

DRAFT

Village of Denmark
Brown County, Wisconsin
Chapter 315: Zoning Regulations
February 2023

315-1 Authority.

These regulations are adopted pursuant to the authorization contained in Wis. Stat. §§ 62.23, 87.30, 114.126 and 145.02, as amended. This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

315-2 Title.

This Chapter shall be known, cited, and referred to as the "Village of Denmark Zoning Ordinance, Brown County, Wisconsin" except as referred to herein, where it shall be known as "this Chapter."

315-3 Jurisdiction.

Jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the Village of Denmark and such lands that may be added to the Village of Denmark in the future.

315-4 Compliance.

The use or development of any land or water, a change or alteration in the use of land or water, and the use, change of use, alteration, construction, reconstruction, remodeling or expansion of any structure within the areas to be regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state, and federal regulations.

315-5 Intent.

This Chapter is intended to promote health, safety, morals and the general welfare of the Village of Denmark. The provisions hereof shall be liberally construed in favor of the Village and as minimum requirements for the purposes stated.

315-6 Purpose.

This Chapter is adopted for the following purposes:

- A. To promote land uses and development patterns that are consistent with the Village's comprehensive plan and of adopted neighborhood, corridor, special area plans, and other such Village-approved plans, as applicable.
- B. Regulate lot coverage in order to ensure the proper size, location and placement of all structures so as to prevent overcrowding, unsafe conditions, traffic congestion and environmental damage, and to provide for adequate sunlight, air, sanitation and storm water drainage.
- C. Regulate population density and distribution so as to avoid undue population concentration in order to facilitate the provisions of transportation, water, sewerage, school, parks and other public requirements.

- D. Regulate vehicular parking, loading and access so as to lessen congestion on Village streets and highways, thereby promoting the safe and efficient movement of vehicles and the maintenance of the designed traffic carrying capacity of existing and proposed streets and highways.
- E. Secure safety from fire, flooding, panic and other dangers.
- F. Stabilize and protect existing and potential property values by conserving the value of buildings and encouraging the most appropriate use of land throughout the Village.
- G. Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters.
- H. Further the maintenance of safe and healthful water conditions.
- I. Further the appropriate use of land and conservation of natural resources.
- J. Facilitate the use of solar energy devices and other innovative energy techniques.
- K. Preserve and promote the beauty and historic nature of the Village.
- L. Protect life, health, property and public facilities from the detrimental effects of flooding.
- M. Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

315-7 Relationship to Comprehensive Plan.

The Village of Denmark Comprehensive Plan establishes the goals, objectives, and policies that provide the basis for this zoning code. All regulations or amendments adopted pursuant to this Chapter shall be generally consistent with the Comprehensive Plan, as adopted and revised or updated.

315-8 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.

315-9 Interpretation.

- A. This Chapter should be interpreted as a permissive zoning ordinance. It permits only those uses and structures specifically enumerated in this Chapter. Any uses or structures not specifically permitted by this Chapter are prohibited.
- B. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Denmark.

- C. Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any State or Federal regulations.
- D. No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except structures not requiring a building or zoning permit, and without full compliance with the provisions of this Chapter and all other applicable local, county and State regulations.
- E. Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this Chapter and the construction of which shall have been started within 6 months from the date of such permit.
- F. Except as provided in this Chapter, under provisions for Nonconformities, no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not comply with the requirements of this Chapter.

315-10 Zoning of Annexed Land.

Pursuant to Wis. Stat. § 66.0217(8), all property annexed to the Village of Denmark and previously not zoned under this Chapter shall be designated TZ Transitional Zoning District until otherwise changed by amendment. Prior to the issuance of any permits for new construction, a permanent zoning district classification must be obtained pursuant to the Changes and Amendments Section of this Chapter.

315-11 Scope of Regulations.

All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.

- A. All new building sites shall meet the requirements of this Chapter unless, prior to the effective date of this Chapter a building permit was issued and is still valid; and provided construction is begun within 90 days of such effective date and diligently prosecuted to completion, said building may be:
 - (1) Completed in accordance with the approved plans on the basis of which the building permit has been issued.
 - (2) May upon completion be occupied as approved in the building permit by the use for which it was originally designated.

