN NON-RESIDENTIAL DISTRICTS**

The following signs shall be allowed in certain non-residential districts (B1, B2, B3, I1, and PI) with a permit, subject to the following restrictions:

**(a) Awning and Canopy Signs:** Any sign which is suspended under an awning or canopy projecting over a public sidewalk shall be at least seven (7) feet above the sidewalk.

**(b) Direction Signs:**

1. On-premise directional signs shall not exceed five (5) square feet in are (per side) and five (5) feet in height.
2. On-premise directional signs shall not advertise a product or business, except the business name or business logo may be placed on each sign.
3. The number of traffic directional signs shall be limited to one per driveway.
4. Traffic directional signs shall be located a minimum of one foot from the right-of-way of any street

**(c) Electronic Message Unit Signs:**

1. Such signs may be used only to advertise activities conducted on the premises or to present public service information such as time and temperature displays.
2. Electronic message units shall be included in the maximum aggregate sign surface area for the premises.
3. For electronic message units with variable messages, the total length of the information cycle shall not be shorter than three (3) seconds. Items of information may not be repeated at intervals that are short enough to cause the effect of a flashing sign.
4. Electronic message unit signs may not display continuously traveling messages or similar actions that convey motion.
5. All electronic message unit signs shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination

- (d) **Menu Board Signs:** One (1) menu board sign for a drive-in or drive-through restaurant exclusive of any two-way microphone/speaker devices, provided that the sign does not exceed twenty-four (24) square feet in area or eight (8) feet in height.
- (e) **Monument Signs:** Signs installed directly on a base or pylon in the ground shall not exceed ten (10) feet in height and thirty two (32) square feet in area (per side). Monument signs shall be setback the greater of the actual sign height or three (3) feet from any property line or public easement. Monument Signs in the B3-Business Park District installed directly on a base or pylon in the ground shall not exceed eight (8) feet in height and fifty (50) square feet in area (per side), not including the supporting structure. Monument signs shall be setback a minimum of three (3) feet from any property line or public easement.
- (f) **Pole Signs (except within the B3-Business Park District):** Signs mounted on a pole or poles shall be no more than twenty (20) feet in height and shall not exceed fifty (50) square feet in area (per side). Pole signs shall be setback a minimum of three (3) feet from any property line or public easement. Any pole sign projecting over a sidewalk shall have the bottom edge of its sign face a minimum of ten (10) feet above the sidewalk.
- (g) **Projecting Signs or Clocks:** Projecting signs, or clocks, attached to a building wall shall not exceed twenty (20) square feet in area (per side) and shall not extend more than six (6) feet from the wall of the building. Any projecting sign shall be at least ten (10) feet above any sidewalk and shall not extend over property owned by others.
- (h) **Sandwich Board:** One non-illuminated sandwich board is allowed per business per street frontage adjacent to the business location, with a maximum of two (2) sandwich boards per business only if each sign is placed on a separate street frontage that is adjacent to the business location. Each sandwich board sign shall not exceed twelve (12) square feet in area (combined sides) and four (4) feet in height. They may be out only during business hours, shall be positioned in a way which does not obstruct pedestrian circulation, and may only be placed directly in front of the business using them.
- (i) **Unified Business Center Sign:** Refer to Section 17.11(7).
- (j) **Wall Signs:** The gross surface area of the sign(s) permitted shall not exceed ten (10) percent of the area of the wall of the building on which the sign is attached. Wall signs shall not extend above the roof line or project more than twelve (12) inches from the wall surface. Signs which project two (2) or more inches from the wall shall be mounted at least eight (8) feet above any sidewalk. Signs painted directly on the exterior wall surface of a building are prohibited, except for murals with approval of the Plan Commission. No separate wall signs shall be permitted in the B3-Business Park District with the exception of one business identification sign not exceeding eight (8) square feet in area located in the immediate proximity of the main entrance of the building.
- (k) **Window Signs:** Window signs shall not exceed fifty (50) percent of the glass area upon which the sign is painted or displayed.

## **(7) UNIFIED BUSINESS CENTER SIGNS**

- (a) **Purpose:** The purpose of the Unified Business Center Sign is to allow commercial buildings or groups of buildings with two (2) or more tenants to have one (1) Master Identification Sign, which may be either a freestanding or monument sign, to identify the name of the center or the individual businesses in the center. The intent of the Unified Business Center Sign program is to set forth a theme as to the placement, lettering, style, colors, and other design considerations while at the same time reducing sign clutter.

**(b) General Provisions:** All properties that qualify for the Unified Business Center Sign must submit to the Plan Commission a plan for their property. No sign permit shall be issued for an individual business located on a property that requires a Unified Business Center Sign Program, until such a program plan is submitted and approved by the Plan Commission. After the approval of a Unified Business Center Sign Program, no sign shall be erected, placed, painted, or maintained, except in conformance with the Unified Business Center Sign plan.

**(c) Eligibility:**

1. Any new retail, office, or industrial developments with 2 or more tenants are required to develop a Unified Business Center Sign Program and submit it with the proposed site plan for the development.
2. Existing retail, office, or industrial developments with 2 or more tenants shall be required to submit a Unified Business Center Program proposal whenever there is an application for a new sign or a revision of an existing sign on the development. This Unified Business Center Sign Program will then guide all future sign installations at the development.

**(d) Signs Permitted under the Unified Business Center Sign Program:**

1. Master Identification Sign.
  - a. Only one pole or monument sign may be erected for use as a Master Identification Sign unless otherwise approved by the Plan Commission.
  - b. The height of a Master Identification Sign shall not exceed twenty five (25) feet.
  - c. The maximum area for each pole or monument sign in the Unified Business Center Sign Program shall be determined based upon a guideline that allows one (1) square foot of signage per every lineal foot of front property line. Monument or freestanding signs under the Unified Business Center Sign Program shall not exceed one hundred twenty eight (128) square feet.
2. Wall Signs.
  - a. Wall signs in the Unified Business Center Sign Program shall only be allowed on the length of the wall occupied by the business that it identifies.
  - b. Individual businesses within retail and industrial centers are permitted a wall sign in addition to the Master Identification Sign. In office centers, only tenants with separate exterior entrances will be permitted a wall sign.
  - c. The maximum area for each wall sign shall be determined based upon a guideline that allows one (1) square foot of signage per every lineal business frontage of tenant space. Wall signs under the Unified Business Center Sign Program shall not exceed one hundred twenty eight (128) square feet.
  - d. Wall signs within a Unified Business Center Sign Program shall have a uniform theme as it relates to size, placement, and lighting.
3. Traffic Directional Signs. Refer to Section 17.11(6)(b).
4. Other Signs. The Plan Commission may also permit additional signs such as changeable copy signs and time and temperature signs if they are included as part of the Unified Business Sign Program Plan and reflect the theme as it relates to size, placement, color, lettering style, and lighting.



(e) **Review and Approval:** All Unified Business Sign Program plans require Plan Commission approval.

(f) **Submittal Requirements:** The Unified Business Sign Program plan submittal must contain the following information:

1. An accurate plot plan of the property indicating the location of buildings, building entrances, parking lots, driveways, landscaped areas and sign locations;
2. A building elevation drawing or rendering of any building face to which signs are to be attached
3. A landscape plan for the area around the signs
4. Computation of the maximum allowable total sign area, and the maximum dimensions and area for individual signs
5. Standards for consistency among signs to be located on the property will be made with regard to:
  - a. Lettering or graphic style
  - b. Lighting
  - c. Material
  - d. Color, or colors allowed
  - e. The Unified Business Sign Document may contain such other features and restrictions as the owners and the Plan Commission may reasonably determine and agree upon

(g) **The Unified Business Sign Program document:**

1. Upon approval by the Plan Commission, the Unified Business Sign Program document shall be signed by all owners of the property or their authorized agents and the Building Inspector as authorized by the Plan Commission.
2. The agreement shall be kept on file with the Village Clerk.
3. All future signs for the property must comply with the provisions of this section and the extra requirements established in the Unified Business Sign Program document.
4. No sign permit shall be issued for any property with a Unified Business Sign Program until it is determined that the proposed sign meets the requirements of the current program document.

(h) **Changes or Amendments:** A Unified Business Sign Program may be amended by filing a revised Unified Business Sign Program for Plan Commission review and approval.

## **(8) DESIGN AND CONSTRUCTION STANDARDS**

(a) **Compatibility:** It is the desire and intent of the Village that the overall size, dimensions, design and location of any sign respect the architecture of the building at which it is displayed.

(b) **Sign Colors:** Fluorescent, “day glow,” and “neon” colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used or they may be used as a secondary color to highlight details.

(c) **Permitted Sign Materials:** Permitted sign materials include wood, brass, metal leaf, metal plates, canvas or related fabric, etched glass, stone or concrete; high-quality, textured, low reflectant plastic may be allowed.

(d) **Permitted Sign Illumination:**

1. **Electrical Permit.** All signs in which electrical wiring and connections are to be used shall comply with all applicable provisions of the state electrical code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
2. **Voltage Displayed.** The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus.
3. **External Illumination.** Exterior illumination of signage shall be limited to direct illumination from a shielded light source or individual solid letters with internal lighting sources that backlight the wall in a “halo” effect. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties.
4. **Internal Illumination.** Internally illuminated signs shall permit light to shine fully through the lettering and graphic element of the sign. The background for such lettering and graphics shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white boarder of up to one inch in width may be placed around said lettering or graphic elements.
5. **Brightness Limitation.** In no instance shall lighting intensity of any illuminated sign exceed:
  - a. Three (3) footcandles at the front lot line and one (1) footcandle at all other lot lines, measured five (5) feet above the surface of the ground.
  - b. Seventy-five (75) footcandles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign face. When the sign is located on a lot adjoining a property used exclusively for residential purposes, this limit is reduced to fifty (50) footcandles.
6. **Glare.** All artificial illumination shall be designed, located, shielded, and directed so as to prevent the casting of glare or direct light upon adjacent public rights-of-way or surrounding property.
7. **Reflectors and Lights.** Gooseneck and similar reflectors and lights shall be permitted on freestanding and wall signs provided, however, the reflectors and lights shall concentrate the illumination upon the area of the sign so as to prevent glare upon the street or surrounding property. It shall be unlawful to maintain any sign which is wholly or partially illuminated by floodlights or spotlights, unless such lights are completely concealed from view from the public rights-of-way.

(e) **Sign Placement:** Signs shall not be designed or placed so as to confuse, obstruct or interfere with traffic signs, traffic visibility, or be lighted in such a manner as to cause glare or impair driver visibility upon public streets.

(f) **Sign Construction:** All non-temporary business signs shall be designed, constructed and erected by a competent professional in the sign industry. Signs attached to exterior building walls shall be anchored or attached in such a manner as will ensure stability of the sign structure and safety to the public. All signs shall be constructed, erected and maintained to safely withstand dead loads and wind pressure as specified by Wisconsin Statutes and the applicable Wisconsin Administrative Codes.

**(9) MAINTENANCE OF SIGNS**

- (a) The owner of any sign shall keep it in good maintenance and repair, including periodic repainting and replacement of worn components. Owners of signs which are not repaired, repainted or maintained pursuant to written notification by the Village may be subject to municipal citation and penalty.
- (b) The Village may cause any sign which poses immediate peril to persons or property because of damage, lack of proper maintenance or other valid reason, to be removed summarily and without notice, the cost of such removal to be assessed against the owner of the building as a special assessment.

**(10) ABANDONED SIGNS**

- (a) Any sign which advertises a business no longer operated, or a product or service no longer available at the business location, or which falls into disrepair and thereby poses a threat to the safety and wellbeing of the public, shall be removed by the owner or lessee within 60 days of receiving written notification from the Village.

**(11) NONCONFORMING SIGNS**

- (a) Existing signs which become non-conforming upon the effective date of this Chapter may be maintained and kept in good repair but shall not be reconstructed, remodeled, relocated or changed in any manner unless such action will make the sign conforming in all respects of this code. Exception, changing a sign does not include replacing the message of the sign, provided the size and shape of the sign within its existing frame does not change.
- (b) A non-conforming sign which is damaged may be repaired and restored to its previously existing condition only if the owner of the sign has shown that the damage did not exceed 50 percent of the appraised value of the sign. If authorized repairs to a damaged sign have not been completed within 6 months, or if the sign is damaged to an extent greater than 50 percent of its appraised value, it shall be removed and shall not be replaced except by a sign which conforms in all respects to this sign code.
- (c) Non-conforming signs located on a property which is either sold or gains a new lessee may not be reused but shall be made to either conform to this section or be removed within 60 days of the date of sale or lease.
- (d) New signs may be erected only upon the complete removal of all other non-conforming signs existing at the time of adoption of this Chapter.

**(12) APPEALS**

At the request of any applicant for a sign permit, the Village Board, upon recommendation of the Plan Commission may consider and, in its judgment, waive or modify the provisions of this section where such action would further the public interest and uphold the purpose and intent of this sign code. The Plan Commission shall review such requests for waivers using the following criteria:

**(a) Area Enhancements:**

1. The sign as proposed will not result in an undue concentration of signage which renders it difficult or confusing to read existing signs.
2. The proposed sign is unique and of exceptional design or style, so as to enhance the area.

- (b) **Site Difficulties:** Unusual site factors preclude the construction of a sign in accordance with this Chapter which would be visible to the roadway adjacent to the site frontage.

**(13) ENFORCEMENT**

Any person, firm, company or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this section shall be subject to forfeiture as set from time-to-time by resolution of the Village Board for each offense, together with the costs of prosecution. Each day that a violation exists shall constitute a separate violation and be punishable as such.

## **SECTION 17.12 OFF-STREET TRAFFIC VISIBILITY, LOADING, PARKING, AND ACCESS REQUIREMENTS**

### **(1) PURPOSE**

This section provides regulations for the design and construction of access, loading, and parking areas within all zoning districts in accordance with the purpose and intent of this Chapter.

### **(2) TRAFFIC VISIBILITY REQUIREMENTS**

On a corner lot in all zoning districts, no fence, wall, parking, vegetation, hedge, planting, or structure (excepting necessary street signs, public utility poles, or existing structures in the B1 District) shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of three (3) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the edge of right-of-way street lines of such corner lots and a line joining the points along such street lines as determined by the following:

- (a) Fifteen (15) feet from the point of intersection when the right-of-way is less than 66 feet wide, or
- (b) Twenty (20) feet from the point of intersection when the right-of-way is 66 to 99 feet wide, or
- (c) Twenty five (25) feet from the point of intersection when the right-of-way is more than 100 feet wide

### **(3) LOADING REQUIREMENTS**

- (a) An individual loading space shall be at least twelve (12) feet wide by sixty five (65) feet long and have a minimum clearance of fourteen (14) feet. The Zoning Administrator may reduce the minimum length to no shorter than twenty five (25) feet if it is demonstrated that the loading space will be used exclusively by shorter trucks.
- (b) The number of such spaces provided shall be based upon the operating characteristics of the individual use and shall be subject to approval by the Plan Commission upon the submittal of site and operational plans.
- (c) The use of public streets for the maneuvering of trucks to service industrial or commercial buildings is expressly prohibited except for established development. Sufficient on-site space shall be provided for such maneuvering.
- (d) Space allocated for any off-street loading berth shall not be used to satisfy any requirement for off-street parking facilities.

### **(4) PARKING REQUIREMENTS**

In all districts and in connection with every use, 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) **Approval:** All business, institutional, multi-family residential and industrial parking areas which are constructed, reconstructed, expanded or extended subsequent to the adoption of this Chapter shall obtain approval of the proposed parking site plan by the Plan Commission. Businesses without approved parking lot plans on file with the Village must submit repaving plans to the Plan Commission for approval.
- (b) **Adequate Access:** Access to a public street shall be provided for each parking space and driveways shall be at least ten (10) feet wide for one and two-family dwellings, twelve feet (12) wide for one-way traffic, and a minimum of twenty two (22) feet wide for all other areas.

**(c) Location:**

1. No parking facilities for a business or industrial use shall be located in a residential zoning district.
2. No parking facilities for business or industrial use shall be located closer than five (5) to any residential property line.
3. In any case where required off-street parking is being provided on a different parcel than the use it is intended to serve and /or of two or more parcels share a common parking facility, and such parking in either case is necessary to satisfy the minimum parking requirements of this Chapter, a joint parking agreement or easement defining the obligations of each party with respect to the use and maintenance of the parking facility shall be prepared by the applicant, approved by the Zoning Administrator, and executed and recorded against the off-site parcel(s) on which parking is being provided. Such recording shall occur with the Jefferson County Register of Deeds prior to the issuance of a building or occupancy permit. The easement or agreement shall include language that prohibits its termination or amendment without prior approval of the Village to ensure that users on all affected parcels are able to maintain adequate parking to serve the specified uses and are able to legally access that parking.
4. No parking shall be allowed within the front yard of residential lots, unless on designated driveways or parking areas.

**(d) Dimensional Requirements:** Parking spaces, driveways and aisles for access to spaces shall have the following minimum dimensions unless specifically varied by the Zoning Administrator, after Plan Commission review and recommendation:

1. Stalls. A required off-street parking space shall be at least nine (9') feet wide and at least eighteen (18') feet long, twenty-three (23) feet long for parallel spaces, exclusive of access drives or aisles, ramps, columns, or work areas and shall have a vertical clearance of at least seven (7') feet. The Zoning Administrator may authorize stalls sized for smaller vehicles (eight by 16 feet) where the number of stalls being provided exceeds the minimum number required and where all of the minimum required stalls are full sized (nine by 18 feet).
2. Access. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90) degree parking, fifteen (15) wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. No parking of more than two (2) spaces shall be designed as to require any vehicle to back into a public street.

**(e) Surfacing:** All off-street parking areas, and driveways, except parking areas accessory to single-family and two-family dwellings, shall be surfaced with a bituminous or Portland cement concrete pavement. Such parking areas shall be graded to appropriately drain all surface waters and shall be kept free of dust, loose stones, and gravel. Such parking areas shall be so arranged and marked to provide for orderly and safe parking and storage of vehicles.

**(f) Phasing:** Required off-street parking areas must be completed within one (1) year of issuance of the building permit; however, the parking areas may be constructed in phases with a phasing plan to be approved by the Zoning Administrator.

1. Areas required for parking, but not immediately improved, shall be reserved for future parking.
2. Undeveloped future parking areas shall be seeded with grass mix, acceptable to the Zoning Administrator, until said area is fully developed into a parking surface.

**(g) Drainage:** Parking areas shall be designed in such a manner so as to not have a negative surface water drainage impact on adjacent properties and to provide functional relief from said area. Storm sewers which serve parking lots shall be designed to accommodate a 10-year storm event without surcharging out of the rim.

(h) **Lighting:** Refer to Section 17.10(14) and Section 17.13.

(i) **Landscaping:** Refer to Section 17.10(6).

(j) **Maintenance of Parking Areas:** Parking facilities and required screening and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, barriers, markings, and planting materials shall be repaired or replaced with new materials in compliance with the provisions of this Chapter.

(k) **Changes in Occupancy or Intensity of Use:** When the parking needs of a building, structure or site is increased due to additional employees, gross floor area, seating capacity or due to a change of occupancy, additional parking spaces shall be required and constructed in the amount necessary to conform to this section.

(l) **Flexibility in Application:** The Village recognizes that, due to the particulars of any given development, the inflexible application of the parking standards set forth in this section may result in a development with parking space far in excess of its needs. This situation wastes money and creates unnecessary impervious surfaces that could more desirably be used for environmentally useful open space. Therefore, the Village may allow deviations from the minimum parking requirements of this section as part of a planned unit development or as a conditional use grant whenever it finds the following:

1. That the deviation will not adversely impact traffic circulation or public safety
2. Adjacent public parking lots or off-street parking is deemed sufficient to satisfy the demand for parking created by such use
3. Technical documentation furnished by the applicant indicates to the satisfaction of the Plan Commission that actual off-street parking demand for that particular use is less than the required standard set forth in this section.

Provided however, that the area in question that would have been used to meet the minimum parking requirements is maintained as open space to allow the potential conversion to parking with a change in business operations or land use.

4. **Flexibility within the B1-Central Business District.** The area in question that would have been used to meet the minimum parking requirements may be used for building purposes in the B1 Central Business District, provided all other applicable bulk requirements are met.

(m) **Required Number of Stalls:** The following parking standards shall be applied unless deviations have been specifically approved by the Plan Commission in accordance with par. (l) above.

1. **Residential Uses.**

- a. **Single-family and Plex Dwellings:** Two (2) spaces per dwelling unit (excluding garages).
- b. **Multi-family Dwellings:** Two (2) stalls per unit. Guest parking requires one parking stall for every four (4) units with a minimum of four (4) spaces per development.
- c. **Community Living Arrangements:** One (1) space per dwelling unit plus one (1) space per employee for the work shift with the largest number of employees.
- d. **Assisted Living Facilities:** One (1) space per three patient beds, plus one (1) space per employee for the work shift with the largest number of employees.

2. Hotels and Motels. One (1) parking space per room or unit plus one (1) parking space for every two employees for the work shift with the largest number of employees, plus one (1) space per three persons of maximum capacity of each public meeting and/or banquet room.
3. Private Clubs and Lodges. One (1) parking space per lodging room and one (1) parking space per three (3) seats in accordance with design seating capacity of the main meeting room plus one parking space per employee for the work shift with the largest number of employees.
4. Schools, Institutions and Related Uses.
  - a. Colleges, Universities and Trade Schools: One (1) space for each teacher and staff member during the highest class attendance period, plus one (1) space for each two students during the highest attendance.
  - b. Children's Nursery Schools or Day Schools: One (1) space per employee for the work shift with the largest number of employees, plus one (1) space per six (6) students at the highest class attendance period.
  - c. Churches and Temples: One (1) space per four (4) seats based on the maximum capacity of the facility.
  - d. Elementary Schools and High Schools: One (1) space per teacher and staff member, plus one-half (1/2) space per classroom, plus one (1) space per six students sixteen years of age and older.
  - e. Libraries: One (1) space per 250 square feet of gross floor area or one (1) space per four (4) seats of maximum capacity, whichever is greater, plus one (1) space per employee for the work shift with the largest number of employees.
5. Auditoriums, Theaters and Other Places of Assembly. One (1) space per three (3) seats based on maximum capacity of facility.
6. Recreational Uses (Commercial and Non-Commercial).
  - a. Bowling alleys: Five (5) spaces for each lane, plus one (1) space per employee for the work shift with the largest number of employees.
  - b. Golf courses: Four (4) spaces per hole plus one (1) space per employee for the work shift with the largest number of employees.
  - c. Golf Driving Ranges: One (1) space per tee plus one (1) space per employee for the work shift with the largest number of employees.
  - d. Health and Athletic Clubs: One (1) space per three (3) persons that can be accommodated at the same time and one (1) space per employee for the work shift with the largest number of employees.
  - e. Miniature Golf Courses: One and one-half (1.5) spaces per hole plus one (1) space per employee for the work shift with the largest number of employees.
  - f. Skating Rinks, Ice or Roller: One (1) space per 200 square feet of gross floor area.



7. Retail, Entertainment and Customer Service Establishments. One (1) space per 200 square feet of gross leasable area plus one (1) space per employee, except as specifically set forth below:
  - a. Convenience Store/Gas Station: One (1) space per 150 square feet of gross floor area. If associated with a gasoline station, gasoline pump parking shall be considered as parking stalls.
  - b. Financial Institutions: One (1) space per 300 square feet of gross leasable area plus one (1) space per employee for the work shift with the largest number of employees.
  - c. Funeral Homes: One (1) space per three (3) patron seats of maximum capacity or thirty-five (35) spaces per chapel unit, whichever is greater.
  - d. Grocery Stores or Supermarkets: One (1) space per 150 square feet of gross floor area.
  - e. Motor Vehicle Repair, Maintenance and Service Stations: Two (2) spaces per indoor service bay plus one (1) space per employee for the work shift with the largest number of employees.
  - f. Motor Vehicle Sales Establishments: Two (2) customer parking spaces per salesperson for the work shift with the largest number of employees plus one (1) employee parking space per employee (including salespersons) for the work shift with the largest number of employees.
  - g. Personal Services: One (1) space per 200 square feet of gross leasable area plus one (1) space per employee for the work shift with the largest number of employees.
  - h. Repair Services: One (1) space per 300 square feet of gross floor area plus one (1) space per employee for the work shift with the largest number of employees.
  - i. Restaurant, Fast Food/Carryout: One (1) space per 75 square feet of gross floor area plus one (1) space per two employees for the work shift with the largest number of employees. Sufficient space shall be provided for a minimum of five waiting vehicles at each drive—thru.
  - j. Restaurant, Standard/Dine-In: One (1) space per 100 square feet of gross floor area plus one (1) space per employee for the work shift with the largest number of employees.
  - k. Shopping Centers/General Retail: One (1) spaces per 250 square feet of gross leasable area.
  - l. Taverns, Dance Halls, Night Clubs and Lounges: One (1) space per 100 square feet of gross floor area plus one (1) space per employee for the work shift with the largest number of employees.
8. Offices and Medical Related Uses.
  - a. Animal Hospitals/Clinic: Three (3) patron parking spaces per doctor, plus one (1) space per employee for the work shift with the largest number of employees.
  - b. Government, Professional and Business Offices: One (1) space per 250 square feet of gross leasable area.
  - c. Hospitals: Two (2) spaces per three (3) patient beds, plus one (1) space per employee for the work shift with the largest number of employees.
  - d. Medical, Dental and Similar Professional Health Service Offices: One (1) space per 200 square feet of gross leasable area, plus one (1) parking space per employee for the work shift with the largest number of employees.

9. Industry and Related Uses:

- a. Manufacturing, Processing, Fabrication, and Storage Operations: One (1) space per employee for the two (2) consecutive work shifts with the largest number of employees.
- b. Wholesale Business: One (1) space per employee for the work shift with the largest number of employees, plus one (1) space per 2,500 square feet of gross floor area.
- c. Warehouse: One (1) space per employee for the work shift with the largest number of employees, plus 1 space per 5,000 square feet of gross floor area.
- d. Mini-Warehouse: One (1) space per 1,000 square feet of gross floor area.

**(n) Parking Spaces for Use by Physically Disabled Persons:** In addition to any other requirements relating to parking spaces contained in this section, the provisions contained in Wisconsin Statutes sections 101.13, 346.503 and 346.56, and any Wisconsin Administrative Code sections adopted pursuant thereto are adopted by reference and made applicable to all parking facilities whenever constructed.

**(o) Uses Not listed:** For structures or uses not mentioned in par. (m) above, the provision for a use that is similar shall apply or the Plan Commission may rely on standards and parking ratios that appear in the most recent edition of the Institute of Traffic Engineers Parking Generation Manual or the American Planning Association Planning and Urban Design Standards.

**(p) Combined Uses:** Combinations of any of the uses in par. (m) above shall provide the total of the number of stalls required for each individual use. Two or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:

1. The proposed joint parking space is within 500 feet of the use it will serve.
2. The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
3. A properly drawn legal instrument approved by the Village Board, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Zoning Administrator. Refer to Section 17.12(4)(c)(3).

**(q) Storage and Parking of Recreational Vehicles:**

1. Permitted Parking or Storage. In all districts it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:
  - a. No part of the unit shall extend over the public sidewalk or into public right-of-way.
  - b. No part of the unit shall extend within five (5) feet of any side or rear lot line.
  - c. No recreational vehicle may be permanently parked (i.e. more than 96 continuous hours) between the house and road (i.e. front yard), unless parked on an established driveway.
  - d. Parking is permitted only for storage purposes. Recreational vehicles, trailers, or boats shall not be:
    - i. Used for dwelling purposes.

- ii. Permanently connected to sewer lines, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
    - iii. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
  - e. The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.
  - f. Aside from approved campgrounds, no recreational vehicle may be used for camping purposes, except for camping on a temporary basis not to exceed seven (7) or more consecutive days, in accordance with Chapter 9.24 of the Palmyra Municipal Code. Any recreational vehicle used for temporary camping purposes shall be limited to one camper per lot, located a minimum of 100 feet from any building on an adjacent property used for dwelling purposes. The recreational vehicle must be stored on the private property of its owner outside of the public right-of-way.
2. On-Street Parking. In all districts, recreational vehicles shall not be permanently parked (i.e. more than 96 continuous hours) along public streets where on-street parking is permissible.

**(r) Storage and Parking of Trucks, Tractors, and Road Machinery:**

- 1. Truck Parking in Residential Areas (excluding RH Rural Holding). No motor vehicle with an empty weight in excess of 12,000 pounds, over eighteen (18) feet in length, or having a height of more than eight (8) feet from the roadway, bearing a commercial license, including school buses, and no commercially licensed trailer, including semitrailers, shall be parked in an unenclosed structure in a residential district, except when loading, unloading, or rendering a service.
- 2. Tractors and Road Machinery Parking in Residential Areas (excluding RH Rural Holding). No tractors, tractor-trailers, semitrailers, dumptrucks, auto wreckers, and road machinery shall be parked in an unenclosed structure in a residential district, except when loading, unloading, or rendering a service.
- 3. On-Street Parking. In all districts, trucks, tractors and road machinery shall not be permanently parked (i.e. more than 96 continuous hours) along public streets where on-street parking is permissible.

**(s) Storage and Parking of Unlicensed or Inoperable Vehicles:** The unenclosed parking or storage of unlicensed, unregistered, unroadworthy, inoperable or junk vehicles is expressly prohibited within the Village of Palmyra.

**(5) STREET ACCESS**

**(a) Single and Two-Family Residential Properties:**

- 1. Number of Driveways. Single-family uses are limited to one driveway per lot unless otherwise regulated in this Chapter. Two-family uses are permitted two driveways per lot unless otherwise regulated in this Chapter.
- 2. Location. Intervals between a driveway and street intersection shall be no less than twenty-five (25) feet as measured along the ultimate road right-of-way.
- 3. Setback. Driveways shall have a minimum setback of five (5) feet from the side lot line on all parcels, except where lesser distances are required for shared driveways or duplex developments.
- 4. Width. Openings for vehicular ingress and egress shall be at least eight (8) feet wide at the property line, but shall not exceed three (3) feet wider than the garage door opening or 24 feet, whichever is greater, at the property line, with a maximum additional six (6) feet at the curb opening.

5. Circular Drives. Circular, horseshoe, and similar type driveways shall be permitted where the minimum lot width is at least 150-feet and where approved by the Zoning Administrator. The maximum width of such a driveway shall not exceed twelve (12) feet, except for the area of allowable paving in front of the garage, and the inside edge of the arc of the driveway shall be at least twenty five (25) feet from the lot line. For driveways with two curb openings, the spacing shall provide a minimum dimension of fifty (50) feet between the inside driveway edges, measured at the lot line.
6. Uncovered Parking. One uncovered parking space is permitted alongside a garage when said space is not located between the building and the street or the building and the rear lot line and is no closer than five (5) feet from a side lot line. Said space should be screened from view.

**(b) Multi-Family Residential, Commercial, Industrial, and Public/Institutional Properties:**

1. Number of Driveways. The maximum number of driveways shall be established by the Zoning Administrator.
2. Location. All drives shall be located a minimum of 100-feet, as measured from the nearest point, from all other driveways. Intervals between a driveway and street intersection shall be no less than seventy-five (75) feet as measured along the ultimate road right-of-way. The regulations within this section may be modified by the Plan Commission for new development within the B1 District.
3. 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 streets or highways.
4. Setback. Driveways shall have a minimum setback of ten (10) feet from the side lot line on all parcels, except where lesser distances are required for shared driveways or for driveways within the B1 District where the Plan Commission approves a reduced setback.
5. Width. The maximum width of a driveway for all multi-family residential, commercial, industrial, and public/institutional uses shall not exceed thirty (30) feet. When the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than specified in this subsection, the Plan Commission in its discretion may permit a driveway of additional width.
6. Curb Openings. The maximum curb opening shall be determined by adding ten (10) feet to the approved driveway width.

**(c) Regulations Applicable to All Land Uses:**

1. Angular Placement. The angle between the centerline of the driveway and the curblines should be 90 degrees, but not be less than 75 degrees.
2. Utilities. Drive openings and approaches shall maintain a six (6) foot clearance to fire hydrants or utility poles. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.
3. Maximum Slope. The slope, measured at any point between the property line and garage entrance shall not exceed twelve percent (12%).

4. Surfacing. Driveways shall be paved with a minimum thickness of 3 inches of asphaltic concrete, concrete, or bituminous surfacing over a minimum thickness of 4 inches of an aggregate base material. However, where new driveways are constructed in the RH District the driveway shall be hard surfaced. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction.
5. Maintenance. All driveways shall be kept in good repair and working order. A legal agreement shall be required for all shared drives outlining maintenance responsibilities for adjacent property owners. Said agreement shall be recorded against the properties with the Jefferson County Register of Deeds.

**(d) Additional Regulations for Access along Arterial Streets or Highways:**

1. Permission. No direct private access shall be permitted to the existing or proposed rights-of-way of any street without permission of the highway agency that has access control jurisdiction and the Village.
2. Minimum Spacing of Access Points. Access shall be permitted to the existing or proposed rights-of-way in accordance with the following schedule, except within the B1 District where the Plan Commission may approve reductions in the minimum spacing requirements:

<u>Highway Speed Limit (mph)</u>	<u>Minimum Spacing (feet)</u>
25	105
30	125
35	150
40	185
45	230

3. Minimum Sight Distance at Access Points. Except within the B1 District, along arterial and collector streets, private access points shall be located and designed in such a manner to ensure driver sight distance in both directions along the intersecting street a minimum of 300 feet or, if the speed limit on the abutting street is less than 40 mph, 200 feet.
4. Access Points Across the Street from one Another. Along arterial streets or highways, driveways on opposite sides of these roadways should be directly opposite each other where possible or separated by at least 150 feet of lateral distance.
5. Frontage Roads. Frontage roads or interior access roads should be utilized to minimize the number of direct access points to arterial streets and highways. Property owners shall dedicate land for frontage roads as required by the Plan Commission.

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## SECTION 17.13 SITE MAINTENANCE AND PERFORMANCE STANDARDS

### (1) PURPOSE

In order to protect the health, safety and welfare of the natural environment and residents of the Village of Palmyra and to maintain the desirability, amenities and property values of the residential, commercial and industrial neighborhoods of the Village, it shall be the responsibility of the owner of any premises to maintain their property in accordance with the standards in this section.

### (2) SITE MAINTENANCE

- (a) **General Maintenance:** The exterior of every structure or accessory structure shall be maintained free of broken glass, loose shingles, excessive paint peeling, crumbling stone or brick, loose boards or other conditions reflective of deterioration or inadequate or deferred maintenance.
- (b) **Litter Control:** The property owners and the prime contractors in charge of any construction site in the Village shall maintain the construction site in such a manner to prevent litter from being blown off the site. Accordingly, all litter from construction activities shall be picked up at the end of each workday and placed in appropriate containers. Every owner, occupant or lessee of a building used for residential, commercial or industrial purposes shall maintain litter collection and storage areas in a clean condition and insure that all litter on the premises is controlled and properly disposed of.
- (c) **Outside Storage:** No unenclosed storage of materials, equipment or supplies including, but not necessarily limited to unused or junked appliances, furniture, lumber, bricks, and cement blocks, shall be permitted where such storage is readily visible from any public street or from any surrounding private property. Dumpster and recycling areas for development occurring subsequent to this Chapter being adopted shall be adequately screened, and/or located in a side or rear yard. Outside storage of recreational vehicles, tractors, road machinery, unlicensed or inoperable vehicles may be allowed in accordance with Section 17.12(4)(q-s) of this Chapter. Outside storage of construction waste receptacles shall be in accordance with Section 17.05(7), Outdoor Storage.

### (3) PERFORMANCE STANDARDS

#### (a) **Noise:**

1. **Measurement.** Noise shall be measured using a sound level meter meeting the standards of the American National Standards Institute's (ANSI S1.4-1983 as amended) "American Standard Specification for General Purpose Sound Level Meters." The instrument shall be set to the A-weighted filter response scale and the meter to the slow response. Measurements shall be conducted in accord with ANSI S1.2-1962 "American Standard Method for the Physical Measurement of Sound." Measurements of sound may be made at any point along a district boundary or site boundary line of the noise generating property. For measuring impact sounds, however, the impact sound shall be measured using the fast response of the sound level meter. Traffic, aircraft, and other background noises must not be considered in measuring noise levels unless the background noise is a part of the noise being measured.
2. **Maximum Permitted Sound Levels in all Zoning Districts.** At no point either on the boundary of a zoning district or site boundary line shall the sound level of a use exceed the decibel level shown in Table 17.13-A for the zoning districts indicated. The sound levels set forth in Table 17.13-A may be exceeded by ten (10) dBA for a single period, not to exceed fifteen (15) dBA in any one (1) day.

**Table 17.13-A: Maximum Permitted Sound Levels in dBA by Zoning District (7am-10pm, otherwise minus 5 dBA).**

Zoning Categories of Source	Zone Categories of Receiver (measured at property line)				
	District	RH, R1-4, R1-5, R2-6, R3-12	PI & C1	B1, B2, B3	I1
RH, R1-4, R1-5, R2-6, R3-12		55	60	60	65
PI & C1		60	65	65	65
B1, B2, B3		60	65	70	70
I1		65	65	70	75

3. **Exemptions.** Noises exempt from the requirements of this section include the following:
  - a. Noises of vehicles to the standard noise reduction of manufacturer's specifications.
  - b. Home appliances.
  - c. Chain saws, lawnmowers, and snow blowers in normal private use (not commercial repair services).
  - d. Noises from emergency, safety, or warning devices.
  - e. Unamplified human voice.
  - f. Bells or chimes.
  - g. Noises from temporary construction or maintenance activities during daylight hours.
  - h. Noises not directly under the control of the property owner.
  - i. Occasional Outdoor Activities Exempted. The provisions of this section shall not apply to occasional public outdoor gatherings, festivals, shows, and sporting and entertainment events, provided the events are conducted pursuant to any permits issued by the Village of Palmyra concerning the event (permits are not required for regularly scheduled school athletic events).

**(b) Vibration:**

1. **Measurement.** Earth-borne vibrations are measured with a seismograph or accelerometer and are measured in three (3) mutually perpendicular directions (one (1) vertical and two (2) horizontal). Vibration shall be measured at the site boundary lines. All uses shall conform to the standards set forth in this section.
2. **Permitted Steady State Vibration Displacement.** Except temporary construction activities and agricultural activities, no activity shall cause or create a displacement greater than the permitted steady state vibration displacement for the frequencies set forth in Table 17.13-B.

**Table 17.13-B: Maximum Permitted Steady State Vibration Displacement.**

Frequency (cycle per second)	Vibration Displacement (inches)
Below 10	0.0008
10-20	0.0005
20-30	0.0003
30-40	0.0002
40 and over	0.0001

3. **Impact Vibrations.** For impact vibrations, the maximum permitted vibration displacement shall be twice that permitted for steady state vibrations.



4. Temporary Construction Activities. Vibrations resulting from temporary construction activity that occurs between 7:00 a.m. and 7:00 p.m. shall be exempt from the requirements of this section if steady state vibrations and impact vibrations shall not exceed twice the permitted displacement for permanent operations.
5. Prohibitions on Vibration beyond Property Boundaries. Except temporary construction activities, no activity shall be permitted which creates a vibration beyond the boundaries of the site of the activity sufficient to cause a displacement of 0.003 of one (1) inch.
6. Public Nuisance Prohibited. In no case shall vibrations be allowed to create a public nuisance or hazard beyond the property boundaries.

(c) **Electromagnetic Interference**: No land use shall be permitted which creates any electromagnetic interference that adversely affects the operation of any equipment other than that belonging to the creator of such interference, or that does not conform with all Federal Communications Commission regulations.

(d) **Water Protection**:

1. General Water Quality Standards. No activity shall locate, store, discharge, or permit the discharge of any untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
2. Minimum State Requirements Met. No activity shall withdraw or discharge any liquid, gaseous, or solid materials to exceed, or contribute toward the exceeding of, the minimum standards set forth in par. (1) above, and those other standards and the application of those standards set forth in Chapter NR 102 of the Wisconsin Administrative Code as amended.

(e) **Exterior Lighting**:

1. Purpose. The purpose of this section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances in all zoning districts.
2. Applicability. The requirements of this section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way and/or lighting located on public property.
3. Depiction on Required Design Site Plan. Any and all exterior lighting shall be depicted as to its location, orientation and configuration on a Site Plan required for the development of the subject property.
4. Requirements.
  - a. Orientation of Fixture. All fixtures shall be 90-degree downcast. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaires and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
  - b. Location. Light fixtures shall not be located within required buffer yards. In no case shall a lighting fixture be located closer than three feet (3') to a property line in any district.

- c. Hours of Operation. All external lighting, except for demonstrated security needs, shall be extinguished within 30 minutes after close of business.
- d. Flashing, Flickering and other Distracting Lighting. Flashing, flickering and/or other lighting which may distract motorists are prohibited, except for approved electronic messaging signs. This paragraph shall not be construed to prohibit flashing bulbs in a seasonal display provided that such bulbs do not exceed five (5) Watts each.
- e. Lamps, Bulbs, and Intensity of Illumination:
- i. Lamps or Bulbs. The use of metal halide lamps or bulbs shall be prohibited except as allowed under (v) below.
  - ii. Minimum Lighting Standards. All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas.
  - iii. Maximum Allowable Standards. The maximum allowable illumination shall be 0.5-footcandles measured with a photometer held vertically at a height of 5'0" above grade, with its recording cell aimed towards the site from the property line.
  - iv. Maximum Average Illumination. The maximum average on-site lighting in non-residential zoning districts shall be 2.4 foot-candles (500 watts high pressure sodium, 250 watts low pressure sodium). The maximum average on-site lighting in residential zoning districts shall be 0.90 foot-candles (185 watts high pressure sodium, 90 watts low pressure sodium).
  - v. The following exceptions shall be permitted:
    - Illumination from approved signs: Refer to Section 17.11(8)(d)(5).
    - Outdoor recreation facilities and assembly areas: Maximum average on-site lighting of 3.60 footcandles (750 watts metal halide or high pressure sodium, 375 watts low pressure sodium). All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.
    - Gas station pump islands: Maximum average on-site lighting of 25.0 foot-candles shall be permitted. All under-the-canopy fixtures shall be fully recessed. Only high- and low-pressure sodium vapor lamps or bulbs shall be permitted.
    - Auto display lots. The use of metal halide lamps or bulbs shall be permitted to illuminate vehicles for display. The use of metal halide lamps or bulbs shall be prohibited between the hours of 10:30pm and 6:00am. The maximum average on-site lighting shall be 25.0 foot-candles.
- f. Ground Mounted Lighting. All ground mounted luminaries designed or intended for purposes of illuminating buildings, signs, flagpoles, or other on-site amenities shall be completely screened with vegetative cover or other materials as approved under Section 17.10(6), in order to fully shield the light source from public view.
- g. Building Lighting. All luminaries designed or intended for purposes of lighting any building on the premises shall limit, to the greatest extent possible, spill-over of light into the sky. Building mounted lighting shall be appropriately shielded to prevent glare.

- h. Fixture Heights. No light structure shall exceed twenty (20) feet in height in residential districts (R1-4, R1-5, R2-6, R3-12), or twenty five (25) feet in height in non-residential districts (RH, B1, B2, B3, I1, P1, C1), unless permitted to exceed such height by the Plan Commission.
  - i. Fixture Base. All lighting fixtures shall be located on a base not to exceed six inches (6") above grade. Fixtures should be placed within landscape islands and otherwise protected by curbing or placement outside of the parking lot.
- 5. Nonconforming Lighting. All lighting fixtures lawfully existing prior to the effective date of this Chapter shall be considered as legal conforming uses and grandfathered fixtures. However, the replacement or relocation of a grandfathered fixture shall result in a discontinuation of such grandfathered status, and such replacement or relocated lighting shall meet the requirements of this section. Moreover, any grandfathered fixtures that direct light toward streets or fixtures in parking lots that cause disability glare to motorists shall be shielded or redirected so that the fixtures do not cause a potential safety hazard to motorists.
  - 6. Special Events Lighting. Any temporary or special events lighting which is not in compliance with the requirements of this section shall secure a temporary use permit from the Village.