- B. All Principal Structures shall be located on a lot, and only one principal residential structure shall be located, erected, or moved onto a lot except in the case of planned unit developments, multifamily developments and traditional residential developments.
- C. Where the Zoning Administrator has issued a zoning approval or permit pursuant to the provisions of this Chapter, the approval shall become null and void unless work thereon is substantially underway within twelve months of the date of issuance of such approval.
- D. The following changes to an existing use shall not require the entire site to be brought into compliance:
 - (1) Adding pedestrian, bicycle, and/or accessibility accommodations.
 - (2) Providing new/additional refuse enclosure areas.
 - (3) Resurfacing/reconstruction, maintenance of parking facilities where there is no change to layout, circulation or entrances.
 - (4) Replacing dead/undesirable, or non-functioning landscaping with new or different trees or shrubs.
 - (5) Elimination of parking stall to add landscaping, when administratively approved.

315-12 Nonliability.

The degree of protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Chapter does not imply that compliance will result in freedom from damages nor shall this Chapter create a liability on the part of or a cause of acting against the Village of Denmark or any officer or employee or duly designated representative for any damage that may result from reliance on this ordinance.

315-13 Severability.

Should any Section or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of this Chapter as a whole or any part thereof, other than the part so declared to be invalid.

315-14 Effective Date.

This Chapter shall become effective upon passage and posting according to law.

315-15 through 315-19 Reserved.

ARTICLE II: GENERAL PROVISIONS

315-20 Incidental Uses.

Any lot containing a Principal Use and Principal Structure may also contain such incidental uses that are customarily affiliated with but subordinate to the Principal Use or Principal Structure. The determination of such uses shall be at the discretion of the Zoning Administrator.

315-21 Accessory Structures and Accessory Uses.

A. General.

- (1) Construction of an Accessory Structure may not commence prior to the approval of said structure by the Zoning Administrator.
- (2) Portable storage facilities including shipping containers, portable on demand storage (PODS) containers, store and move (SAM) containers, buses, heavy-duty trucks and their bodies, semi-trailers, freight containers, mobile homes, recreational vehicles and trailers, and any other items or structures deemed by the Zoning Administrator to be substantially the same, and which are no longer in use for their designated purpose, are prohibited from being used as an Accessory Structure.
- (3) No home occupations shall be located in or conducted in Accessory Structures.

B. Relationship to Principal Structure.

- (1) Accessory Structures are not permissible without a Principal Structure.
- (2) Accessory buildings and uses shall be compatible with and incidental to the Principal Use of the property.
- (3) Accessory Structures shall be entirely detached from the Principal Structure.
- (4) Decks, porches, gazebos, pergolas, and similar such structures as determined by the Zoning Administrator shall be considered part of the Principal Structure when determined by the Building Inspector to be attached to the Principal Structure.
- (5) Accessory Structures attached to the Principal Structure by way of an attached Accessory Structure shall not be considered part of the Principal Structure for the purposes of this Chapter.
- (6) Breezeways shall not constitute adequate construction to incorporate an Accessory Structure into the Principal Structure.
- (7) The Accessory Use or structure for residential uses shall be subordinate in area, extent, and purpose to the Principal Use or structure served.
- (8) The design and construction of any accessory building, such as garages and storage buildings, shall be similar to or compatible with the design and construction of the Principal Structure.
- (9) The storage of commercial and industrial items, materials, and vehicles is prohibited.
- (10) The storage of materials and vehicles not owned by the owner or occupant of the lot is prohibited.

C. Garages.

- (1) In residential zoning districts, with the exception of multifamily developments, not more than one detached garage shall be located on a lot.

- (2) Garages, whether detached or attached, shall not exceed three stalls in width.
- (3) Attached garages shall not exceed the finished living area of the Principal Structure.

D. Location.

- (1) Accessory Structures shall comply with setbacks specified in the individual zoning district within which its host parcel, lot, or property is located.
- (2) Accessory Structures are prohibited in the street yard.
- (3) Accessory Structures in the R-1, R-2, and R-3 Districts shall not occupy more than 25 percent of the side and rear yard area.
- (4) No part of a roof overhang, eave, or other architectural accoutrement may extend more than 24 inches into any setback, other than specified in the Modifications Section of this Chapter.

E. Size and Number. Unless specified differently in an approved PDD document, Accessory Structures shall comply with the following regulations:

- (1) The floor area of all detached garages and Accessory Structures, except transitory Accessory Structures, shall be counted toward the total maximum floor area allowable for such structures in the zoning district within which such structure(s) is located.
- (2) Two-family residential dwellings are allowed detached Accessory Structures per unit, provided they meet all the requirements and the provisions of this Article.
- (3) Garages, whether detached or attached, shall not exceed three stalls in width.
- (4) Garages, whether detached or attached, shall not exceed 1,200 square feet.
- (5) Detached Accessory Structures shall not exceed 672 square feet.