**(f) Glare:**

- 1. Measurement. Glare illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, using the standard spectral luminous efficiency curve adopted by the International Commission on Illumination. Illumination levels shall be measured in footcandles with a direct-reading, portable light meter. The meter shall have a color and cosine-corrected sensor with multiple scales and shall read within an accuracy of plus or minus five (5) percent. It shall have been tested, calibrated, and certified by an independent commercial photometric laboratory or the manufacturer within one (1) year of the date of use.
- 2. Glare Standards. All uses shall conform to the following minimum standards:
  - a. Maximum Illumination Increase. Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause an illumination increase greater than 0.2 footcandles as measured at a location beyond the site boundary line as measured during the day or at night.
  - b. Reflective materials that cause glare prohibited. Except as used in solar energy systems, reflective roofs, sidings, glass and building surfaces are not permitted.
- 3. Declaration of Public Nuisance. Any operation producing intense glare shall be done within a completely enclosed building and effectively screened as not to create a public nuisance or hazard along property boundaries.

**(g) Odor:** This section is applicable to all zoning districts and use, except for permitted agricultural uses following normal management practices.

- 1. Minimum State Requirements Met. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Wisconsin Administrative Code section NR 429.03.

**(h) Heat:**

- 1. Location. Any activity producing intense heat shall be conducted within an enclosed building as not to raise the temperature of the air beyond the site boundary line.

2. Increases in Humidity in the form of Steam or Moist Air from Cooling Towers or Equipment. Increases in humidity in the form of steam or moist air from cooling towers or equipment shall be controlled so that they do not create an ice hazard. Cooling towers shall be controlled by either reheating the plume or using a closed system.
  3. Standards. There shall be no transmission of heat or heated air so as to be discernible (by the Zoning Administrator or a designee) at the lot line.
  4. Declaration of Public Nuisance. Any operation producing intense heat or humidity shall be done within a completely enclosed building and effectively screened as not to create a public nuisance or hazard along property boundaries.
- (i) **Toxic, Hazardous, and Radioactive Materials:** Any land use or other activity which involves the use of toxic, hazardous, or radioactive materials shall comply with all applicable standards set forth in State and Federal statutes and regulations regarding the use, storage, transportation, emission, and disposal of such materials. The operator of any such land use or activity shall obtain, maintain and comply with all necessary licenses and permits from the appropriate State and Federal agencies.
- (j) **Fire and Explosive Hazards:**
1. General. All flammable solid, liquid, and gaseous substances shall be stored and used in accordance with all applicable Federal, State and local statutes, regulations and ordinances.
  2. Solid Materials. In all non-residential zoning districts, the storage or use of solid materials or products ranging from incombustible to moderate burning is permitted. In all non-residential zoning districts, the storage or use of solid materials or products ranging from free or active burning to intense burning is permitted, if:
    - a. Any building in which such materials or products are stored or used is constructed with no less than a two-hour fire-resistance rating on all exterior walls and is protected with an automatic fire extinguishing system; and
    - b. Any area where such materials are stored or used outdoors is located no less than fifty (50) feet from the nearest lot line.
- (k) **Liquid and Gaseous Materials:** The storage or use of flammable liquids shall be permitted in conjunction with any non-residential use up to the amounts set forth in Table 17.13-C, exclusive of storage of finished products in original sealed containers, which shall be unrestricted. When flammable gases are stored or used, the quantity in cubic feet at standard temperature and pressure shall not exceed thirty (30) times the quantities listed in Table 17.13-C (one gallon of solvent equaling 30 cubic feet of vapor). Storage tanks for flammable liquids and gasses shall be located no closer than fifty (50) feet to any lot line.

**Table 17.13-C: Total Capacity of Flammable Materials Permitted (in gallons)**

	Above Ground in Enclosed Buildings	Underground
Materials having a closed cup flashpoint over 187° F but less than 300° F	5,000	100,000
Materials having a closed cup flashpoint from 105° F to and including 187° F	2,500	100,000
Materials having a closed cup flashpoint less than 105° F	1,000	100,000

- (l) **Explosive Materials:** In addition to all other requirements of this section, any activity involving the storage or use of materials or products which decompose by detonation is prohibited in all districts, except where specifically licensed by the local governing body. Such materials include, but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof such as nitrocellulose, black powder, boron hydrides, hydrazine, and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetylides, tetrazoles, and perchloric acid; per chlorates; chlorates; hydrogen peroxide in concentrations greater than 35 percent; and nuclear fuels, fissionable materials, and products and reactor elements such as Uranium 235 and Plutonium 239.

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## **SECTION 17.14 ENGINEERING REQUIREMENTS**

### **(1) PURPOSE**

To provide minimum engineering requirements for the construction of land uses and the installation of utilities in order to protect the health, safety and welfare of the natural environment and residents of the Village of Palmyra and to maintain the desirability, amenities and property values of the residential, commercial and industrial neighborhoods of the Village.

### **(2) ESTABLISH GRADES**

Every building hereafter erected, structurally altered or relocated shall be at a grade approved by the appointed Village Engineer, Public Works Superintendent, or Building Inspector as being in satisfactory relationship with abutting properties and with the established street grades, or with the existing street grade where none is established, with particular consideration for proper drainage and safe vehicular access. Building footings shall be placed a minimum of one (1) foot above the water table.

### **(3) DRAINAGE**

- (a)** To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall remain undisturbed.
- (b)** To the extent practicable, lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.
- (c)** 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 land shall be made which would result in increasing any portion of the slope to a ratio greater than three (3) horizontal to one (1) vertical within a distance of twenty (20) feet from the property line, except with approval of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (d)** Whenever practicable, the drainage system of the development shall coordinate with and connect to the drainage systems or drainage ways of surrounding properties or streets.
- (e)** The damming, filling, relocation or interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with approval of the Village Engineer or Public Works Superintendent and the Wisconsin Department of Natural Resources, the Army Corp of Engineers or any other agency having jurisdiction. If, in the opinion of the Village Engineer and/or Public Works Superintendent, any of the above conditions have occurred, whether accidentally, intentionally, or by natural deterioration over time, action must be taken by the property owner on whose property this change has occurred to reestablish an adequate drainage system acceptable to the Village Engineer and/or Public Works Superintendent, and applicable regulatory agency.
- (f)** Construction specifications for drainage swales, curbs and gutters and storm drains are subject to the Village Engineer and/or Public Works Superintendent approval.

- (g) All developments shall be constructed and maintained in accordance with established erosion control and stormwater standards, see Section 17.14(10).
- (h) The intentional discharge of water from a pool, pond, sump pump, excavation or any receptacle shall discharge to a storm sewer where available. Where the property is not serviced by a storm sewer, the discharge shall be directed to a roadside drainage ditch. Where a storm sewer, drainage ditch or other drainage facility is not adjacent to a public roadway, the discharge shall only be directed to such storm sewer, drainage ditch or other drainage facility with the written approval of the Village Engineer and/or Public Works Superintendent. This applies to all discharges either pumped or by gravity. The discharge, either piped or open ditch, shall be located in such a manner that the drainage shall be totally contained on the owner's property toward the roadside ditch or drainageway. The Village reserves the right to regulate the rate of discharge.
- (i) The discharge from rain water conductors shall not intentionally be directed toward adjacent structures or create a nuisance. Where offset of the structure allows, the conductor must not end closer than five (5) feet to an adjacent property line and should be parallel to it, if feasible.

#### **(4) SEWAGE DISPOSAL**

- (a) No principal building involving human use or occupancy shall be permitted on a lot unless provision is insured for safe and adequate facilities for water supply and disposal of sewage. Satisfactory evidence to this effect shall be submitted to the Village Engineer, Public Works Superintendent, and/or Utility Committee who shall verify that such facilities are satisfactory and in conformity to all applicable ordinances.
- (b) No outhouse, privy or portable chemical toilet shall be hereafter erected, nor any existing such facility used except for temporary use on construction sites, approved recreation areas, or for Village authorized special events.
- (c) Lots to be served by private sewage disposal facilities shall comply with applicable State of Wisconsin and Jefferson County requirements. The sewage disposal site shall be contained within the lot lines of the lot to be served.
- (d) A holding tank, in accordance with County and State regulations, shall be allowed to replace a failing septic or mound system as the only reasonable alternative for serving an existing platted lot as of the effective date of this Chapter.
- (e) Construction of residential or business structures on a lot located within 400 feet of a Village sewer line requires connection to the sewer line if legally possible and practicable.
- (f) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities shall be located and constructed so that extensions can be conveniently and reasonably made in the future.
- (g) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

#### **(5) WATER SUPPLY**

- (a) No habitable structure shall be constructed or land division approved unless provision is made for a safe and adequate supply of drinking water on the premises.



- (b) Whenever it can reasonably be anticipated that water utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities shall be located and constructed so that extensions can be conveniently and reasonably made in the future.
- (c) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**(6) OTHER UTILITIES**

- (a) Every principal use and every lot within a subdivision shall have available to it a source of electric power and telephone service adequate to accommodate the reasonable needs and use of every lot within the subdivision.
- (b) All electric power lines (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), natural gas, telephone, and cable television lines in subdivisions constructed after the effective date of this Chapter shall be placed underground in accordance with the specifications and policies of the respective utility companies.
- (c) All electric power, natural gas, telephone, and cable television lines installed to serve new development shall be placed underground in accordance with the specifications and policies of the respective utility companies. Cable line shall be placed underground in accordance with the Village's cable contract.

**(7) FILLING AND EXCAVATING**

No person, firm or corporation shall transfer to dump or place upon any lands, public or private, solid fill within the limits of the Village of Palmyra unless such fill is in compliance with Village policies, specifications, and Section 17.14(10).

**(8) EASEMENTS**

- (a) In any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.
- (b) Drainage and utility easements may be required by the Village in connection with specific site plan approval. Generally, no landscaping or structures are allowed within the easement.

**(9) STREETS AND ACCESS DRIVES**

- (a) All streets shall be constructed in accordance with Village engineering standards. The Plan Commission may waive or modify these specifications if, in its judgment, it is not adverse to the public health, safety and welfare.
- (b) The right-of-way of all streets shall be the width specified on the official plat map recorded in the Jefferson County Register of Deeds Office or as established by the Village Board on an official street map.
- (c) Streets shall be designed and located in relation to existing and planned streets, topographical conditions and natural terrain features such as streams and existing tree growth, public convenience and safety.
- (d) Local and minor residential streets may be required to connect with surrounding streets when necessary to

permit the convenient movement of traffic between residential neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons. Connections may be denied where the effect would be to encourage the use of such streets by substantial through traffic.

- (e) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the Village may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles.
- (f) The grade of major and collector streets shall not exceed six (6) percent and the grade of all other streets shall not exceed ten (10) percent, unless necessitated by exceptional topography and approved by the Plan Commission. The minimum grade of all streets shall be no less than one-half (1/2) percent and such minimum shall not be permitted for sustained distances.
- (g) New street names shall not duplicate the names of existing streets in the Village or Town of Palmyra; but streets that are continuations of others already in existence and named shall bear the name of the existing streets.
- (h) Reserve strips controlling access to streets shall be prohibited except where approved by the Plan Commission.
- (i) Streets shall intersect as nearly as possible at right angles and no two streets may intersect at less than sixty (60) degrees. Not more than two streets shall intersect at any one point unless the Village Engineer certifies to the Plan Commission that such an intersection can be constructed with no extraordinary danger to public safety.
- (j) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.
- (k) Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.
- (l) Sidewalks. A subdivider shall provide sidewalk on both sides of arterial and collector streets. Sidewalks shall have a minimum five (5) feet of width, and shall be constructed of concrete in accordance with Village specifications.
- (m) Bicycle and Pedestrian Trails. In all cases where the Village's approved trail plan, comprehensive plan, park and open space plan, or Official Map includes a bicycle or pedestrian trail within a land division, the subdivider shall grade and surface the trail, show the trail within a dedicated right-of-way or public access easement on the final plat, and dedicate the trail to the public.
- (n) Frontage roads, service drives, parking areas, etc. shall be setback a minimum of ten (10) feet from the adjacent base offset line.

- (o) No poles, planters, walls, fences, rocks, berms or any other structures or landscaping which could create a road hazard or impede road or ditch maintenance (“Manmade Impediments”) shall be permitted on or over any roadside right-of-way without the Public Works Superintendents written consent, except for mailboxes and newspaper tubes.

**(10) EROSION AND STORMWATER RUNOFF CONTROL**

(a) **Purpose:** It is declared to be the purpose of this Chapter to protect the quality of waters of the state, county and Village of Palmyra, to minimize flooding as a result of increased urbanization, and to protect and promote the health, safety and welfare of the people, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites to lakes, streams and wetlands.

(b) **Findings of Fact:** The Village Board finds that construction site erosion and uncontrolled storm water runoff from land development activities adversely affect the water resources and the health, safety, property, and general welfare of the community, and diminish the public enjoyment and use of natural resources. Soil erosion and storm water runoff specifically can:

1. Carry sediment, nutrients, pathogens, organic matter, heavy metals, toxins and other pollutants to regional lakes, streams, creeks, and wetlands;
2. Diminish the capacity of water resources to support recreational uses and a natural diversity of plant and animal life;
3. Obstruct the Village’s existing storm water drainage system, increasing maintenance problems and costs;
4. Cause bank and channel erosion;
5. Increase downstream flooding;
6. Reduce groundwater recharge, thereby potentially diminishing stream base flows and lowering water levels in regional lakes, ponds, and wetlands;
7. Increase the risk of property damage and personal injury; and
8. Cause damage to agricultural fields and crops.

(c) **Applicability:** This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village of Palmyra and, if applicable, public and private lands subject to extraterritorial review under Wisconsin Statutes Chapter 236. All state funded or conducted construction is exempt from this section and must meet the requirements contained in the “State Plan for the Control of Construction Erosion and Stormwater Runoff”, which contains similar requirements as contained in this section.

**(d) Land Disturbing Activities Subject to Erosion, Sediment, On-Site Detention and Runoff Control:**

1. General Requirement. Any owner, occupant or user who undertakes, commences, or performs land disturbing activities; or who permits another person to do the same, on land subject to this section, shall be made to comply with this Chapter. Agricultural land uses are exempt from this section unless state and county agencies fail to gain compliance with accepted standards.

2. Land Disturbing Activities Subject to Erosion and Sediment Control are as follows:
  - a. Subdivisions, land divisions, condominium developments and/or the construction of residential, commercial, industrial or institutional buildings.
  - b. Grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.
  - c. Excavation or filling or a combination of excavation and filling affecting 400 cubic yards or more of dirt, sand or other excavation or fill material.
  - d. Street, highway, road, or bridge construction, enlargement, relocation or reconstruction.
  - e. Laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.
  - f. Utility companies responsible for emergency repair work should enter into a “memorandum of agreement” with the administrative authority clearly stating their responsibilities if their activities may be included under any of the above applicability criteria.
3. Land Disturbing Activities Subject to On-Site Detention and Runoff Control are as follows:
  - a. Residential development having a gross aggregate area of five (5) acres, or more, or,
  - b. Residential development on less than five (5) acres and more than three (3) acres, having fifty percent (50%) or more of the area as impervious surfaces.
  - c. Non-residential development having a gross aggregate area of one (1) acre, or more.
  - d. Developments where, in the opinion of the Village Engineer, the runoff from the activity will exceed the safe capacity of the existing drainage facilities and/or receiving water body; or cause undue channel erosion; or increase water pollution by scour and transport of particles; or endanger the downstream property.
4. Erosion and Sediment Control Regulations for Lands not otherwise subject to this Section. Any owner, occupant or user who permits erosion, sediment deposits, tracking or dropping of dirt on adjacent land, public streets or bodies of water from land not otherwise subject to this section, shall be deemed in violation of this section and subject to the penalties provided in this section.

**(e) Standards, Specifications, and Design Criteria:**

1. Site Erosion Control. Plans will not be approved nor permits issued unless erosion and sedimentation leaving the site during and after the land disturbance will not exceed that which would have been eroded if the land had been left in its undisturbed state and/or are controlled in accordance with established procedures, including but not limited to, Wisconsin Construction Site Best Management Practice Handbook, Soil Conservation Service Technical Guide, County Land Conservation Guidelines. Apart from these guidelines, the following requirements apply:
  - a. All activities on the site shall be conducted in a logical sequence to minimize the area of unstabilized soil at any one time.
  - b. Unstabilized soil may not be left over the winter months. If construction is not anticipated to be completed in the existing season, temporary annual seed or sod must be installed prior to September 30 on all areas that have bare soil.

- c. All disturbed ground left inactive for seven or more days shall be stabilized by seeding or sodding (prior to September 30), or by mulching or covering, or other equivalent control measure approved by the Village Engineer.
  - d. For sites with more than five (5) acres disturbed at one time, or if a channel originates in the disturbed area, one or more sedimentation basins shall be constructed to specifications as outlined in the above referenced publications.
  - e. For sites with less than five (5) acres disturbed at one time, filter fences, straw bales, or equivalent control measures approved by the Village Engineer shall be placed along the side slope and down slope sides of the site. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.
  - f. Any soil or dirt storage piles containing more than ten (10) cubic yards of material should not be located with a down slope drainage length of less than twenty five (25) feet to a roadway, drainage channel, or body of water. If remaining for more than thirty (30) days, the piles should be stabilized with mulch, vegetative cover, tarps or other means. Erosion from piles in existence less than thirty (30) days shall be controlled by placing straw bales or filter fence barrier around the pile.
2. On-Site Detention and Runoff Control. Activities subject to on-site detention and runoff control regulation under this section shall comply with the following standards:
- a. The peak rate of runoff after the proposed activities may not exceed the peak rate of runoff which would have resulted from the same ten (10) year, twenty four (24) hour event occurring over the site with the land in its natural undeveloped state.
  - b. Where on-site detention is required for runoff control, the detention facilities shall safely contain the runoff of a 100 year storm event along with an overflow structure capable of by-passing storms in excess of the 100 year event.
  - c. Design and specifications shall be based on established and accepted procedures, and/or must conform to the standards set forth by the Village Engineer. Any deviation from accepted procedures must be approved by the Village Engineer.
3. Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, or other controls designed and used to remove particles of 100 microns or greater for the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site or receiving channels, or in any manner that may cause damage to property as a result of concentrated water flow.
4. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
5. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric, or equivalent barrier meeting accepted design criteria, standards and specifications.

(f) **Application and Issuance of Permits:** No landowner or land user may commence a land disturbance or land development activity subject to this section without receiving prior approval of a control plan for the site and a permit from the Village Engineer and/or Public Works Superintendent. At least one landowner or land user, controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this section shall submit an application for a permit and a control plan and pay an application fee to the Village Engineer and/or Public Works Superintendent. By submitting an application, the applicant is authorizing the Village Engineer and/or Public Works Superintendent to enter the site to obtain information required for the review of the control plan.

1. Content of Control Plan Required (site > 1 acre). For land disturbing activities covering more than one (1) acre.
  - a. Site boundaries and adjacent lands.
  - b. A map showing existing topography of the proposed site and adjacent properties. Site contour interval may not exceed five (5) feet.
  - c. Vegetative cover and soil type.
  - d. Limits of 100 year floodplain, and watercourses affected by the proposed development.
  - e. Location and dimensions of stormwater drainage systems and natural drainage patterns on and immediately adjacent to the site.
  - f. Locations and dimensions of existing; utilities, structures, roads, highways, paving, lot lines and outlots.
  - g. Proposed conditions of the site shall include locations and dimensions of all proposed land disturbing activities, including finished topography.
  - h. Location and dimensions of all temporary soil and dirt stockpiles.
    - i. Location and dimensions of all construction site management control measures necessary to meet the requirements of this section. All construction details should be shown on the plan.
    - ii. Location, dimensions and description of all channels, pipes, structures, basins or reservoirs, or other conveyances proposed to carry runoff to the nearest adequate outlet, including applicable design assumptions and computations. The applicable design discharge rate, in cubic feet per second, for each structure, pipe, channel, or conveyance. Design flow of all channels and outlets shall be indicated.
    - iii. Areas to be sodded or seeded and mulched or otherwise stabilized with vegetation, describing type of final vegetative cover. Type and quality of mulch and method of anchoring shall be indicated, as well as seeding mixtures, rates, lime and fertilizer application rate for temporary or permanent seeding.
    - iv. Schedule of anticipated starting and completion date of each land disturbing and land developing activity including the installation of construction site control measures needed to meet the requirements of this section.
    - v. Provisions for maintenance of the construction site control measures during construction.
2. Content of Control Plan Required (site <1 acre). For land disturbing activities covering less than one (1) acre, but meeting applicability requirements stated in this section. An erosion control plan statement (with a simple map) shall be submitted to briefly describe the site and erosion controls that will be used to meet the requirements of this section.

3. Review of Control Plan. Within thirty (30) days of receipt of the application, control plan, or control plan statement and fee, the Village Engineer shall review the application and control plan to determine if the requirements of this section are met. The Village Engineer may request comments from other departments or agencies. If the requirements of this section are met, the Village Engineer shall approve the plan, inform the applicant and issue a permit. If the conditions are not met, the Village Engineer shall inform the applicant in writing and may either require additional information or disapprove the plan. Within fifteen (15) days of receipt of needed information, the Village Engineer shall again determine if the plan meets the requirements of this section. If the plan is disapproved, the Village Engineer shall inform the applicant in writing of the reasons for the disapproval.

**(g) Permits:**

1. Duration. Permits shall be valid for a period of 180 days, or the length of a building permit, whichever is longer. The Village Engineer and/or Public Works Superintendent may extend the period one or more times for up to an additional 180 days. The Village Engineer and/or Public Works Superintendent may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this section. If proposed conditions change, and are deemed significant, the Village Engineer and/or Public Works Superintendent has the authority to declare the permit null and void. The Village Engineer and/or Public Works Superintendent shall notify the applicant in writing of the decision and will request that another permit be submitted with the revised control plan.
2. Escrow. As a condition of approval and issuance of the permit, the Village Engineer and/or Public Works Superintendent may require the applicant to deposit an escrow to guarantee a good faith execution of the approved control plan and any permit conditions.
3. Permit Conditions.
  - a. Land disturbing activities may not commence until all conditions of the permit and items on the control plan are carried out, inspected and approved by the Village Engineer and/or Public Works Superintendent.
  - b. The Village Engineer and/or Public Works Superintendent must be notified 48 hours prior to commencing land disturbing activities.
  - c. The Village Engineer and/or Public Works Superintendent shall be notified after control measures are installed, and prior to land disturbing activities so that he may conduct a field inspection to confirm that all proposed measures are installed according to the control plan. Written authorization to proceed with land disturbing activities must be obtained from the Village Engineer and/or Public Works Superintendent prior to commencement of construction.
  - d. Written permission shall be obtained from the Village Engineer and/or Public Works Superintendent prior to modifying the control plan.
  - e. All control measures as identified in the approved control plan shall be installed by the applicant.
  - f. All road drainage systems, stormwater drainage systems, control measures and other facilities identified in the control plan shall be maintained by the applicant.
  - g. Any siltation or erosion damage to adjoining surfaces and drainageways resulting from land developing or disturbing activities shall be repaired by the applicant.
  - h. Erosion control measures shall be inspected by the applicant, and necessary repairs made after each rain of one half (.5) inches or more and at least once a week.

- i. The Village Engineer and/or Public Works Superintendent shall be allowed to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
  - j. A copy of the control plan shall always be kept on-site.
  - k. Upon written notification by the Village Engineer and/or Public Works Superintendent, the applicant shall remove specified erosion control measures after the site has been deemed stabilized.
4. Inspection. The Village Engineer and/or Public Works Superintendent may inspect construction sites at least once a month during the period starting March 1 and ending October 31, and at least two times during the period starting November 1 and ending February 28 to ensure compliance with the control plan. If land disturbing or land development activities are being carried out without a permit, the Village Engineer and/or Public Works Superintendent shall have authority to enter the land pursuant to the provisions of Wisconsin Statutes section 66.0119.
5. Enforcement.
- a. The Village Engineer and/or Public Works Superintendent may post a stop work order if:
    - i. Any land disturbing or land developing activity regulated under this section is being undertaken without a permit.
    - ii. The control plan is not being implemented in a good faith manner.
    - iii. The conditions of the permit are not being met.
    - iv. Control measures are not being maintained in a good faith manner.
  - b. If the permittee does not cease the activity or comply with the control plan or permit conditions within seven days, the Village Engineer may revoke the permit.
  - c. If the landowner or land user where no permit has been issued does not cease the activity within seven days, the Village Engineer and/or Public Works Superintendent may request the Village Attorney to obtain an injunction.
  - d. Ten days after posting a stop work order, the Village Engineer and/or Superintendent of Public Work may issue a notice of intent to the permittee or landowner or land user of the Village's intent to perform work necessary to comply with this section. The Village or its agent may go on the land and commence the work fourteen (14) days from issuing the notice of intent. The costs of the work performed on behalf of the Village, plus interest, are to be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special charge against the property pursuant to Wisconsin Statutes section 66.0627.
  - e. Any person violating the provisions of this subsection (10) shall be subject to a forfeiture in an amount set from time-to-time by resolution of the Village Board for each violation. Each day a violation exists shall constitute a separate offense.
  - f. Compliance with the provisions of this section may also be enforced by injunction.



## SECTION 17.15 SITE PLAN REQUIREMENTS

### (1) PURPOSE

The purpose of a site plan is to illustrate existing property conditions and provide details of proposed construction that will enable the Village to determine conformance with this Chapter. This section applies to commercial, industrial, institutional and multi-family residential development.

(a) Site Plan Review Applicability: Except as provided in par. (b) below, a site plan, prepared and approved as provided in this section, shall be required prior to the issuance of any building permits in connection with:

1. Any commercial, industrial, public/institutional, mixed-use or multi-family residential development and their related accessory uses and structures. If the requested building permit is limited to construction or modification of an accessory structure that is less than 200 square feet in floor area, the Zoning Administrator may, at his or her discretion, review and act on the site plan administratively, or may refer the site plan to the Plan Commission.
2. All conditional uses that include site or building improvements.
3. Any alteration or amendment to the site improvements or design of a previously approved site plan.

(b) Site plan approval shall not be required for remodeling or repair work which does not result in any of the following:

1. Any addition of or to a building or structure or any change in the size or location of any exterior walls or roof components of an existing building or structure.
2. Any modification to exterior site improvements in conformance with a previously approved site plan.
3. Any increase in the capacity of a building, structure or lot to accommodate customers, patrons or others, or an increase in the amount of traffic likely to be generated by the use of the lot.
4. Any change in the dimensions or location of access points to the lot or any building or structure thereon, or
5. Any modification to, or change in the location of, any public improvements located on the site other than those made by a governmental entity having jurisdiction over the improvements.

### (2) REQUIREMENTS

(a) Site Plan Requirements: Except as provided in par. (b) below, all site plans submitted to the Zoning Administrator shall address the following as a requisite for approval:

1. Technical Specifications. Site plans or any portion thereof involving engineering, architecture or land surveying shall be respectively certified by an engineer, architect or land surveyor authorized by the State of Wisconsin to practice as such. The name of such engineer, architect, or land surveyor shall be provided.
2. General Information. The name and address of the owner or developer, the north point, date and scale of drawing, number of sheets, and the date of plan submittal.

3. Site Information. The following site information shall be provided on all site plans:
- a. Zoning and Existing Uses: The zoning and present use of the site and all adjoining properties.
  - b. Development Staging: A graphic outline of any development staging which is planned.
  - c. Environmental and Historic Features: The location of all 100 year floodplain boundaries, wetland locations, watercourses and their names, the outer edges of all mature woodlands and parts of mature woodlands within the lot, and the location and name of any significant landmarks or historic features.
  - d. Topography and Soils Conditions: Existing and proposed topography shown at a contour interval of not less than two (2) feet except where existing ground is on a slope of less than two (2) percent where one (1) foot contours shall be shown. Identification of any areas with slopes in excess of twelve (12) percent. The location and identification of soil types and an accompanying soil report prepared by or under the direction of a professional engineer experienced in soil and foundation engineering may be required for site plans located in areas with severe building limitations (note: the decision to require a soil analysis shall be made exclusively by the Plan Commission. The Village shall also select and directly contract with the analyst at the developer's expense).
  - e. Building Location: The location and dimensional footprint of all proposed and existing structures within and adjacent to the development site, and the location of all building setback lines.
  - f. Building Design, Elevations and Exterior Materials: All building elevations, exterior materials and colors. New buildings shall be compatible and harmonious with properties in the general area and should not be so at variance with other developments in the general area as to cause substantial depreciation in property values or aesthetic quality. Refer to the Village's Comprehensive Plan for more information on preferred Community Design Principles.
  - g. Easements: The location of all existing or planned easements.
  - h. Stormwater Management: Manner of drainage of the property with reference to the effect of provisions for drainage on adjacent properties and the consequences of such drainage on overall Village drainage capacities. Special attention shall be given to the 100-year flooding level and compliance with drainage and grade provisions for same. Storm water management regulations pursuant to the subdivision and other applicable ordinances shall apply to the development and use of land within the incorporated boundaries of the Village.
  - i. Utilities: All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and points where connection is to be made to the Village utility system.
  - j. Transportation and Parking: Existing or proposed street names, existing public street right-of-ways and/or street reservations and centerlines, ingress and egress to the property, off-street parking areas and the number of parking spaces, traffic flow and control, provision of services, and access in case of fire or emergency. Special consideration shall be given to consolidation of access whenever possible on major traffic arteries. A traffic impact analysis if applicable (note: the decision to require a traffic analysis shall be made exclusively by the Plan Commission. The Village shall also select and directly contract with the analyst at the developer's expense).
  - k. Pedestrian and Bicycle Improvements: The location and design specifications of all existing or proposed public sidewalks, private walkways, or bicycle paths.

- l. Lighting: Lighting with respect to location, height, glare and affect on neighboring properties including the number of footcandles at the property edge.
  - m. Landscaping: Existing and proposed landscaping of the site with attention to yard areas along and visible to public rights-of-way, screening of parking areas and mechanical features. Location, size and species of all plant material shall be specified with preference for plant species native to Southern Wisconsin and/or salt tolerant species where located along parking areas or public streets.
  - n. Park and Public Improvements: When applicable, recreation and open space with attention to the size, suitability, development and continued maintenance of the area and the impact on any adjacent living areas.
  - o. Signage: The location of all existing or proposed signage on the site including design specifications (height, width, material, lighting, etc.) and signage messages. Refer to Section 17.11.
  - p. Any special requirements unique to a particular site or development which may be identified by the Zoning Administrator, Plan Commission, or Village Board.
- (b) Minor Site Plans: A required site plan review may be designated as a "minor site plan" by the Zoning Administrator if the property is already developed to Village standards. The Zoning Administrator may determine that designated requirements of this subsection need not be submitted in connection with an application for approval of a minor site plan if not necessary to satisfy the intent of this section.

### **(3) APPLICATION PROCESS**

- (a) Consultation: The Plan Commission will hear and discuss an applicant's conceptual development proposal. While detailed drawings and plans are not required, a firm idea of the development plans along with conceptual drawings is necessary. Plan Commission discussion of the conceptual proposal shall not be viewed as a final commitment or vested right for or against future site development. This step may be bypassed at the request of the applicant.
- (b) Submittal: Ten (10) clearly legible copies of the site plan shall be submitted to the Village fourteen (14) days prior to the Plan Commission meeting at which the site plan is scheduled for review, accompanied by payment of all required review fees and escrows as set by the Village Board from time to time. If the plans are not submitted in a timely manner, the Zoning Administrator may refuse to process the application for the scheduled meeting.
- (c) Review by Village Departments: The Zoning Administrator shall forward one copy of each complete site plan to appropriate Village Departments, or professionals hired by the Village, for their review prior to the Plan Commission meeting.
- (d) Review by Plan Commission: The Zoning Administrator shall forward the complete site plan, along with any staff reports, to the Plan Commission. The Plan Commission shall recommend the plan as submitted, recommend the plan with conditions, or reject the plan. The Plan Commission may, at any time, require additional information from the applicant or refer the proposed site plan to any appropriate officer or committee for review and recommendations on any feature of the plan and may reschedule consideration of the plan for that purpose.

- (e) **Review by Village Board:** The Zoning Administrator shall forward the complete site plan, along with any staff reports, and Plan Commission reports to the Village Board. The Village Board shall approve the plan as submitted, approve the plan with conditions, or reject the plan. The Village Board may, at any time, require additional information from the applicant or refer the proposed site plan to any appropriate officer or committee for review and recommendations on any feature of the plan and may reschedule consideration of the plan for that purpose.
- (f) **Agreement and Surety:** No site plan approval shall become effective until the developer provides an executed agreement to construct all required physical or public improvements as are:
1. Located within public rights-of-way or easements, or
  2. Connected to any public facility as approved by the Village, or
  3. Necessary to repair or restore any public improvements or facilities or any other property not owned by the developer which is likely to be damaged or destroyed as a result of the proposed development activities, or
  4. Described in any supplemental development agreement including but not limited to the following issues: land use, architectural design, landscaping, lighting, parking areas, storm water management, streets, sidewalks, sanitary sewer, water systems, traffic and other utilities or public improvements.
  5. Such agreement shall be accompanied by a letter of credit, bond or other surety in the amount of the estimated cost of the required improvements, guaranteeing the completion of all work covered thereby within the time allowed by the Zoning Administrator, which time may be extended for good cause by the Plan Commission upon written application by the owner or developer. The adequacy and amount of any surety and the form of the agreement shall be subject to approval by the Zoning Administrator.
- (g) **Building Permit Issuance and Expiration:** The Building Inspector may not issue a building permit for the construction, establishment or expansion of a building or land use until a final site plan has been approved by the Plan Commission and the Village Board. An approved site plan shall expire one (1) year after the date of such approval unless building permits have been obtained and significant construction begun on the development. The Plan Commission may approve amendments to an approved site plan prior to final acceptance of public improvements and release of surety in the same manner as originally approved. A plan revision shall not be deemed to alter the expiration date of the originally approved site plan.

#### **(4) STANDARDS FOR APPROVAL**

The Village shall approve a site plan submitted in accordance with this section only if it finds that the development of the property as provided in the site plan and any related agreements, will satisfy all of the following standards:

- (a) The site plan is consistent with the intent and purpose of this Chapter and is consistent with the public goals, objectives, principles and policies set forth in the Village's Comprehensive Plan;
- (b) The proposed use(s) conform(s) to the uses permitted in that zoning district and associated bulk and open space standards;
- (c) The proposed use(s) conform(s) to the applicable design standards of Section 17.10 and the performance standards of Section 17.13;
- (d) All reasonable measures have been taken in the design of the site and the improvements thereon to protect the safety of the occupants and frequenters of the site and the general public;
- (e) The need and opportunity for dangerous traffic movements and increased traffic congestion will be

minimized and adequate provisions have been made to assure safe and efficient vehicular and pedestrian traffic flow to, from, and within the site;

- (f) The number of curb cuts and other points of access to public streets shall be minimized and located as far from street intersections as practicable and in accordance with Village ordinances;
- (g) All areas intended for pedestrian traffic shall be clearly distinguished from vehicular traffic areas, adequately lighted, and handicapped accessible in compliance with state and federal standards;
- (h) Sufficient access shall be provided to all structures on the parcel for emergency vehicles and adequate facilities for fire protection shall be provided;
- (i) Each use permitted on the property can be efficiently provided with all necessary public utilities and the full development as permitted according to the site plan will not create an unreasonable burden on any public services, utilities, or local water supplies;
- (j) Erosion and stormwater runoff control meet the requirements of Section 17.14(10);
- (k) All public utilities will comply with the applicable design standards established by applicable ordinances and Section 17.14;
- (l) All areas designated as wetlands, flood plains, flood ways or habitats for endangered wildlife will be preserved, or will be properly mitigated as approved by the Village and by any state or federal agency with jurisdiction over such areas;
- (m) Disruption of existing natural (including individual mature trees) or historic features will be avoided to the greatest extent practicable and such features will be incorporated into the design to the extent feasible;
- (n) On any portion of any site where the current or post-development slope exceeds or will exceed 12%, adequate engineering measures have been taken to assure the stability of the site and any structures to be located thereon;
- (o) Outdoor trash storage and compaction areas, HVAC equipment, and loading docks are screened, recessed, or enclosed from view. Enclosure or screening shall be accomplished by the use of berms, landscaping plants, a fence or wall, an adjoining building, or some combination thereof as may be required under Section 17.10.
- (p) The development of the property in accordance with the site plan will not unreasonably impair the aesthetic appearance of the property or the general area, interfere with the reasonable use or enjoyment of neighboring properties for uses already established or permitted thereon or significantly impair the value of other properties in the area;
- (q) The development according to the site plan will not violate any applicable state or federal law, regulation or order or any other applicable ordinance or conflict with any material feature of the Village's Comprehensive Plan.
- (r) All necessary approvals have been received from any other governmental body with jurisdiction over the property to allow for the development according to the plan, unless the approval by the Village is made contingent on such approvals being obtained by a date certain.

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## SECTION 17.16 LAND DIVISION, SUBDIVISION, AND CONDOMINIUM REGULATIONS

### (1) GENERAL PROVISIONS

- (a) **Purpose:** The purpose of this section is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the Village in accordance with the purpose and intent of this Chapter. These regulations are made with reasonable consideration, among other things, to the character of the Village with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, the efficiency of public utility extensions, and for encouraging the most appropriate use of land throughout the Village.
- (b) **Jurisdiction:** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village and those lands within the extraterritorial jurisdiction of the Village as established in Wisconsin Statutes sections 61.35, 62.23(2), 236.10, and 236.45.
- (c) **Applicability:**
1. **Subdivision:** Any division of land within the Village or its extraterritorial plat approval jurisdiction which results in a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sales or of development shall be surveyed and a plat thereof approved and recorded, pursuant to the provisions of this section and Wisconsin Statutes section 236.02(12), where:
    - a. The act of division creates five (5) or more parcels or, building sites of one and one-half (1-1/2) acres each or less in area or,
    - b. Five (5) or more parcels or building sites of one and one-half (1—1/2) acres each or less in area are created by successive divisions within a period of five years.
  2. **Land Division:** Any division or consolidation of land which results in a division of land other than a subdivision defined in Wisconsin Statutes section 236.02(12), shall be surveyed and a certified survey map thereof approved and recorded as required by this section.
  3. **Condominium:** This section is expressly applicable to condominium developments within the Village's jurisdiction, or extraterritorial plat review jurisdiction, pursuant Wisconsin Statutes section 703.27(1).
  4. **The provisions of this section shall not apply to:**
    - a. Transfers of interests in land by will or pursuant to court order if such division applies to less than five (5) parcels.
    - b. Leases for a term not to exceed ten years, mortgages or easements.
    - c. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
    - d. Cemetery plats made under Wisconsin Statutes section 157.07, and assessor's plats made under Wisconsin Statutes section 70.27, but such assessor's plats shall comply with Wisconsin Statutes sections 236.15(1)(a) to (g) and 236.20 (1) and (2)(a) to (e), unless waived under Wisconsin Statutes section 236.20(2)(L).

**(d) Compliance:** No person shall divide any land located within the corporate limits of the Village, or within the extraterritorial plat approval jurisdiction, that results in a subdivision, land division created by certified survey map, condominium or a replat; no such land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:

1. Provisions of Wisconsin Statutes Chapter 236 and 703.
2. Rules of the Wisconsin Department of Safety and Professional Services, as contained in Chapter SPS 383 of the Wisconsin Administrative Code, regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
3. Rules of the Wisconsin Department of Transportation, as contained in Chapter TRANS 233 of the Wisconsin Administrative Code, relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street.
4. Rules of the Wisconsin Department of Natural Resources, as contained in Chapters NR 116, NR 117, and NR 118 of the Wisconsin Administrative Code, setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.
5. The Village Comprehensive Plan or any component thereof, the zoning ordinance, and official map.
6. Upon and after the effective date of this Chapter, no lot shall be created which does not meet the minimum zoning district area requirements of each zoning district or the minimum lot area requirements of each zoning district or which does not meet the lot dimension requirements of each zoning district.
7. All other applicable local and county ordinances.

**(e) Existing Substandard Lots:**

1. Nothing in these regulations shall prevent the construction of a permitted building or structure, or the establishment of a permitted use in the relevant zoning district on a lawfully existing parcel which does not contain the required minimum area, minimum buildable area, or minimum lot frontage on a street, but which, as of the date of initial adoption of these regulations, and continuously thereafter, was owned separately from an adjoining lot, as evidenced by deed(s) recorded with the Jefferson County Register of Deeds. A previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement.
2. Vacant, contiguous, non-conforming lots shall be combined to create a conforming or more conforming lot prior to the application for and issuance of a building permit.

**(f) Land Suitability:** No land shall be subdivided as a plat or certified survey map which is determined to be unsuitable for such use by the Plan Commission, upon the recommendation of the Village's Engineering Consultant or any other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of future residents of the proposed subdivision or the Village. The Plan Commission, in applying the provisions of this subsection, shall record in its minutes the particular facts upon which it bases its conclusion that the land is not suitable for use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he or she so desires. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.



1. Testing. The Plan Commission or the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table whenever deemed necessary by the Village to determine the suitability of a land division or any part thereof for development as proposed.
2. Sanitary Sewer. No parcel of land may be divided where public sanitary sewer is unavailable or where soil conditions preclude the installation of approved septic or mound systems unless the divided parcel(s) are deed restricted to uses which do not require a sewage disposal facility. A holding tank may only be installed to replace an existing or failing mound or septic system or as the only reasonable alternative for serving an existing platted lot as of the effective date of this Chapter.

**(g) Building Permit:** No building permit shall be issued by the Village authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date hereof until the provisions and requirements of this Chapter have been met, and a resolution approving the subdivision, land division, condominium, or consolidation has been adopted by the Village Board.

**(h) Dedication and Reservation of Lands:**

1. Streets, Highways, and Drainageways. Whenever a tract of land to be subdivided within the jurisdiction of this Chapter encompasses all or any part of an arterial or collector street, drainageway, other public way or public access to navigable lakes or streams which has been designated in the adopted County or Village Comprehensive Plan or adopted comprehensive plan components or on the Official Map, such public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan, comprehensive plan component or map and as set forth in this section.
2. Park Dedication. Whenever a proposed public playground, park, trail or similar recreational facility (other than streets or drainage ways) designated in the adopted County or Village Comprehensive Plan or adopted comprehensive plan components or on the Official Map, is included, in whole or in part, in a tract of land to be subdivided, those proposed public lands as lie within the land division shall be made a part of the plat or certified survey map and shall be dedicated to the public by the subdivider and credited toward the requirements of par. (a) below.
  - a. Acreeage to be Dedicated. The subdivider shall dedicate sufficient developable land that is suitable and readily developable to provide park, playground, recreation and open space to meet the needs to be created by the subdivision, land division, or development project in accordance with the standards outlined hereinafter. The parkland dedication requirement is 1,300 square feet for each dwelling unit, based on the Villages adopted standard of 12 acres of parkland per 1,000 residents from the Comprehensive Outdoor Recreation Plan (adopted 5-3-2010, as amended from time-to-time) and an average household size of 2.5 persons per dwelling unit. If it is determined by the Plan Commission that fees in lieu of land should be paid, the amount to be paid shall be as provided in par (b) below.
  - b. Payment in Lieu of Park Dedication (active and passive).
    - i. Where the dedication of lands is not feasible or compatible with the Village's Comprehensive Plan or Comprehensive Outdoor Recreation Plan, the developer may, at the discretion of the Plan Commission, make a payment in lieu of parkland dedication to defray the impact the additional development and residences will have on Village's park system. Payment shall be in accordance with the Village's established fee schedule.