315-22 Temporary Structures and Uses.

A. Intent. Temporary structures and uses are those that have the potential to create unwanted impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. All temporary structures and uses are required to meet certain procedural requirements in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.

B. General regulations for temporary structures and uses.

- (1) Portable storage facilities are prohibited, other than as specifically allowable in subsection (2) below.
- (2) No permit is required for temporary buildings, trailers, and equipment necessary for construction purposes and for the temporary storage of building materials and equipment, for a period not to exceed the duration of such construction, provided a building permit has been issued for a permanent structure and that such temporary structures are not used for living purposes.
- (3) Temporary uses such as food sales, nursery and agricultural stock, carnivals, outdoor commercial events, and other uses deemed similar by the Zoning Administrator may be permitted in business zoning districts.
- (4) Temporary uses such as Christmas tree sales and real estate field offices may be permitted in business zoning districts.

C. Permit Required.

- (1) No temporary structure or use shall be established, developed, altered, constructed, moved, extended, enlarged, continued or changed without first obtaining a Temporary Structure/Use Permit.
- (2) Temporary Uses. A Temporary Structure/Use Permit is required for all temporary uses.
- (3) Temporary Structures. A Temporary Structure/Use Permit is required for all temporary structures to be erected for a period of 15 to 180 cumulative days during a calendar year, with the following exceptions:
 - (a) No permit is required for temporary structures erected for a period of time not to exceed 14 days during a calendar year, so long as such structures comply fully with setback requirements in the zoning district within which said such structure(s) is located.
 - (b) Any structure erected for a period of 181 or more cumulative days during a calendar year, or 362 or more cumulative days during any three-year period, shall comply in all respects with the requirements for a structure other than a temporary structure in the applicable zoning district.

D. Application Requirements. All applications for a Temporary Structure/Use Permit shall be submitted on a form provided by the Village along with the required application fee as established in the approved fee schedule.

- (1) Temporary Structures. The following application requirements apply to temporary structures:
 - (a) A description of the proposed structure, including all of the following:
 1. The intended use of the proposed structure.
 2. Type of structure and exterior building materials and colors.
 3. Size of structure, including peak height and floor area.
 4. Location of all entrances, as applicable.
 5. Any additional information as may be required by the Zoning Administrator.
 - (b) A site map/sketch of the subject property showing all of the following:
 1. Location of the proposed temporary structure.
 2. All lot dimensions of the subject property and applicable setbacks for the temporary structure.
 3. The type, size, and location of all existing structures onsite with all building dimensions shown.
 4. Distance from proposed temporary structure to existing structures, as applicable.
- (2) Temporary Uses. The following application requirements apply to temporary uses:
 - (a) Temporary uses with a requested duration of less than two weeks and which do not include temporary structures will include a site sketch showing the extent and location of the proposed use.
 - (b) Temporary use with a requested duration of greater than two weeks or which include the use of temporary structures shall comply with the requirements of subsection (a) above.

E. Approval. Approval of a Temporary Structure/Use Permit shall be by the Zoning Administrator following review of a complete application and payment of the application fee.

- F. Compliance. Where a temporary structure or temporary use does not comply with the conditions of the permit, the Temporary Structure/Use Permit shall be revoked and the use shall be considered a violation of this Chapter.
- G. Garage, yard and similar sales. Notwithstanding any provision contained herein to the contrary, garage sales, yard sales, or other similar sales shall not be allowed more than twice each calendar year and each sale shall not last more than 72 consecutive hours.

315-23 Yards.

- A. General.
 - (1) No street yard shall be used for open storage of registered boats, licensed vehicles, unlicensed vehicles, or any other equipment except for vehicular parking on driveways for a period to exceed 14 days.
 - (2) All vehicles shall be parked on a hard-surfaced area in the street yard between 11:00 p.m. and 6:00 a.m.
- B. Setbacks. All required setback shall remain open and unobstructed, except for the following permitted obstructions:
 - (1) Air-conditioning, heating, ventilation or other mechanical equipment, located only within rear or side yards and no closer than 1/2 the applicable setback to a side or rear property line.
 - (2) Awnings, cornices, canopies, eaves, and other ornamental features, projecting not more than three feet into a yard.
 - (3) Chimneys, fire escapes, uncovered stairs, ramps and necessary landings, and bay windows no closer than 1/2 the applicable setback to a side or rear property line.
 - (4) Fences in compliance with the requirements for fences within this Chapter.
 - (5) Light fixtures, lampposts, flagpoles, and similar such structures.
 - (6) Recreational playground equipment.
 - (7) Walkways and steps not exceeding four feet in length.
 - (8) Landscaping as not to infringe on the vision corner.