- ii. Such fees shall be placed in separate non-lapsing funds and shall be used exclusively for funding the acquisition or initial improvement of land for public parks as per Wisconsin Statutes Chapter 236.45(6)(b). The improvement of land for public parks means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes. Such fees shall be applied to residential development on the basis of total number of newly created residential dwelling units or newly created lots per acre of developable land. For purposes of this calculation, developable land does not include wetlands, preservation or conservation easement areas, nor shall such lands be charged the dedication fee.
  - iii. If the parent parcel on a Certified Survey Map, with an existing dwelling upon it, remains unchanged (meaning no construction or grading), the parent parcel will not be assessed the per acre dedication fee until the time of further division.
  - iv. Payment shall be in a lump sum and shall be paid prior to Village execution of the final plat, final condominium plat, certified survey map, or planned development and before the Village allows the recording of the documents stated.
  - v. Where a lot or parcel for which payment has once been made is further divided, payment shall be required for the additional lots or parcels created.
- c. Access. Public access to all land dedicated for public use shall be provided by street frontage of sufficient width to assure safe, convenient access to the dedicated land with a minimum public street frontage of no less than 15% of the perimeter of the park. In cases where private lots adjoin public park space, the Village may require that the subdivider grade, sign and/or landscape the area along such property lines to clearly demarcate the borders between private lots and public park space.
- (i) **Required Information:** All subdivision, land divisions created by certified survey map, condominiums or a replat shall comply with all of the requirements of this section:
1. Street Plans and Profiles. The subdivider shall provide plans and profiles for all proposed streets to the Public Works Superintendent showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All plans and profiles shall satisfy the design standards of this Chapter and be approved by the Street & Sidewalk Committee.
  2. Covenants.
    - a. At the time of preliminary plat or certified survey map application, the subdivider shall submit protective covenants to be recorded against the affected land as follows:
      - i. Where the subdivider proposes to provide for the private maintenance or protection of any common open space, storm water management facility, drainageway, private road or other required public or private improvement, the covenants shall establish an enforceable method ensuring the proper maintenance and management of such space, facility, and/or improvement.
      - ii. Where the subdivider proposes a residential subdivision, protective covenants shall impose standards or other means to effectively minimize monotony in the design of single-family and two-family (duplex) residences, assuring compliance with applicable Village ordinance requirements, if any.
      - iii. In any other case as determined necessary by the Plan Commission and required as a condition of development approval.



- b. Traffic Impact Analysis: In any case where the Village Engineer determines that the proposed development within a land division is likely to cause a significant impact on traffic on streets or highways beyond the proposed land division, the applicant shall pay the fees of a traffic engineer to be retained by the Village to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation guidelines. An estimate of the fees as determined by the Village Engineer shall be paid into the escrow account established under sub. (3) within 10 days after notice of the determination by the Village Engineer. If the required escrow deposit is not made, the application may be denied. Where the report of the analysis concludes that the proposed development will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Village may deny the application, require a size reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
3. Fee Escrows. At such time as the applicant submits an application for a development approval, the applicant shall deposit with the Village, in escrow, an escrow amount established from time to time by the Village Board by ordinance or resolution. No application shall be deemed complete until the required escrow deposit is made, except as provided in sub. (8).
4. Withdrawals from Escrow. The Village Treasurer shall draw upon the escrowed funds to reimburse the Village for the fees it has incurred in reviewing the development approval on a monthly basis. An accounting of all fees incurred by the Village and the status of the escrow shall be provided to the applicant within thirty (30) days after each withdrawal. Any dispute with respect to the propriety or amount of any withdrawal shall be subject to appeal pursuant to Section 17.17 of this Chapter.
5. Escrow Balance. In the event that escrow deposit falls below twenty-five percent (25%) of the original amount required to be deposited, the Village Board shall have the option to require the applicant to restore the escrow balance to the original amount required hereunder. In the event that the subdivider defaults in restoring the escrow account, the Village shall not be required to act further upon the request. Failure to replenish the escrow account shall be sufficient cause to reject the application for development approval. In the event that the subdivider fails to maintain the required escrow, the Village shall not be required to act further upon the application. Failure to replenish the escrow account shall be sufficient cause to reject the application for development approval.
6. Escrow Interest. Any interest accrued on the escrow balance shall be retained by the Village to compensate for administrative costs of the escrow account.
7. Escrow Refunds. In the event that funds remains in escrow over and above the Village's fees after withdrawal, approval or final denial of the application, or otherwise as provided in sub. (10), the remaining balance shall be refunded to the applicant. Notwithstanding the foregoing, the applicant may elect to apply any remaining balance to any escrow deposit required as part of a subsequent application for a development approval for the same project.
8. Exception. No escrow deposit shall be required if the fees required by sub. (2) are guaranteed by the applicant, with adequate security, pursuant to a subdivider's or development agreement with the Village. At the time of execution of such an agreement, the Village Treasurer shall refund any remaining escrow balance to the applicant.

- (l) **Waiver and Modifications:** Where, in the judgment of the Village Board, the literal application of the provisions of this section to a particular land division or development is unnecessary to achieve the goals of this Chapter and would result in unnecessary hardship to the subdivider, the Village Board may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted only upon a finding by the Village Board that the waiver or modification will not result in any significant detriment to the public good nor conflict with the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Comprehensive Plan or comprehensive plan component of the Village. A 3/4 vote of the entire membership of the Village Board shall be required to grant any modification to such requirements.
- (m) **Violations:** It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (n) **Penalties:** Any person who fails to comply with the provisions of this section shall be subject to the penalties as described in Section 17.17(7) and the following:
1. Any person who shall record a plat without the required approvals shall be subject to forfeitures as provided in Wisconsin Statutes section 236.30
  2. Any person who shall convey any lot in unrecorded plats shall be subject to forfeitures as provided for in Wisconsin Statutes section 236.31
  3. Any person failing to place monuments or disturbing monuments in place in violation of Wisconsin Statutes section 236.32 shall be subject to forfeitures as provided therein.
- (o) **Appeals:** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wisconsin Statutes sections 236.13(5) and 62.23(7)(e)10 to 15, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

## **(2) SUBDIVISION PLATS**

- (a) **When Required:** A preliminary plat shall be required for all subdivisions as defined by this Chapter and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a scale of not more than 100 feet to the inch and shall satisfy all of the requirements of this section. A final plat prepared by a registered land surveyor and approved by the Village Board shall be required for all subdivisions as defined by this Chapter. The final plat may, if permitted by the Village Board, consist of only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (b) **Technical Requirements:**
1. **Features to be Included on Plat.** Every plat shall comply in all respects with the requirements of Wisconsin Statutes section 236.20. The preliminary plat shall show correctly on its face, all of the following:
    - a. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
    - b. The title under which the proposed subdivision is to be recorded.

- c. A complete legal description of the exterior boundaries of the proposed subdivision in metes and bounds, referenced to a corner established in a U. S. Public Land Survey and the total acreage encompassed thereby.
- d. Date, scale and north point.
- e. Contours at vertical intervals of not more than 2 feet. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929.
- f. Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- g. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- h. Corporate limits lines.
- i. The approximate dimensions of all lots and outlots together with proposed lot and block numbers. All lots shall be consecutively numbered.
- j. A description of the types of proposed uses of all lots created by the subdivision.
- k. Existing zoning on and adjacent to the proposed subdivision. If a rezoning request is pending or proposed, the proposed zoning classifications.
- l. All building setback lines required by the zoning district. If rezoning is pending, only the setback lines required by the proposed district regulations for each lot shall be shown.
- m. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum of 1929.
- n. Any proposed lake, stream or drainageway access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- o. Any proposed lake, stream or drainageway improvement or relocation.
- p. The boundaries of all wetlands, floodplains, environmental corridors, and shoreland zones and setback areas, as established under municipal, county, regional, state, and federal laws, regulations, plans, or ordinances.
- q. The outer edges of all mature woodlands and parts of mature woodlands within the lot area, and the locations and species of all mature trees that are not located within a mature woodland as defined in this Chapter.
- r. The location, right of way width and names of all existing streets, pedestrian paths, alleys or other public ways, easements, railroad and utility rights of way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- s. The location, width and names of all proposed streets and public rights of way such as alleys, pedestrian paths and easements.
- t. The proposed length of right of way lines, and proposed names for all proposed new streets or extensions of existing streets.

- u. Exact street widths along the line of any obliquely intersecting street.
  - v. All vision triangles shall be clearly shown on arterial and collector roads designed in accordance with this Chapter.
  - w. Approximate centerline radii of all curves.
  - x. Railroad rights of way within and abutting the plat.
  - y. The exact location and description of all utility easements.
  - z. The location, size and approximate dimensions of any sites to be:
    - i. Reserved or dedicated for parks, playgrounds, drainageways or other public use;
    - ii. Used for group housing, shopping centers, church sites or other nonpublic uses; or
    - iii. Reserved for the common use of property owners within the plat.
  - aa. Special restrictions required by the Village Board relating to access control along public ways or provisions for planting strips.
  - bb. Certification on the face of the plat by the surveyor preparing the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this Chapter.
2. Preliminary Engineering Plans. With the submittal of the preliminary plat, the subdivider shall submit five (5) copies of preliminary engineering plans, including the following:
- a. Preliminary street profiles showing existing and proposed centerline elevations. Profiles shall be shown for a minimum distance of 300 feet beyond the plat boundaries where future street extensions may be planned.
  - b. Preliminary utility layouts, including sanitary sewer, water main, and storm sewer, and indication of any expected need for improvements to existing facilities to provide for such utility needs.
  - c. Preliminary stormwater calculations, in order to demonstrate that adequately sized and positioned areas have been reserved for storm water management on the preliminary plat.
  - d. A preliminary engineering plan map at least covering the area of the preliminary plat and showing the features described in this subsection, along with property lines, contours at vertical intervals of not more than two (2) feet for the portion of the plat or CSM proposed for disturbance or development, and applicable environmental features such as wetlands and floodplains.
3. Other Applicable Submittal Requirements. All applicable information required by Sections 17.16(1)(j) shall be submitted with the preliminary plat submittal for such submittal to be considered complete.

**(c) Procedure for Approval:**

- 1. Preliminary Plat Approval.

- a. Pre-application and Concept Plan: Prior to the filing of an application for approval of a preliminary plat, the subdivider shall consult with Village Staff and the Plan Commission in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, plan components, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning the proposed development, before the need to complete detailed surveying, engineering, and other time consuming and costly processes associated with the preliminary plat. At this pre-application stage of the process, the subdivider shall prepare and submit to the Village a concept plan map for all contiguous land owned or controlled by the subdivider. The concept plan map shall depict the general layout and area of the proposed subdivision, including existing and proposed building sites, roads, major public utilities, open spaces, and general proposed land use patterns. The concept plan map shall also represent the relationship to nearby properties and land uses. The concept plan map may rely on and refer to detailed neighborhood development plans prepared by or for the Village to provide direction on proposed layout.
- b. Preliminary Plat Submittal: Not fewer than ninety (90) days from the date of submittal of a concept plan map, the subdivider shall file an application for Preliminary Plat approval, twelve (12) copies of the Preliminary Plat and supplemental materials meeting the requirements of Section 17.16(2)(b), and the required application fees and escrow under Section 17.16(1)(k). No application shall be deemed complete or filed unless all required information is submitted and the fee paid.
- c. Referral:
  - i. Village Review. The Village Clerk shall submit copies of the preliminary plat to the Zoning Administrator, Public Works Superintendent, Village Engineer and other applicable Village staff or committees for their comments and recommendations concerning matters of the plat within their jurisdiction.
  - ii. Objecting Agencies. The Village Clerk or designee shall, within two (2) normal work days after filing, transmit copies to the Jefferson County Zoning and Planning Department and the Wisconsin Department of Administration (WDOA); additional copies to the Department of Administration (WDOA) for retransmission of two (2) copies each to the Wisconsin Department of Transportation (WDOT), if the subdivision abuts or adjoins a State trunk highway or connecting highway, Department of Safety and Professional Services (DSPS), if the subdivision is not served by a public sewer and provision for such service has not been made, and Department of Natural Resources (WIDNR), if navigable waters, shoreland/wetlands or floodlands are contained within the proposed subdivision. Jefferson County, the WDOA, WisDOT, DSPS and the WIDNR shall hereafter be referred to as objecting agencies. The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat.
  - i. Copies to Utility Providers. The subdivider shall also provide a copy of the preliminary plat and preliminary engineering plans to all local utility providers, including natural gas, telephone, cable television, other telecommunications, and electric, so that they may identify appropriate locations for facilities and easements to be indicated on the final plat. Their comments, if any, shall be transmitted to the Village Clerk within twenty (20) days from the date of receiving their copies of the preliminary plat.



- d. Public Hearing and Plan Commission Review: The Plan Commission within sixty (60) days of the date of filing a preliminary plat with the Village Clerk shall hold a public hearing on the preliminary plat after publication of a Class 2 notice thereof. The Plan Commission shall review the plat for conformance with applicable ordinances and statutes, shall consider all public comments received and all recommendations from Village staff and committees and shall forward its recommendation to the Village Board for final action. The Plan Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or the imposition of conditions.
- e. Village Board Review: The Village Board, within ninety (90) days of the date of the filing of a preliminary plat application, shall approve, approve conditionally or reject the preliminary plat unless the time is extended by mutual agreement with the subdivider. The Village Clerk shall then return one copy of the plat to the subdivider with the date and action endorsed thereon and if approved conditionally or rejected, a copy of the ordinance setting forth the conditions of approval or a letter setting forth the reasons for rejection shall accompany the plat. One copy of the plat and letter shall be placed in the permanent files of the Plan Commission. Failure of the Village Board to act within 90 days shall constitute an approval unless the time is extended by mutual agreement with the subdivider.
- f. Expiration: Approval of a preliminary plat shall expire thirty six (36) months after the date of approval of or conditional approval by the Village Board, unless within such period a complete application for final plat approval for at least a phase of the preliminary plat area is filed as provided in sub. (2) or the Village Board extends the timeframe for submittal of the final plat.

2. Final Plat Approval within the Village.

- a. Pre-Application Consultation and Application. Prior to the filing of an application for approval of a final plat, the subdivider shall consult with Village staff in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the subdivider of the consistency of the final plat with the conditional approval of the preliminary plat and with applicable Village ordinance requirements. Following such consultation, the subdivider shall file an application for final plat approval, twelve (12) copies of the final plat, and such other materials as required for a complete submittal in the office of the Village Clerk.
- b. Final Plat Submittal: At least thirty (30) days prior to the meeting of the Plan Commission at which action is desired, the subdivider shall file an application for Final Plat approval, twelve (12) copies of the Final Plat and supplemental materials meeting the requirements of Section 17.16(2)(b), and the required application fees and escrow under Section 17.16(1)(k). No application shall be deemed complete or filed unless all required information is submitted and the fee paid.
- c. Referral:
  - i. Village Review. The Village Clerk shall submit copies of the final plat to the Zoning Administrator, Public Works Superintendent, Village Engineer and other applicable Village staff or committees for their comments and recommendations concerning matters of the plat within their jurisdiction.
  - ii. Objecting Agencies. The Village Clerk or designee shall, within two (2) normal work days after filing, transmit copies to the Jefferson County Zoning and Planning Department and the Wisconsin Department of Administration (WDOA); additional copies to the Department of Administration (WDOA) for retransmission of two (2) copies each to the Wisconsin Department of Transportation (WDOT), if the subdivision abuts or adjoins a State trunk highway or connecting highway, Department of Safety and Professional Services (DSPS), if the subdivision is not served by a public sewer and provision for such service has not been



5. Copies of Recorded Plat. Within one (1) month of the final plat being recorded by the Jefferson County Register of Deeds, the subdivider shall provide two (2) copies of the plat and a digital version of the plat referenced to the Jefferson County Coordinate System in an AutoCad compatible format, to the Village Clerk.
6. Summary Action on Previously Approved Final Plats. The subdivider may resubmit an approved final plat to the Village for reapproval in order to extend the deadline for recording. If such resubmitted final plat identical to that which was last approved by the Village Board (or is modified only to incorporate changes to satisfy previous approval conditions), the Village Board may act on the application without a recommendation from the Plan Commission.
7. Compliance and Surety. As a condition of final plat approval, the Village Board may, in accordance with established standards, require the developer to establish an appropriate surety to insure that public improvements are installed in accordance with the provisions of the development agreement. The surety value shall not exceed 120% of the improvement cost as estimated by an approved contractor. If the developer does not install the required improvements within one (1) year of final plat approval, surety proceeds shall be used by the Village along with other legal remedies to construct the required improvements.

### **(3) CONDOMINIUM PLATS**

A condominium plat prepared under Wisconsin Statutes section 703, shall be reviewed in the same manner as a subdivision plat under Section 17.16(2).

### **(4) EXTRATERRITORIAL PLATS**

The following policies shall be applied in the Village's review of subdivisions within its extraterritorial jurisdiction in order to protect rural character and farming viability, preserve future opportunities for orderly urban development and associated public utility extensions, ensure that land divisions will be provided with adequate public facilities and services, and implement the Village's comprehensive plan.

- (a) **Density Policy**: Land divisions within the extraterritorial jurisdiction shall be permitted in accordance with the Village's Comprehensive Plan, Jefferson County Comprehensive Plan, and the Jefferson County Agricultural Preservation and Land Use Plan.
- (b) **Lot Size**: The minimum lot size shall comply with the provisions of the applicable Jefferson County Zoning District.
- (c) **Transmittal Responsibility**: The town or county clerk or county planning agency to whom the plat is first submitted shall be responsible for transmitting copies of the plat to designated objecting agencies and the subdivider shall indicate which one in his application.
- (d) **Approval**: When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the Village, the subdivider shall proceed as specified with Section 17.16(2).
- (e) **Pre-application Conference and Concept Plan not Required**: A pre-application conference or concept map is not required to be approved by the Plan Commission prior to filing a plat for approval by the Village.
- (f) **Installation of Improvements**: All improvement requirements specified by the Town Board or any special improvement district in matters over which they have jurisdiction shall be met before the final plat is filed. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.

- (g) **Application and Fees:** No person shall subdivide any land located within the Village's extraterritorial jurisdiction without first filing an application, meeting all submittal requirements, and paying the Village's standard subdivision review fees contained in this Chapter. The timing for filing the application and paying the Village's review fees shall be the same as otherwise required for subdivisions within the Village.

**(5) REPLAT**

- (a) **Vacate Existing Plat:** When it is proposed to replat a recorded subdivision or part thereof, so as to change the boundaries of a recorded subdivision or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wisconsin Statutes sections 236.40 through 236.44. The subdivider or person wishing to replat shall then proceed as specified in Section 17.16(2).

**(6) CERTIFIED SURVEY MAPS (CSM)**

- (b) **When Required:** Except where a plat is required pursuant to this section, land divisions as defined under this section, consolidation of pre-existing lots, and any division of an existing block, lot, or outlot within a recorded subdivision into not more than four (4) parcels or lots without changing the boundaries of said block, lot or outlot, shall be accomplished by the recording of a certified survey map approved in accordance with this section.

(c) **Technical Requirements:**

1. **General.** A certified survey map prepared by a registered land surveyor shall be required for all minor land division. It shall comply in all respects with the requirements of Wisconsin Statutes section 236.34. The minor land division shall comply with the public improvement standards in Section 17.16(7) and the improvement requirements in Section 17.16(8).
2. **Features to be Included on CSM.** The map shall show correctly on its face, in addition to the information required by Wisconsin Statutes section 236.34, the following:
  - a. Date of the map.
  - b. Insert showing map of area with property location.
  - c. Graphic scale and north arrow.
  - d. Name and address and the owner, subdivider and surveyor.
  - e. The CSM shall include the entire original parcels of land owned or controlled by the subdivider and which is proposed for division or consolidation to ensure that the remaining parcel meets all required lot, layout, access and other applicable standards.
  - f. All existing structures, including square footage and horizontal offset to existing and/or proposed property lines, and the first floor elevation thereof, visible and known wells, watercourses, drainage ditches, existing property lines of abutting property and other features pertinent to proper division.
  - g. Name of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
  - h. Additional setbacks or building lines required by the Village Engineer which are more restrictive than the regulations of the zoning district in which the plat is located or which are proposed by the subdivider and are to be included in recorded protective covenants.

- i. All lands reserved for future public acquisition.
  - j. Floodplain limits of the 100-year recurrence interval flood as determined by the federal flood insurance study or other technical document or where such data is not available, the elevation shall be determined by a registered professional engineer and the sealed documents shall be approved by the Village Engineer. The contour line lying a vertical distance of 2' above the elevation of the 100-year recurrence interval flood or where such data is not available, the elevation shall be determined by a registered professional engineer and the sealed documents shall be approved by the Village Engineer within the exterior boundaries of the plat.
  - k. Easements shall be shown on the CSM and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street rights-of-way, pedestrian rights-of-way, park or school lands or other public lands requiring dedication.
  - l. Exact length and bearing of the centerline of all streets.
  - m. Exact street width along the line of any obliquely intersecting street.
  - n. Railroad rights-of-way within and abutting the plat.
  - o. Drainage and grading plan for all lots on the map bearing a statement concerning the relation of all drainage swales, ponds or other facilities.
  - p. Special restrictions required by the Zoning Administrator and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, solar access restrictions, to preservation of wetlands, to more restrictive yard requirements or to special restrictions for environmentally significant lands.
  - q. Location, area, depth and type of soil absorption waste disposal system for each building site, if applicable.
  - r. Delineation of all wetlands, shoreland/wetlands, and protection offsets based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, Jefferson County Zoning and Planning Department or other agency or firm certified to make such delineation by the Federal Government or Wisconsin Department of Natural Resources.
  - s. Additional information as may be required by the Zoning Administrator or Village Engineer when necessary for proper review and consideration of the CSM.
3. Certificates. The surveyor shall certify on the face of the map that the map fully complies with all the provisions of this Chapter. Upon approval of the map, the Village Board shall certify its approval on the face of the map.
  4. Preliminary Engineering Plans. Where public streets, public sanitary sewer main, water main, storm sewer extensions, and/or multi-lot stormwater management features are required to serve the land proposed for division by a certified survey map, the subdivider shall prepare and submit five (5) copies of preliminary engineering plans with the certified survey map submittal, meeting the technical requirements of Section 17.16(2)(b)(2).
  5. Other Applicable Submittal Requirements. All applicable information required by Sections 17.16(1)(j) shall be submitted with the certified survey map submittal for such submittal to be considered complete.

**(d) Procedure for Approval:**

1. Pre-Application Conference. A pre-application conference similar to the consultation suggested in Section 17.16(2)(c) is recommended, particularly if the land division requires construction of public improvements (i.e. public sewer, water, and/or road improvements to serve the development).
2. Application. The subdivider shall file with the Village Clerk an application for approval along with the proposed certified survey map, and preliminary engineering plans where applicable under this section. The application shall be accompanied by the applicable review fees as provided by the Village Board and no application shall be deemed complete or filed unless all required information is submitted and the fee paid.
3. Referral: The Village Clerk shall submit copies of the CSM to the Zoning Administrator, Public Works Superintendent, Village Engineer and other applicable Village staff or committees for their comments and recommendations concerning matters of the CSM within their jurisdiction.
4. Plan Commission Review. The Plan Commission shall review the map for conformance with this section and all other applicable ordinances, rules, regulations, comprehensive plans, and comprehensive plan components. The Plan Commission shall, within forty five (45) days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Village Board. The Plan Commission shall specify the reasons for any proposed rejection or conditions on an approval.
5. Village Board Review. The Village Board shall approve, approve conditionally or reject such map within ninety (90) days from the date of filing of the application unless the time is extended by agreement with the subdivider. The failure of the Village Board to act within such ninety (90) day period or any extension thereof shall constitute approval of the map. If the map is rejected or conditionally approved, the reasons for rejection or conditions on approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Clerk shall so certify on the face of the original map and return the map to the subdivider.
6. Recordation. The subdivider shall record the certified survey map with the Jefferson County Register of Deeds within twelve (12) months of the date of its last approval and within thirty six (36) months of the date of the first approval, or Village approval shall be deemed void. Unless otherwise specified in the approval ordinance, it shall be the subdivider's responsibility to record the certified survey map, and the subdivider shall promptly provide a copy of the recorded map to the Zoning Administrator.
7. Summary Action on Previously Approved Certified Survey Map. The subdivider may resubmit an approved certified survey map to the Village for reapproval in order to extend the deadline for recording. If the resubmitted certified survey map is identical to that which was last approved by the Village Board (or is modified only to incorporate changes to satisfy previous approval conditions), the Village Board may act on the application without a recommendation from the Plan Commission.
8. Compliance and Surety. As a condition of final CSM approval, the Village Board may, in accordance with established standards, require the developer to establish an appropriate surety to insure that public improvements are installed in accordance with the provisions of the development agreement. The surety value shall not exceed 125% of the improvement cost as estimated by an approved contractor. If the developer does not install the required improvements within one (1) year of final CSM approval, surety proceeds shall be used by the Village along with other legal remedies to construct the required improvements.

## **(7) DESIGN STANDARDS**

**(a) Streets:** In accordance with Section 17.14.

**(b) Blocks:**

1. General Provisions. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, the applicable zoning requirements, the need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.
2. Length. Blocks in residential areas shall not be less than 600 feet nor more than 1,600 feet in length unless necessitated by exceptional topography or other limiting factors of good design.
3. Pedestrian Ways. Pedestrian ways not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed reasonably necessary by the Village Board to provide adequate pedestrian circulation or access to schools, parks, playgrounds, shopping center, churches or transportation facilities.
4. Width. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. The width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

**(c) Lots:**

1. General Provisions. The size, shape and orientation of lots shall comply with all of the dimensional standards set forth in the Zoning Code and shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
2. Side Lot Lines. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
4. Access. Every lot shall front or abut on a public street, unless the Village Board shall approve the use of private streets for such access. Private streets shall not be permitted unless adequate provisions are made for permanent public street access to and from all units to be served by such street and for adequate maintenance and repair of the improvements within the right of way of such street. In any case where more than one lot or occupancy unit is served by a private street, the Village shall have full regulatory authority to control of traffic and parking on and adjacent thereto to the same extent as if the street were dedicated to the public.
5. Corner Lots. Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
6. Remnants. All remnants of lots which do not meet the minimum size for lots as required by the Zoning Code after a larger tract is subdivided shall be added to adjacent lots unless other provisions are made and approved by the Village Board to convert such remnants into usable parcels.

## **(8) REQUIRED IMPROVEMENTS**

Before the final plat, certified survey map or condominium declaration located within the corporate limits will be approved, the developer at his/her expense shall provide and dedicate, when required by the Village Board, the following facilities and improvements in accordance with Village engineering standards.

- (a) **Survey Monuments**: The subdivider shall install survey monuments placed in accordance with the requirements of Wisconsin Statutes section 236.15, and as may be required by the Village Board.
- (b) **Water, Sanitary and Storm Sewer Mains and Laterals**: Where designed to be served by such utility systems, in accordance with Section 17.14. The adequacy of such facilities and improvements and their proper installations shall be subject to approval of the Village Engineer and/or Public Works Superintendent.

### 1. Sanitary Sewer Costs.

- a. The subdivider shall be responsible for all costs of required sanitary sewer construction involving pipe size of twelve (12) inches in diameter or less. Where the Village's sanitary sewer system plan requires the installation of sanitary sewers larger than twelve (12) inches in diameter, the Village shall pay the difference in cost between the size of the sanitary sewer installation and the cost of a twelve (12) inch diameter sewer. Determination of the cost difference shall be made by the Village Engineer.
  - b. In recognition of the Village's payment of oversized costs and the fact that the Village has previously invested in oversized sanitary sewer facilities, all new subdivisions and condominiums connecting to the Village's sanitary sewer system shall pay a basic per lot charge, in accordance with the villages established fee schedule prior to recording the final subdivision plat, condominium declaration, certified survey map or prior to issuance of a multi-family residential building permit. Payments shall be made to the Village prior to recording the final plat, condominium declaration or certified survey map.
- (c) **Surface Water Drainage**: In accordance with Section 17.14.
  - (d) **Erosion Control and Sedimentation Facilities**: In accordance with Section 17.14.
  - (e) **Streets**: In accordance with Section 17.14.
  - (f) **Street Trees**: Street trees on both sides of all roadways, in accordance with Section 17.10(6).
  - (g) **Street Lights**: Where deemed necessary for the public safety, street lights may be required; the necessity, location and type of which shall be determined by the Plan Commission.
  - (h) **Street Signs**: Street signs shall be provided at all intersections.
  - (i) **Utilities**: Facilities for distribution of electric, telephone, cable television, and gas utility service located within a subdivision or other division, in accordance with Section 17.14.
  - (j) **Easements**: Easements shall be provided in accordance with Section 17.14.



## SECTION 17.17 ADMINISTRATION AND ENFORCEMENT

### (1) PURPOSE

The purpose of this section is to describe the duties of Village staff, commissions, and officials with respect to enforcement of this Chapter and to provide procedural requirements for zoning applications, amendments, public hearings, appeals, violations, and fees.

### (2) ADMINISTRATION

- (a) **Administrative Officials:** Unless otherwise specified, the Zoning Administrator shall generally be responsible for administering this Chapter with the assistance of the Village Building Inspector, Village Public Works Superintendent, Village Engineer, Village Clerk, Village Attorney, Village Fire Chief, and Village Chief of Police.
- (b) **Zoning Administrator:** The Village Board shall designate the Village Zoning Administrator as the administrative enforcement officer for the provisions of this Chapter, with the assistance of such additional persons as the Village Board may direct.
1. **Powers and Duties.** The duty of the Zoning Administrator, among other things, shall be to interpret and administer this Chapter and to authorize issuance of all permits required by this Chapter. In the enforcement of this chapter (i.e., Chapter 17), the Zoning Administrator shall have the power and authority for the following
    - a. Issue and, when applicable, renew all permits or certificates required by the several provisions of this Chapter.
    - b. Maintain records of all permits issued, inspections made, work approved, and other official actions.
    - c. Record the lowest floor elevation of all structures erected, moved, altered or improved in the F-Floodplain District.
    - d. Establish that all necessary permits that are required for floodplain uses by State and Federal law have been secured.
    - e. Inspect all structures, lands and waters, as often as necessary to assure compliance with this Chapter.
    - f. Investigate all complaints made relating to the location of structures and the use of structures, land 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 Board.
    - g. Prohibit the erection of any structure, land or water until the Zoning Administrator has inspected and approved such use or erection.
    - h. Issue stop, cease, and desist orders requiring the correction of all conditions found to be in violation of the provisions of this Chapter. Such written orders shall be served personally or by Certified Mail upon persons deemed by the Zoning Administrator or his designee to be in violation of the provisions of this Chapter. It shall be unlawful for any persons to violate any such order issued by the Zoning Administrator. Such revocation shall be in effect until reinstated by the Zoning Administrator or the Zoning Board of Appeals.

- i. Revoke by order, any zoning or building permit approved under a misstatement of fact or contrary to the law or provision of this Chapter.
- j. Forward to the Police Department all matters that requires law enforcement or citation actions.
- k. Forward all applications for zoning permits, conditional uses, variances and other documents as necessary to comply with this Chapter.
- l. Act as the liaison to the Village Board, Plan Commission and Zoning Board of Appeals on all matters subject to this Chapter.

(c) **Plan Commission:** The Plan Commission is established pursuant to Wisconsin Statutes section 62.23 for the guidance, direction and control of the growth and development or redevelopment of the Village and contiguous territory not more than 1 1/2 miles beyond the corporate limits.

1. **Membership.** Membership on the Plan Commission shall be appointed as provided in §1.41 of the Palmyra Code of Ordinances.
2. **Meetings.** Meetings shall be held at the call of the chairperson and at such other times as the Plan Commission may determine. All meetings of the Plan Commission shall be open to the public. The Plan Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village Clerk and shall be a public record. The Plan Commission may adopt additional rules governing its proceedings not in conflict with this Chapter or state law.
3. **Powers.** The Village Plan Commission shall, in addition to all other powers provided by law:
  - a. Make determinations for all uses that are not specifically classified as permitted by right, as accessory to a permitted primary use, or permitted by conditional use permit.
  - b. Review and make recommendations to the Village Board on all applications for changes to nonconforming uses or structures, conditional use permits, site plans, land divisions by certified survey map or plat, planned unit development petitions, and amendments to this Chapter or the Official Zoning Map.
  - c. Review and make recommendations to the Village Board on the creation or amendment of the Village's Comprehensive Plan or any detailed comprehensive plan component for a specified area of the Village.
  - d. Hold all public hearings as required under this Chapter unless a hearing before another body is expressly required by statute.
4. **Required Vote.** Unless otherwise specifically specified in this Chapter, all actions by the Plan Commission shall require a majority vote of the members present provided that a quorum of at least four (4) members are present.

(d) **Zoning Board of Appeals:** The Zoning Board of Appeals is established pursuant to Wisconsin Statutes section 62.23(7)(e).

1. **Membership.** Membership on the Plan Commission shall be appointed as provided in §1.44 of the Palmyra Code of Ordinances.

2. Meetings. Meetings shall be held at the call of the chairperson and at such other times as the Zoning Board of Appeals may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the office of the Village Clerk and shall be a public record. The Zoning Board of Appeals may adopt additional rules governing its proceedings not in conflict with this Chapter or state law.
3. Powers. The Board of Zoning Appeals shall have the power to:
  - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an Administrative Official in the enforcement of this Chapter.
  - b. Grant or deny variances consistent with the procedures and standards for variances as established in this Chapter. The establishment or expansion of a use otherwise prohibited by this Chapter shall not be allowed by variance.
  - c. Hear and decide all other matters upon which it is required to pass under this Chapter.
4. Required Vote. The Zoning Board of Appeals shall, within 60 days after the public hearing, render its decision in writing. All final actions of the Zoning Board of Appeals shall require a concurring vote of at least four (4) members.
5. Appeals of Administrative Decisions:
  - a. Time for Appeal: An appeal may be taken to the Zoning Board of Appeals by any persons, firm or corporation, or by any officer, department, board, commission or agency of the Village in which the affected land is located, aggrieved by any order, decision or interpretation of an administrative officer under this Chapter. Such appeal shall be taken within thirty (30) days after the date of the order, decision or interpretation appealed from, by filing notice of such appeal on a form provided by the Village Clerk and payment of the fee as established by the Village Board.
  - b. Filing: A copy of the notice of appeal shall be served by the appellant on the officer whose decision is being appealed. Such officer shall promptly transmit to the Zoning Board of Appeals all papers constituting the record of the action under appeal.
  - c. Stay of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts set forth in the certification, a stay would cause imminent peril to life or property. In such case, the proceedings shall not be stayed unless a restraining order is issued by either the Zoning Board of Appeals or by a court of record for due cause shown.
  - d. Appeal Hearing and Findings: A public hearing on the appeal shall be conducted by the Zoning Board of Appeals within thirty (30) days of filing. The board shall render a written decision on the appeal without unreasonable delay. In rendering its decision, the Zoning Board of Appeals may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.

- e. Finality of Decisions: All decisions of the Zoning Board of Appeals under this subsection shall be considered final administrative determinations and shall be subject to judicial review in accordance with applicable Wisconsin Statutes.

6. Variances:

- a. Application for Variance and Hearing Notices: An application for a variance shall be filed in writing with the Village Clerk. The application shall contain such information as the Zoning Board of Appeals may from time to time by rule require. Notice of the time and place of a public hearing shall be provided by a Class 1 Notice. The published notice may be supplemented by such additional notice as the Zoning Board of Appeals may require by rule.
- b. Hearings: A public hearing pertaining to the requested variance shall be held within thirty (30) days of the filing of the complete application and required fee as determined by the Village Board. A decision to grant or deny the requested variance shall be made in writing without unreasonable delay and shall set forth the findings and rationale of the Zoning Board of Appeals.
- c. Standards for Variances: The Zoning Board of Appeals shall grant a variance only when it has determined, and made written findings, that all of the following standards are met:
  - i. That the particular physical surroundings, shape or topographical condition of the specific property involved would result in an unreasonable hardship upon the owner if the strict letter of the regulations were carried out.
  - ii. That the conditions upon which the petition for a variance is based is unique to the property for which the variance is sought and is not generally applicable to other property within the same zoning classification.
  - iii. That the purpose of the variance is not based exclusively on financial concerns relating to the property.
  - iv. That the alleged difficulty or hardship is caused by the zoning regulations and has not been created or contributed to by any person presently or formerly having an ownership interest in the property.
  - v. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the adjacent neighborhood.
  - vi. That the variance granted is the minimum adjustment necessary for the reasonable use of the land.
  - vii. That the granting of any variance is in harmony with the general purposes and intent of this Chapter and will not alter the essential character of the locality or conflict with the Village Comprehensive Plan.
  - viii. That, for reasons fully set forth in the decision of the Zoning Board of Appeals, the circumstances or conditions are such that the strict application of the provisions of this Chapter would unreasonably prevent the owner from using the property for a permitted purpose or render conformity with such restrictions unnecessarily burdensome.

d. Conditions:

- i. The Zoning Board of Appeals may condition the grant of any variance on compliance with any conditions or restrictions as it may deem reasonably necessary to comply with the standards established in this subsection, to minimize the effect of such variance upon other property or to better carry out the general intent of this Chapter.
- ii. A variance must be utilized within one (1) year of the date of the Zoning Board of Appeals grant or the property owner loses the right to proceed under the approval. This provision is only applicable to variance granted after the effective date of this Chapter.

e. Effect of Denial of a Variance: No application for a variance which has been denied shall be resubmitted for a period of one (1) year from the date of the order of denial, except on grounds of new evidence or proof of changed conditions found to be material by the Zoning Board of Appeals. For purposes of this paragraph, an application shall be considered a resubmission if it seeks a variance which is substantially similar to a previous request.

7. Appeals from Zoning Board of Appeals Decisions: Any person or persons, jointly or severally aggrieved by a decision of the Zoning Board of Appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within thirty (30) days after the filing of the decision in the office of the Zoning Board of Appeals, commence an action seeking the remedy available by certiorari under Wisconsin Statutes section 62.23(7)(e)10.

(e) Village Board: Unless otherwise specifically stated in this Chapter, or in the case of matters of the Zoning Board of Appeals, the Village Board shall have the exclusive authority to approve zoning, building, and occupancy permits; changes to nonconforming uses or structures; conditional use permits; site plans; land divisions by certified survey map or plat; planned unit development petitions; and amendments to this Chapter, the Official Zoning Map, and the Village's Comprehensive Plan. The Village Board may hold additional public hearings on any matters brought before the Village Board as it deems necessary.

### **(3) PUBLIC HEARINGS**

(a) Posting and Publishing:

1. Except as may be otherwise herein specifically provided, such notice shall be given not less than fourteen (14) days prior to date of such hearing, by posting such notice at the Palmyra Village Hall bulletin board, publishing a Class 2 notice for two (2) consecutive weeks, the last of which shall be at least one (1) week before the hearing, in the official newspaper, and providing any notice to adjacent municipalities required by Wisconsin Statutes section 62.23(7)(d).
2. When a hearing involves a proposed change in the allowable use of any property or the granting of a conditional use, the Village Clerk shall mail notice of the public hearing to the owners of all lands within 100 feet of the subject property for rezoning hearings and 100 feet for conditional use grant hearings at least ten (10) days before such public hearing. The failure of such notice to reach any property owner, provided such failure is not intentional, shall not invalidate any amending ordinance or grant of conditional use.
3. When a hearing involves the granting of a conditional use grant to or a proposed change in, the zoning district classification of any property lying in the floodplain area, the Village Clerk shall mail notice of the public hearing to the district office and the main office of the Wisconsin Department of Natural Resources.

- (b) **Information:** Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held. If the purpose of the public hearing is to consider a proposed change in the allowable use of any property within the Village, the notice shall include either a map showing the property affected by the plan and regulations or a description of the property affected by the plan and regulations and a statement that a map may be obtained from the Village Clerk.

#### (4) **AMENDMENTS**

- (a) **Initiation:** The regulations and standards, restrictions, and district boundaries set forth in this Chapter may from time to time be amended, supplemented, changed, or repealed by the Village Board. A change or amendment may be initiated by a member of the Village Board, member of the Plan Commission, the Zoning Administrator, or by any person having an ownership or leasehold interest in any property within the Village.
- (b) **Petitions and Fees:** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, and specify the proposed use. Each such application, except that initiated by the Village Board, Plan Commission, or Zoning Administrator, shall be accompanied by a fee as determined by the Village Board, such fee to be paid by the applicant.
- (c) **Referral:** The Village Clerk shall transmit a copy of such petition to the Zoning Administrator for review. Upon receipt of a completed application the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed amendment. The Zoning Administrator may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Plan, particularly as evidenced by compliance with the standards below:
1. The proposed amendment furthers the general purpose and intent of this Chapter.
  2. The proposed amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
  3. The following factors have arisen that are not properly addressed in the current zoning text:
    - a. The provisions of this Chapter should be brought into conformity with the Comprehensive Plan or plan component; or
    - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s); or
    - c. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors; or
    - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services; or
    - e. Changes have occurred to state or federal law which is the basis for the current zoning text.
- (d) **Hearings:** Upon receipt of a completed application and fees the Village Clerk shall schedule a public hearing in accordance with Section 17.17(3).

**(e) Recommendations:** The Village Plan Commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified and granted, or denied. Such recommendation shall be made in writing to the Village Board and/or shall be stated within the minutes of the meeting. The Plan Commission shall make its recommendation within thirty (30) days of the public hearing unless such time is extended by mutual consent of the applicant and the Plan Commission. In making its recommendations the Plan Commission may consider and make findings concerning:

1. The consistency with the Village Comprehensive Plan, comprehensive plan component, or Official Map.
2. The extent to which the proposed amendment will alleviate a condition in the zoning code which is not conducive to proper community planning.
3. The degree to which all owners of property in the area or same zoning classification would be affected by the proposed amendment.
4. The suitability of any property subject to a proposed district change for the currently zoned uses and for proposed uses.
5. Any hardships created by the current text or district designation sought to be amended.
6. Whether adequate public school facilities and other public services exist or can reasonably be provided to serve the need likely to be created by any additional dwelling units authorized to be constructed as a result of such change.
7. Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers in the vicinity.
8. The recent rate at which land is being developed in the Village and the anticipated effects of the proposed amendment on development rates.

**(f) Action of the Village Board:**

1. As soon as possible after such public hearing, and after careful consideration of the Village Plan Commission recommendation, the Village Board shall act on the petition either approving, modifying and approving, or disapproving of the same. The Village Board may take final action on the application at the time of its initial meeting, or may continue the proceedings, at the Board's, or the Petitioner's request.
2. In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of twenty (20) percent or more of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.
3. Other Agency Approval. When amendments to the zoning text or map require outside agency approval, Village Board approval of an amendment shall be subject to subsequent authorized agency approval.
4. Approval shall be by appropriate ordinance and necessary changes in the official zoning map or texts shall be made promptly by the Zoning Administrator.

(g) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(h) **Annexed Lands:**

1. Temporary Zoning (Annexed Lands). Pursuant to Wisconsin Statutes section 66.0217, the Village Board shall refer to the Plan Commission for recommendation as to temporary zoning classification any land being considered for annexation and shall include in the annexing ordinance a provision designating temporary zoning classification for such area.
2. Permanent Zoning (Annexed Lands). As soon as practical after the annexation is final, the zoning classification(s) for such annexed area shall be established by amendment according to the regular procedure outlined in this section.

**(5) PERMITS**

(a) **Building Permit:** No building shall be erected, structurally altered or relocated within the Village of Palmyra until a building permit has been issued by the Building Inspector certifying that such building, as proposed, would be in compliance with the provisions of this Chapter and with the building code of the Village. An application for a building permit shall be made in conformity with the requirements of the building code of the Village of Palmyra. The application shall be accompanied by the fee established from time-to-time by resolution of the Village Board.

(b) **Occupancy/Plan of Operations Permit:**

1. Permit Required. The purpose of the occupancy permit is for the Village to communicate its official statement that the land use and operations described in the permit application are deemed to comply with the regulations as set forth under this Chapter and any approved building permit. An occupancy permit, to be issued by the Zoning Administrator, or his designee, and shall be required for all of the following:
  - a. Occupancy and use of any new building hereafter erected (excluding accessory buildings).
  - b. Change in use or operations of an existing building or site.
  - c. Occupancy and use of vacant land (excluding permitted agricultural uses in the RH District).
  - d. Change in the use of land to a use of a different classification.
  - e. Any change in the use of a nonconforming use.
2. Application. Applications for an occupancy permit shall be made to the Village Clerk, whom shall forward it to the Zoning Administrator, and shall include the following where pertinent and necessary for proper review:
  - a. Names and addresses of the applicant, the owner of the site, the architect, the professional engineer, or the contractor if applicable.
  - b. Property owner signature.
  - c. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; the address of the subject site; the type of structure; the existing and proposed operation or use of the structure or site; and the zoning district within which the subject site lies.
  - d. The existing or proposed floor plans.



- e. Plat of survey prepared by a land surveyor registered in the state 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 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 floodways, and floodplain boundaries; and existing and proposed street, side, and rear yards.
  - f. In the case of commercial or industrial uses a completed Plan of Operations detailing the business functions and operation characteristics, address, telephone number, hours of operation, number of employees, and any other information or details as required by the Village to determine conformance with this Chapter.
  - g. Private Sewer Service Plan. Where the proposed use involves human occupancy and connection is not to be made to municipal sewer service, a plan of the proposed system for sewage disposal, which shall be in compliance with all Village ordinances and other governmental laws or regulations applicable to such systems, shall be approved by the Plan Commission.
  - h. Private Water Service Plan. Where the proposed use involves human occupancy and connection is not to be made to municipal water service, satisfactory evidence that a safe and adequate supply of pure water is to be provided and the location of any well for that purpose, and the supply shall be in compliance with all Village ordinances and other governmental laws or regulations applicable to such system, as approved by the Plan Commission.
  - i. Additional information as may be required by the Zoning Administrator, Building Inspector, Plan Commission or Village Board.
3. Granting of Permit. An occupancy permit shall be issued or written notice shall be given to the petitioner stating the reasons why a certificate cannot be issued, no later than fourteen (14) days after the application is filed. No occupancy certificate for a building, or portion thereof, constructed after the effective date hereof, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator, or his designee, to be in conformity with the plans and specifications upon which the zoning or building permit was based.
4. Temporary Occupancy and Use Permit. Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this Chapter to such a degree as to render it unsafe for the occupancy proposed.
5. Nonconforming Uses. Any use of property or buildings which becomes or is already legally, non-conforming upon the effective date of this Chapter shall obtain an occupancy permit as provided in this subsection (5)(b). The application shall be filed no later than one (1) year from the effective date of this Chapter but no fee will be required.
6. Fees. All petitioners shall pay an occupancy permit fee, to be determined by the Village Board, at the time of application. If the land or building for which the permit for is occupied before a permit is applied for and issued by the Zoning Administrator, or his designee, a penalty may be applied. Such penalty shall not release the petitioner from full compliance with the provisions of this Chapter nor from prosecution for violation of this Chapter. Fees for written determinations by the Zoning Administrator may be applied.

## **(6) ADMINISTRATION AND DEVELOPMENT FEES**

- (a) Administration:** All persons, firms or corporations whose application, petition and/or plans requires appearance at a public meeting, staff review of plans, staff inspection of site improvements and/or issuance of a permit shall pay a fee to the Village to help defray the cost of administration, investigation, advertising, inspection and processing. All fees shall be established by separate resolution of the Village Board and amended from time to time as deemed appropriate.
- (b) Consultant Fees:** The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, building inspectors, and other experts) to assist in the Village's review of a proposal coming before the Village Staff, Plan Commission, Village Board, and/or other Village committees or Boards. The submittal of a development proposal application or petition shall be construed as an agreement to pay for such professional review services applicable to the proposal. Each application shall contain a spot in which the applicant or petitioner acknowledges this obligation.

The Village will invoice the applicant or petitioner for the charges incurred which shall be paid within 30 days of invoice. A copy of the professional charges shall accompany the Village's invoice. Any party may appeal the charges to the Village Board by filing a written request with the Village Clerk within 30 days of the date of the invoice. The Village may delay final approval of any application or petition until the invoice is paid or a decision on an appeal is made. Any amount which is the subject of an appeal shall be due 30 days from the date of the Village Board's decision.

- (c) Sanitary Sewer and Water Connection Fees:** Sanitary sewer and water connection fees associated with Village costs identified in Section 17.16(7)(b) shall be paid in accordance with the Village's established fee schedule.
- (d) Park and Open Space Fees:** Park and Open Space Fees associated with Village costs identified in Section 17.16(1)(h)(2)(b) shall be paid in accordance with the Village's established fee schedule.

## **(7) VIOLATIONS AND PENALTIES**

- (a) Violation of this Chapter:** It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter shall, upon conviction thereof, be subject to the penalties set forth in subsection (b), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- (b) Penalties:** Any person, firm, company, or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this Chapter, shall be subject to a forfeiture as determined from time-to-time by the Village Board, together with the costs of the action, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day that a violation is permitted to exist shall constitute a separate violation and be punishable as such.
  1. Hazardous Condition Caused by Violation of this Chapter. If the Zoning Administrator or Building Inspector determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator/Building Inspector shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per subsection (3), below. The Zoning Administrator/Building Inspector is hereby authorized to abate a violation of this Chapter using the procedures for summary abatement set forth

in Chapter 10: Public Nuisances of the Palmyra Municipal Code of Ordinances.

2. Non-Hazardous Condition Caused by Violation of this Chapter. If the Zoning Administrator or Building Inspector determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator/Building Inspector shall serve written notice by Certified Mail on the current owner of the property (as indicated by current Village of Palmyra tax records) on which said violation is occurring to remove said violation within ten (10) working days. If such violation is not removed within such ten (10) working days, the Zoning Administrator/Building Inspector shall cause the violation to be abated per subsection (1), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per subsection (3), below.
  3. Cost of Abatement. In addition to any other penalty imposed by this subsection for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per subsections (1) and/or (2), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Certified Mail, and shall be payable within thirty (30) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Wisconsin Statute.
- (c) **Injunction**: Compliance with the provisions of this Chapter may also be enforced by the injunction order at the suit of the Village or one or more owners of real estate situated within an area affected by the regulations of this Chapter.
- (d) **Declared Nuisances**: Any building erected, structurally altered or placed on a lot or any use carried on in violation of the provisions of this Chapter is hereby declared to be a nuisance per se and the Village may apply to any court of competent jurisdiction to restrain or abate such nuisance.

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## SECTION 17.18 DEFINITIONS

**DEFINITIONS** For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words and phrases in this Chapter shall have their common law meaning and shall be applied in accordance with their common usage. 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 is not discretionary.

**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.

**AH-Zones:** See "Area of Shallow Flooding".

**AO-Zones:** See "Area of Shallow Flooding"..

**Accessory Equipment Structure (Communication Towers):** A building or cabinet-like structure located adjacent to or in the immediate vicinity of a commercial communication tower and antenna to house equipment customarily incidental to the receiving or transmitting of wireless signals, broadcasts, cellular telephone or voice messaging paging services.

**Administrative Official:** Village Clerk, Zoning Administrator, Building Inspector, and Public Works Superintendent.

**Agent:** Any person either delegated in writing by the owner of a parcel or by court action to act on the owner's behalf on the division or development of property.

**Aggrieved Person:** Any person who alleges that there is error in an order, requirement, decision or determination made by an Administrative Official in relation to the administration or enforcement of this Chapter.

**Agriculture or Agricultural Land Use:** All uses, commonly classified as agriculture, horticulture, floriculture, viticulture, or forestry, such as the tilling of soil, crop and tree farming, truck farming, gardening, plant nurseries, dairy farming, keeping or raising of domestic livestock or poultry and sod farming together with the operation of any machinery or vehicles that are incidental to the above uses and any agricultural business such as fruit packing, dairying or similar activity. Excludes common residential household gardening.

**Airport:** An area of land or water which is used, or intended for use, for the landing and takeoff of aircraft, and any adjacent areas which are used, or intended for use, for airport buildings or other airport facilities, rights-of-way and together with all airport buildings and facilities located thereon.

**Alley:** A public or private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose frontage and primary access is on a street.

**Alteration:** Any change in the total floor area, use, adaptability or external appearance of an existing structure.

**Amateur Radio Antenna:** Any combination of materials or equipment located outside of a principal structure on a premises used exclusively for the purpose of sending and/or receiving electromagnetic waves for amateur radio service, including any towers, support structures, guy wires, foundations or similar components of a support structure.

**Amateur Radio Service:** The transmission and reception of electromagnetic signals for non-commercial purposes, by an amateur radio operator licensed by the Federal Communications Commission.

**Animal Boarding Place:** Any structure, land, or combination thereof used, designed, or arranged for the boarding, breeding or care of dogs, cats and other small animals,, fowl, horses or other domestic animals for profit, but exclusive of animals used for agricultural purposes.

**Apartment:** A suite of rooms or a room in a multiple dwelling which is arranged, intended, or designed to be occupied as a residence of a single family, individual or group of individuals.

**Apartment Building:** A building used or intended to be used as three or more separate rental dwelling units.

**Area of Shallow Flooding:** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

**Assisted Living Facility:** (Also known as an Adult Family Home, Nursing Home, Extended Care Facility, Intermediate Care Facility, Long Term Care Facility, Memory Care Facility) An extended or intermediate care facility licensed by the state to provide full-time convalescent or chronic care to three (3) or more unrelated individuals who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week. (Not: community-based residential facilities are defined separately under "Community Living Arrangement").

**Automobile Graveyard:** See "Junkyard".

**Automobile Repair Facility:** A service establishment where engine repairs, replacement of parts or bodywork and general maintenance is performed.

**Base Flood:** Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

**Base Setback Line:** The edge of the established ultimate street right-of-way.

**Basement:** Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

**Basement, Habitable:** A habitable story having part, but not more than one-half of its floor to ceiling height, below grade.

**Basement, Uninhabitable:** An uninhabitable area of a building having more than one-half its floor to ceiling height below grade. See also "Cellar".

**Bed and Breakfast Establishment:** An owner occupied residence, generally in a single-family residence, which provides temporary lodging for the general public the owners of which serve breakfast to guests.

**Berm:** A manmade mound of earth in excess of two (2) feet in vertical height used to shield or buffer properties from adjoining uses, highways or noise or to control the direction of surface water flow.

**Boarding House:** A dwelling, or part thereof, in which commercial board and lodging is provided by the owner.

**Boat:** Every description of watercraft used or capable of being used as a means of transportation on water.

**Boathouse:** As defined in section 30.121(1), Wis. Stats., means a permanent structure for storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

**Buildable Area:** The space remaining on a lot after the minimum open space, offset and setback requirements of this Chapter have been complied with; excepting therefrom any floodplain, wetland, or similarly designated unbuildable lands.

**Building:** A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattel.

**Building Height:** The height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.

**Bulk Storage:** The storage of chemicals, petroleum products and other materials for subsequent resale to distributors or retail dealers or outlets.

**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 s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Chapter.

**Business:** Any commercial or industrial activity or establishment.

**Business Park:** A project owned, developed, and managed by a single owner or a group of owners acting jointly. Types of uses include, but are not limited to offices; research and development laboratories; wholesale distribution facilities; establishments providing services to other businesses such as printing, publishing, and advertising; public and quasi-public uses such as public administration offices, and public utility installations; certain small to moderate scale light industrial establishments and motels. The land encompassed by this type of park is usually subdivided and developed in accordance with a development agreement.

**Business Services:** Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance, employment service; management and consulting services; protective services; equipment rental; leasing and financial services.

**Class 2 Public Notice:** Publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.

**Campground:** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

**Camping Unit:** Any portable device, no more than 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.

**Canopy:** A roof like structure of a permanent nature which may project from the wall of a building.

**Carport:** A roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three (3) sides.

**Cellar:** A space having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

**Certificate of Compliance (from Section 17.07):** 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.

**Channel:** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal continuous or intermittent flow of water.

**Childcare Center:** See "Day Care Center".

**Clinic, Physical or Mental Health:** A group of associated health services including but not limited to chiropractors, rolfers, dentists, health professionals, physicians, surgeons, osteopaths, psychologists, psychotherapists or psychoanalysts, or any combination thereof, which may provide specialized diagnostic, testing and/or treatment facilities, including clerical and administrative services, to persons on an outpatient basis.

**Commercial, Convenience:** Retail and service establishments primarily serving the day-to-day needs of local neighborhood residents.

**Commercial, General Merchandise:** Retail stores such as department stores, variety stores and general stores, which sell dry goods, apparel and accessories, furniture, appliances, and home furnishings, hardware, and food.

**Commercial, Personal Service:** Establishments primarily engaged in providing personal services for individual(s) such as laundromats, barbershops, beauty parlors, photographic studios, funeral homes, and tailors.

**Commercial Communication Antenna:** Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, but does not include an amateur radio antenna governed by par. (e).

**Commercial Communications Tower:** Any pole, spire, structure or combination thereof to which antenna could be attached, or which is designed for an antenna to be attached and a supporting lines, cables, wire and braces, other than a structure exclusively used to support an amateur radio antenna.

**Commercial Land Use:** The use of land for the retail or wholesale of goods and services.

**Community Living Arrangement:** "Community living arrangement" means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under s. 48.60, group homes for children under s. 48.02(7) and community-based residential facilities under s. 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails (See further definition in Section 46.03(22) of the Wisconsin Statutes.)

**Condominium:** A building or group of buildings, in which dwelling units or other non-residential floor area portions thereof are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, individual basis. Property subject to condominium declaration as defined, regulated, and established under Chapter 703 of the Wis. State Statutes. Rev. 09/18/06 Ord. 06-12

**Convenient Cash Business:** A business licensed pursuant to Wis. Stats. Secs. 218.05 or 138.09, engaged in the "payday loan business," "title loan business," "currency exchange business" (also known as "check cashing"), or any other substantially similar business. Convenient cash businesses do not include financial institutions as defined herein.

**Currency Exchange Business:** In accordance with Sec. 218.05, Wis. Stats., any business except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under Ch. 186, Wis. Stats., pursuant to a certificate of authority from the Wisconsin commissioner



of credit unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.

**Payday Loan Business:** A business that provides unsecured loans with an initial term of ninety-one days or less in which the amount borrowed does not exceed two thousand dollars and is usually for a period from the time of the loan until the borrowers next payday for which the lender charges either fees or interest for the loan.

**Title Loan Business:** Any business providing loans to individuals in exchange for receiving title to the borrower's motor vehicle as collateral.

**Contiguity:** For purposes of defining contiguity of a parcel in single ownership, a public road, railroad right-of-way, navigable waterway, connection at only one point shall not be considered to break up contiguity.

**Control Measure:** A practice or combination of practices to control erosion and attendant pollution.

**Control Plan:** A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this Chapter submitted by the applicant, or qualified representative, for review and approval by the Village Engineer.

**Copy:** The message or legend portrayed on a sign.

**Crawlways or "Crawl Space" :** An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

**Cul-de-Sac:** A local street with only one entrance/exit which is designed to allow the safe and convenient reversal of traffic movement.

**Dairy:** A business establishment for the processing and sale of dairy products.

**Day Care Center:** A facility where care and supervision is provided for four (4) or more children under the age of seven (7) for less than 24 hours a day as licensed as a day care center by the Wisconsin Department of Health and Social Services under s. 48.65 of the Wisconsin Statutes.

Note: Family day care home, which is a specific type of day care center, is a dwelling licensed as a day care center by the Wisconsin Department of Health. And Social Services under s. 48.65 where care is provided for not more than eight (8) children. Furthermore, no municipality may prevent a family day care home from being located in a zoned district in which single-family residence is a permitted use.

**Deck:** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

**Density:** The number of dwelling units or housing structures per unit of land.

**Department (from Section 17.07 and 17.08):** The Wisconsin Department of Natural Resources.

**Detention Storage:** The temporary holding or storage of stormwater in reservoirs under predetermined and controlled conditions, with the rate of discharge therefrom regulated by installed outflow devices.

**Developable Land Area:** The area of a site exclusive of land rendered unbuildable by local, state or federal codes, agreement between developers and the Village or by natural conditions.

**Development:** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or 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.

**Drainage System:** One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

**Driveway:** A strip of land providing access for vehicles to a parking space, garage, dwelling, or other structure from a street, such surface generally consisting of gravel, asphalt, concrete or other impervious surface.

**Dry-land 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.

**Dwelling:** A structure or that part of a structure used as a home, residence or sleeping place by one or more persons maintaining a common household. This definition shall not encompass hotels, boarding houses, tourist cabins, and recreational facilities.

**Dwelling, Accessory Unit:** An accessory dwelling unit established in conjunction with and clearly subordinate to, the principle use of the lot. Accessory dwelling units for residential districts are typically located at the rear of a lot, and are typically located above an attached or detached garage (e.g. granny flat) that serves the primary resident, but may be located as a separate dwelling structure. Such units may contain a separate kitchen, dining area, bathroom living area, sleeping area, laundry facilities, and recreation areas, including exterior porches, patios, decks and parking areas.

**Dwelling, Attached:** A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

**Dwelling, Detached:** A detached building on a single lot without a common wall between dwelling units.

**Dwelling, Duplex:** These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence, or upper unit and lower unit. The two residences are located on the same lot. These dwelling unit types may not be split into additional residences.

**Dwelling, Multiple-Family:** A structure arranged or designed to be occupied by three (3) or more families living independently of each other in individual dwelling units.

**Dwelling, Single-Family:** A structure designed exclusively for use and occupancy by one (1) family.

**Dwelling, Townhouse:** A building on its own separate lot containing one single family dwelling that occupies space from the ground to the roof, and is attached to one or more other townhouse dwelling units by at least one common wall. Each townhouse has a totally exposed front and rear wall to be used for access, light, and ventilation.

**Dwelling, Twin Home:** These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. The two residences are located on separate lots, but connected by a common or party wall, and the separate lots may also be referred to as zero lot line lots. The twin-home is distinguished from

the duplex by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences.

**Dwelling, Two-Family:** A structure arranged or designed to provide dwelling units for occupancy by two (2) families living independently of each other in individual dwelling units.

**Dwelling, Upper Level/Story:** Dwelling units which are located above the ground or lower floor of a building used for an office, commercial or institutional land use.

**Easement:** A right given by an owner of land to another party for a specific limited use of that land or a portion thereof. An easement may be in the form of a surface, subsurface, or overhead easement.

**Educational Institution:** Public, parochial, charitable, and non-profit schools, junior colleges, colleges, or universities, trade or business schools, with or without living quarters, dining rooms, restaurants, heating plants, and other incidental facilities for students, teachers, and employees.

**Elderly Housing:** Residential development designed to meet the needs of and reserved exclusively for senior citizens.

**Emergency Access Easement:** An area of land designed, constructed, and set aside to provide alternate access for emergency vehicle response.

**Encroachment:** Any fill, structure, equipment, use or development in the floodway or public right-of-way.

**Engineer, Village:** A professional licensed civil engineer appointed in accordance with local ordinance.

**Environmental Control Facility:** Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

**Erosion:** The detachment and movement of soil, sediment or rock fragments by water, wind ice or gravity.

**Existing Manufactured Home Park or Subdivision:** A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads

**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 if concrete pads.

**Extraterritorial Area:** The area outside of the Village Limits in which the Village of Palmyra may exercise extraterritorial powers of planning, land division, and/or zoning review.

**Family:** One (1) or more persons related by blood, marriage, or adoption, or up to four (4) unrelated persons living together as a single nonprofit housekeeping unit, but not including sororities, fraternities, or other similar organizations.

**Farm:** One or more parcels of contiguous land not less than ten (10) acres under a single ownership and/or management upon which the production of natural fibers, animals, and/or food for human or animal consumption is produced.

**Farm Structure:** An accessory structure used or the storage of agricultural crops or livestock.

**Federal Emergency Management Agency (FEMA):** The federal agency charged with building and supporting the nation's emergency management system and administering the National Flood Insurance Program (NFIP).

**Fence:** A structure or landscaping which is used as a boundary or means of protection, screening barrier, confinement or architectural treatment.

**Fill:** Earth or any other substance or material placed or deposited on the surface of the ground resulting in an increase in the natural surface elevation, or placed within an excavated area.

**Financial Institutions:** Any business authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions. This term does not include a currency exchange, payday loan business or a title loan business.

**Fixed Houseboat:** A structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway (as defined in Section 30.121(1), Wisconsin Statutes).

**Flood:** A temporary rise in water level that results in water overtopping land banks and inundating adjacent areas.

**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.

**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.

**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 superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

**Flood Insurance Rate Map (FIRM):** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

**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.

**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.

**Flood Protection Elevation:** An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "Freeboard").

**Flood, Regional:** A flood determined to be representative of large floods known to have occurred in the area. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

**Flood Storage:** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

**Floodfringe:** That portion of the floodplain outside of the floodway which is covered by floodwater during the regional flood. The term "floodfringe" is generally associated with standing water rather than flowing water. Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood. For the purpose of this Chapter, the floodplain fringe includes the Floodplain Conservancy District and the Floodplain Fringe overlay District.

**Floodplain:** Land, which has been or may be covered by floodwater during the regional flood. The floodplain includes the floodway, floodfringe, shallow depth flooding, flood storage and coastal floodplain areas.

**Floodplain Island:** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**Floodplain Management:** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

**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.

**Floodway:** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

**Floodway Encroachment:** Any fill, structure, equipment, building, use or development in the floodway.

**Floor Area Ratio (F.A.R.):** The gross floor area of all buildings on a lot or building site divided by the lot or site area.

**Floor Area, Gross:** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to—ceiling height is less than six feet.

**Floor Area, Gross Leasable (GLA):** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

**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.

**Garage, Private:** A structure primarily intended for the storage or shelter of the motor vehicles belonging to the residents of the premises and served by a driveway. Carports shall not be considered garages within this definition.

**Grade, Established:** The elevation of the finished street at the center line or curb as fixed by the engineer or by such authority as shall be designated by law to determine such an elevation.

**Gross Project Area:** See “Developable Land Area”.

**Group Home:** See “Community Living Arrangement”.

**Habitable Structure:** Any structure or portion thereof used or designed for human habitation.

**Hearing Notice:** Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**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.

**Historic Structure:** Any structure that is either:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- c. Individually listed on a state inventory of historic places in states 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.

**Hog Farm:** A place where hogs are kept and fed.

**Home Business:** Any gainful occupation or profession engaged in by an occupant of a dwelling unit as a use which is clearly incidental to the use of the dwelling unit for residential purposes and is in accordance with the restrictions of this Chapter.

**Hospital:** An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**Hospital, Animal:** An establishment providing for medical care and treatment of animals, but distinguished from a kennel in that no outdoor runs shall be permitted for boarded animals and all indoor runs shall be sound proof.

**Hotel:** A facility offering transient lodging accommodations (5 or more sleeping rooms) to the general public and may provide additional services such as restaurants, lounges, meeting rooms, and recreation facilities.

**Impervious Surface:** The area of a lot devoid of grass, trees or other natural landscape features that is developed in a manner that prevents filtration of water into the underlying soil.

**In-Family Suite:** An area within a dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios, and decks. In addition to the required internal physical connection, separate outdoor access or separate access to the garage may be provided. In-family suites should be considered and regulated as part of a single-family dwelling unit and are occupied by family members.

**Increase in Regional Flood Height:** A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**Industrial, light:** Industrial establishments such as those engaged in warehousing, wholesaling and distribution, assembly, fabrication, repair and maintenance services that comply with the standards listed in this Chapter.

**Industrial park:** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Industry:** Those fields of economic activity including forestry, fishing, hunting and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

**Institutional:** Uses, facilities, or organizations dedicated to public service.

**Junkyard:** Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, or machinery or two or more unregistered, inoperable motor vehicles or other work materials.

**Jurisdiction:** The area subject to the legislative control of the Village of Palmyra Village Board.

**Kennel, commercial:** A lot, building, structure, enclosure, or premises whereon or wherein four or more dogs, cats, or other similar small animals are maintained, boarded, bred, kept, or cared for in return for remuneration, or are kept for the purpose of sale, or are groomed, trained, or handled, for others.

**Land Developing Activity:** Activities associated and in conjunction with the construction of buildings, roads, parking lots, paved storage areas and similar facilities.

**Land Disturbing Activity:** Any manmade change in the land surface including removing vegetative cover, excavating, filling, and grading, but not including agricultural land uses such as planting, growing, cultivating and harvesting crops.

**Land Division:** The division of a lot, tract, or parcel of land into fewer than five (5) lots in accordance with Section 17.16 of this Chapter.

**Land Use:** Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

**Land User:** Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of land.

**Landowner:** Any person holding the title to or having an interest in land.

**Livestock:** Domestic farm animals including but not limited to horses, cows, swine, goats, chickens, and sheep.

**Local Arterials:** State Trunk Highway 59, State Trunk Highway 106, County Trunk Highway H, and County Trunk Highway E.

**Local Street:** All streets other than local arterials.

**Lodge or Private Club:** A structure or grounds used for regular or periodic meetings or gatherings of a group of persons organized for a nonprofit purpose, but not groups organized to render a service customarily carried on as a business.

**Lot:** A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law.

**Lot, Corner:** A lot fronting on two or more streets at an intersection.

**Lot Area:** The total square footage within the boundaries of a lot, excluding any street rights-of-way.

**Lot Coverage:** That portion of the lot that is covered by buildings, structures, and all other impervious improvements on the ground surface such as paving, driveways, etc.

**Lot Frontage:** The lineal distance that a parcel abuts a public right-of-way

**Lot Lines:** A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

**Lot Width, Minimum:** Lot width shall be calculated as the average horizontal distance between the side lot lines measured within the lot boundaries, subject to a lot width at the building setback line of no less than the zoning district's stated minimum lot width.

**Lowest Adjacent Grade:** Elevation of the lowest ground surface that touches any of the exterior walls of a building.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

**Maintenance:** The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

**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."

**Manufacturing:** The mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors. (Processing on farms is not classified as manufacturing if the raw material is grown on the farm. The manufacturing is accessory to the major use of the farm.

**Mature Tree:** A tree that is twelve (12) inches or greater in diameter at a height of four and one-half feet above grade. However, no tree specifically planted and grown for commercial purposes shall be defined as a mature tree for purposes of this chapter.

**Mature Woodland:** An area or stand of trees with a total combined canopy area of one acre or greater, with at least 50% of the trees having a diameter of at least six (6) inches at a height of four and one-half feet above grade. However, no area or stand of trees specifically planted and grown for commercial purposes shall be defined as a mature woodland for purposes of this chapter.



**Mobile Home:** A structure, transportable in one or more sections which is built on a permanent chassis and used as a dwelling unit, with or without a permanent foundation when connected to the required utilities.

**Mobile/Manufactured Home Park or Subdivision:** A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

**Mobile/Manufactured Home Park or Subdivision, Existing:** A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this 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.

**Mobile/Manufactured Home Park or Subdivision, Expansion to Existing:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

**Mobile Recreational Vehicle:** A vehicle which is built on a single chassis, 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."

**Model, Corrected Effective:** A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

**Model, Duplicate Effective:** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

**Model, Effective (Pre-Project):** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

**Model, Revised (Post-Project):** A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

**Motel:** See "Hotel".

**Municipality or "Municipal":** The county, city or village governmental units enacting, administering and enforcing ordinances.

**"National Geodetic Vertical Datum" or "NGVD":** Elevations referenced to mean sea level datum, 1929 adjustment.

**Navigable Waters:** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

- a. Such lands are not adjacent to a natural navigable stream or river;
- b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching;  
and
- c. Such lands are maintained in nonstructural agricultural use.

“Wisconsin’s Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.”

**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.

**Non-conforming Structure, Legal:** A building or structure that does not conform to the lot area, yard, height, lot coverage or other area regulations of this Chapter for the district in which it is located either at the effective date of this Chapter or its subsequent amendment.

**Non-conforming Use, Legal:** A use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

**Non-conforming Lot, Legal:** A platted lot that does not conform to the minimum area or width requirements of this Chapter for the district in which it is located either at the effective date of this Chapter or its subsequent amendment.

**"North American Vertical Datum" or "NAVD":** Elevations referenced to mean sea level datum, 1988 adjustment.

**Nuisance:** An unreasonable interference with the enjoyment and use of one's property.

**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.

**Occupancy permit:** A required permit allowing occupancy of a building or structure after it has been determined that the building meets all the requirements of applicable ordinances.

**Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

**Office Park:** A project owned, developed and managed by a single owner or a group of owners similar to a business park with the primary establishments being a related group of offices

**Official Floodplain Zoning Map:** That map, adopted and made part of this ordinance, as described in Section 17.07(1)(d)(2), which has been approved by the Department and FEMA.

**Offset:** The horizontal distance between any structure’s exterior wall and the side or rear lot lines.

**Open Space:** A natural or manmade landscaped area not occupied by any structures or impervious surfaces.

**Open Space Ratio:** Total area of open space divided by the total site area in which the open space is located.

**Ordinary High Water 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.

**Outdoor Recreational Facilities:** Land and structures, along with accessory equipment, designed and utilized for leisure time activities of a predominantly outdoor nature.

**Outdoor Storage:** The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

**Parcel:** A lot or tract of land.

**Parcel, Parent:** The parcel of land that is proposed to be the subject of a development proposal.

**Parking Area:** Any public or private land area designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets, such surfaces generally consisting of gravel, asphalt, concrete or other impervious surface.

**Parking Space, Off-Street:** A usable off-street area with independent access designated for the parking of motor vehicles.

**Patio:** An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the surface of the ground in any manner.

**Peak Flow:** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.

**Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Person:** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**Plan Commission:** A body officially established under s. 61.35 and 62.23 of the Wisconsin Statutes; the Village of Palmyra Plan Commission.

**Planned Unit Development:** An area of a minimum contiguous size, as specified by ordinance, to be planned and developed as a single entity containing one or more residential and/or business clusters.

**Planning Agency:** The Village of Palmyra Plan Commission created under section 62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.

**Plat, Final Subdivision or Condominium:** A map or plan of a parcel of land showing such data as the location, boundaries, dimensions, bearings, lot or unit location and designation, and ownership of individual properties in accordance with Chapters 236 and 703 of the Wisconsin Statutes.

**Plex:** Two to four residential units per building.

**Polystructures/Tents/Canopies:** Any structure having a frame of steel or other materials, which is covered with plastic, polyurethane vinyl, canvas or other similar flexible sheeting material and shall adhere to the accessory building requirements of this Code.

**Porch:** A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

**Poultry:** Domestic fowl, such as chickens, ducks, geese and turkeys normally raised on a farm.

**Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

**Private Sewage System:** A sewage treatment and disposal system serving one 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 Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

**Processing:** A series of operations, usually in a continuous and regular action or succession of activities, taking place or carried on in a definite manner. The term processing is generally associated with the transformation of raw materials or substances into new products. For purposes of use in this code, processing shall not include heavy industrial uses such as tanneries, meatpacking, foundries, hazardous waste recycling, chemical production, and the like.

**Public Improvements:** Any part of the infrastructure such as drainage structures, central water system, central sewerage disposal systems, bridges, and streets.

**Public Utility:** Any person, firm, corporation or municipal department duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, communication, transportation or water.

**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.

**Public Water and Sewerage Systems:** A water or sewerage system owned and operated by the Village or an authority owned and operated by a private individual or a corporation approved by the Village Board and properly licensed by the Wisconsin Public Service Commission, and subject to special regulations as herein set forth.

**Quasi-public:** A use owned or operated by a nonprofit, religious or eleemosynary institution and providing educational, cultural, recreational, religious or similar types of public programs.

**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.

**Recreational Vehicle:** Any of the following:

- a. Travel Trailer- A vehicular, portable structure built on a chassis and on wheels that is between ten and 36 feet long, including the hitch, and eight feet or less in width, designated to be used as a temporary dwelling for travel, recreation, vacation, or other uses and towed by a car, station wagon, or truck. It includes so-called fifth-wheel units.
- b. Pickup Coach- A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation, or other uses.

- c. Motor Home- A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle
- d. Camping Trailer- A canvas or folding structure mounted on wheels and designed for travel, recreation, vacation, or other uses
- e. Chassis Mounts, Motor homes, and Mini-Motor Homes- Recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
- f. Converted and Chopped Vans- Recreational structures that are created by altering or changing an existing auto van to make it a recreational vehicle
- g. Boat or Snowmobile Trailer- A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this section, is termed an "unmounted boat or snowmobile.

**Research laboratory:** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

**Research laboratory:** An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

**Residential Quarters in Work Place:** An accessory dwelling unit established in conjunction with and clearly subordinate to, the principle use of a business or commercial property. Residential quarters are typically found in the rear or basement of the building, separated from the business areas of the building. Such units may contain a separate kitchen, dining area, bathroom living area, sleeping area, laundry facilities.

**Restaurant:** A commercial establishment where food and drink is prepared, served and consumed primarily within the principal building.

**Restaurant, Fast Food:** An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the consumer in a ready-to-consume state for consumption either within the restaurant building or off premises.

**Restaurant, Dine-in or Sit-Down:** Any building, room or place where meals are prepared, sold, and served to the public primarily while they are seated at a table. This type of restaurant does not include those restaurants with drive-in or drive-up facilities.

**Retail Services:** Establishments providing services or entertainment, as opposed to products, to the public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

**Retail Trade:** Establishments engaged in selling goods or merchandise to the public for direct personal, business or household consumption and rendering services incidental to the sale of such goods.(Rev. 4/5/99, Ord. #99-1)

**Riding Stable:** Any structure and/or land used, designed or arranged for the maintenance or rental of horses, mules, ponies or donkeys either with or without a bridle path or riding area but exclusive of horses or mules used exclusively for agricultural purposes.

**Right-of-Way:** A strip of land acquired by reservation, dedication, forced dedication, or condemnation and intended to be occupied or occupied by a street, cross-walk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

**Road:** See "Street".

**Roadside Stand, Farm:** A farm building or structure used or intended to be used solely by the owner or tenant of the farm on which such building is located for sale of the farm products raised on said farm.

**Runoff:** The portion of rainfall, melted snow or irrigation water that flows across the ground surface.

**Satellite Earth Station:** An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit. Satellite earth stations include those structures commonly referred to as disks, satellite communications systems, satellite dishes, or home earth satellite stations.

**Sediment:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin.

**Service Establishments:** Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations; including hotels and other lodging places; establishments providing personal business, repair and amusement services; health, legal, engineering, and other professional services; educational institutions; membership organizations, and other miscellaneous services.

**Service Station:** A place where petroleum products (stored in underground tanks) for the operation of motor vehicles are offered for sale directly to the public. Motor vehicle servicing, incidental washing, and the sale of minor accessories are also characteristic of some service stations.

**Setback:** The horizontal distance between any structure and the base setback line.

**Sewer Service Area, Rural:** The area of the Village or adjacent Township identified in the Land Use Plan as not being potentially served by sanitary sewer by the year 2010.

**Sewer Service Area, Urban:** The area of the Village identified in the Land Use Plan as being potentially served by sanitary sewer by the year 2010.

**Shoreland- Wetland District:** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.

**Shorelands:** means the area within the following distances from the ordinary high-water mark of navigable waters, as defined under Wisconsin State Statute 281.31 (2) (d).

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.
2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**Sign:** Any display of lettering, pictures, patterns, colors, lights (including neon tubes) or other devices for the purpose of informing, advertising, directing, identifying or otherwise drawing attention to goods, products, services, facilities, persons, properties or businesses

**Sign, Advertising:** A sign which promotes a product, commodity, service, person or event.

**Sign, Awning or Canopy:** A sign attached to, painted or sewn on, or otherwise incorporated into the design and construction of an awning or canopy which projects from a building facade.

**Sign, Bulletin:** A sign displaying an advertising or informational message by means of changeable letters, sometimes termed a "changeable copy" sign.

**Sign, Decorative Flag:** A sign displayed by a land use that is not the official flag of a government, religious, fraternal or civic organization

**Sign, Directional (On-Premise):** A sign which indicates only the name or logo of a business or business structure; and/or the direction of pedestrian, parking or traffic flow

**Sign, Double Face:** A sign which has 2 readable areas, placed back-to-back.

**Sign, Flashing:** A sign which has lights which are illuminated in a pulsating or intermittent manner.

**Sign, Freestanding:** A sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**Sign, Illuminated:** A sign designed to emit or reflect artificial light directly from a source incorporated in the sign or indirectly from another light source separate from the sign

**Sign, Mobile or Portable:** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage

**Sign, Monument:** A type of free standing sign that is solid from ground level to the top of the sign, often incorporating a masonry or concrete foundation

**Sign, Off-Premise Advertising:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Off-premise advertising signs include billboards.

**Sign, On-Premise:** A sign which advertises, calls attention to, or identifies a business or occupant at the address at which the sign is located

**Sign, Pole:** A type of free standing sign supported by one or more poles, typically metal, so that the bottom edge of the sign face is above ground level

**Sign, Portable:** A sign which is not permanently attached to a building or the ground

**Sign, Poster:** A temporary sign on paper, fabric or other material which is posted in a public place to advertise a specific event

**Sign, Projecting:** A sign which is attached to a building wall and which extends perpendicularly from the face of the wall

**Sign, Roof:** Signs mounted on or projecting above the roof of a building are prohibited.

**Sign, Sandwich Board:** A sign designed to be a self-supporting by means of an easel construction, displayed on a hard-surfaced area of the ground, and removable on a daily basis corresponding with the times the business it advertises is open

**Sign, Temporary:** Any sign, banner, pennant or advertising display constructed of fabric, paper, plastic, cardboard, wallboard or other lightweight material, with or without a frame, and intended to be displayed for a period not to exceed 30 days

**Sign, Wall:** A display or sign which is attached directly to the exterior wall of a building

**Sign, Window:** A non-temporary sign painted on or displayed in a window of a building which is intended to be viewed from the exterior of the building

**Sign Area, Gross:** The entire area within a single continuous perimeter enclosing the extreme limits of the sign, excluding support or attachment devices

**Single Ownership:** Any combination of lands singly owned by one individual, jointly owned by a married couple including that individual, or owned by a partnership or corporation in which the individual was a member.

**Site:** The entire area included in the legal description of the land on which disturbing or land development activity in the permanent application.

**Solar Energy System, Small:** An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the lot (such as a solar panel system providing energy for a dwelling on the same lot), and primarily supplies energy to such principal use.

**Solid Fuel Outdoor Heating Devices:** Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

**Stacks or Chimneys:** Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

**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 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.

**Street:** A public or private right-of-way usually affording primary access to abutting property.

**Street (Road) Reservation:** The designation by plat, certified survey map, or written deed of a certain area reserved for possible future public street purposes. A reservation does not transfer title of the reserved area to the public domain unless the area is accepted by the Village Board for public street purposes.

**Street Dedication:** The designation by plat, certified survey map, or written deed of a certain area to be used for public street purposes pursuant to Section 236.29, Wisconsin Statutes. A dedication transfers title of the dedicated area from the private landowner to the public domain.



**Street Width:** The total width of the strip of land dedicated or reserved for public travel, including roadway, curbs, gutters, sidewalks and planting strips.

**Storm Frequency:** the average period of time during which a storm of a given duration and intensity can be expected to be equaled or exceeded. A 100 year storm is a storm with a frequency of 100 years and would be equaled or exceeded, on the average, once every 100 years. A 100 year storm would have a one percent probability of being equaled or exceeded in any given year.

**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.

**Structure, Temporary:** Any structure other than a permanent structure as defined above.

**Structure, Permanent:** A structure placed on or in the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than nine (9) months.

**Structure, Accessory:** See "Accessory Use or Structure".

**Structure, Principal:** A structure used or intended to be used for the principal use as permitted on such lot by the regulations of the Zoning District in which it is located.

**Structure, Storage:** A detached structure, other than a principal garage, that is used for the parking and/or storage of motor vehicles, boats, campers, recreational vehicles, and lawn/garden equipment owned by the resident household.

**Subdivision:** The division of a lot, parcel or tract of land by the owner thereof or his agent for any purpose where:

- a. The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
- b. Five or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years.

**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 50 percent of the equalized assessed value of the structure before the damage occurred.

**Substantial Improvement:** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**Surveyor:** A licensed and certified land surveyor authorized to do business in the State of Wisconsin under Section 443.06 of the Wisconsin Statutes.

**Swimming Pool:** A private or residential swimming pool is an outdoor accessory structure containing or designed to contain water in a receptacle or other container located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his or her invitees for swimming, diving or

similar water activities, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of the swimming pool.

**Trailer Camp:** See “Campground”.

**Unenclosed:** In reference to “unenclosed” storage of materials, vehicles, etc., unenclosed shall be defined as being within reasonable view of surrounding properties due to lack of adequate screening or enclosure.

**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 ordinance.

**Use, Conditional:** A use which may be granted by the Plan Commission upon a determination of acceptable project impact and imposition of appropriate conditions as provided in Section 17.05.

**Use, Permitted:** The utilization of land by occupancy, activity, building, or other means which is specifically enumerated as permissible by the regulations of the zoning district in which land is located.

**Use, Accessory:** a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use

**Use, Principal:** The main or primary use of property or structures as permitted on a lot by the regulations of the zoning district in which such use is located.

**Use, Temporary:** A use established for a fixed period of time with the intent that such use will terminate automatically upon expiration of the fixed time period unless permission to conduct the use is renewed.

**Variance:** A variance is a departure from the provisions of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in an unnecessary and undue hardship. As used in this Chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance. Variances are granted by the board of adjustment or appeals.

**Vegetative Buffer Zone:** The area extending from the ordinary high-water mark of navigable waters to 35 feet inland.

**Village:** The Village of Palmyra, located in Jefferson County, WI.

**Violation:** The failure of a structure or other development to be fully compliant with an ordinance.

**Wall area:** The gross area of the exterior wall of a building including windows and doors but excluding any roof component. For multi-tenant commercial buildings, the wall area is defined as the exterior of only that portion of the building occupied by the business for which the sign is intended.

**Warehouse:** A building used primarily for the storage of business generated goods and materials and/or as a distribution center.

**Warehouse, Mini, (or Residential Storage Facility):** A building or portion thereof designed or rented primarily for storage.

**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.

**Watershed:** The entire region contributing runoff or surface water to a watercourse or body of water.

**Well:** An excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.

**Wetland:** An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet condition.

**Wetland Alteration:** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

**Wholesale Trade:** Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wind Energy System, Small:** An energy system that converts wind energy to usable thermal, mechanical, chemical, or electrical energy, where such wind energy system is accessory to the principal use of the lot (such as a wind turbine system providing energy for a dwelling on the same lot), primarily supplies energy to such principal use, and does not exceed a rated capacity of 60 kilowatts.

**Yard:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

**Yard, Front:** A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

**Yard, Rear:** A yard extending across the full width of a lot and lying between a rear lot line of the lot and the nearest point of the building.

**Yard, Side:** A yard between any building and the side lot line, extending from the front yard to the rear yard, or front lot line to rear lot line where no front yard or rear yard is required. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest part of the building.

**Zoning District:** A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and structures

## END OF CHAPTER 17