315-24 Area Regulations.

- A. Lot sizes shall comply with the required regulations of the established district.
- B. No lot existing at the time of passage of this Chapter shall be reduced in size or area below the minimum requirements for the zoning district in which the lot is located.
- C. No building permit shall be issued for a lot that abuts on a half street.
- D. Each lot shall have frontage on a public street at a width satisfying the requirements specified for each zoning district. In the case of a condominium or planned unit development, the entire site shall be considered one zoning lot.

315-25 Corner Lots and Through Lots.

- A. On a corner lot, one of the lot lines that abut the street shall be considered a front lot line and the other shall be considered a corner side lot line. Establishment of the front lot line shall be

based on orientation of the existing or proposed building, and the required setbacks shall be based on establishment of the front lot line.

- B. On a through lot, both lot lines that abut the street shall be considered front lot lines. The required front setback shall be provided and maintained along each front lot line.

315-26 Vision Corner.

Within the vision corner, the following clearances shall be observed:

- A. No obstructions shall be permitted except for landscape materials and fences as regulated by this Chapter.
- B. No signs shall be permitted within the vision corner.
- C. Shrubs and other understory vegetation shall not exceed three feet in height and shall be largely see-through, defined as no more than 10 percent opacity.
- D. All new trees and existing deciduous trees shall be kept free of branches up to a height of at least eight feet above the ground or 60 percent of their overall height, whichever is less, so that trees located do not create a traffic hazard. Coniferous (evergreen) trees shall be avoided.

315-27 Open Space.

- A. Minimum Required. No building shall be erected, structurally altered or relocated on a lot so as to reduce the landscaped open space of such lot to less than that hereinafter specified by the regulations for that zoning district.
- B. How Measured. Open space shall consist of all permeable, landscaped areas that provide for the amenities and necessities of light, air, play space, drying yard, garden, lawns, etc., but shall not include parking areas and drives. Crop pasture and wooded land may be included in computing such open area.
- C. Overlapping. No part of the open space provided for any building shall be included as part of the open space required for another building, except as hereinafter provided for planned development projects.

315-28 Modifications.

- A. General. The Zoning Administrator, in reviewing zoning permits, may grant modifications to the terms of this Chapter as provided herein.
- B. Height. The height limitations set forth elsewhere in this Chapter may be exceeded as follows:
 - (1) Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
 - (2) Chimneys; cooling towers; elevator bulkheads; fire towers; monuments; penthouses; stacks; scenery lofts; tanks; water towers; ornamental towers; spires; wireless, television or broadcasting towers; masts or aerials; telephone, telegraph and power poles and lines;

microwave radio relay structures; and necessary mechanical appurtenances are hereby excepted from the height regulations of this Chapter and may be erected in accordance with other regulations or ordinances of the Village.

- (3) Churches, schools, hospitals, mental health facilities, and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side, and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- (4) Essential services are exempt from the height limitations of this Chapter.

315-29 Performance standards.

The following requirements and regulations shall apply to all zoning districts unless specifically stated otherwise. Determination of potential or actual noncompliance with such regulations shall be made by the Zoning Administrator. No use established on the effective date of this Chapter shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

- A. No activity or operation shall be established or maintained which by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust and particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort, and safety, or cause injury to property or business.
- B. Any lighting used to illuminate an off-street parking area or sign shall be arranged so as to deflect light away from any adjoining residential property or from the public streets. Direct or sky-reflected glare, whether from floodlights or from high-temperature processes, such as combustion or welding, shall not be directed into any adjoining property.
- C. All overhead lighting shall be downward directional to minimize sky-reflected glare and direct light away from adjoining properties.
- D. No activities involving the storage, utilization or manufacture of materials, goods or products which could decompose by detonation shall be permitted except such as are specifically licensed by the Village Board.
- E. No activity or operation shall cause earth vibrations perceptible beyond the limits of the lot upon which the operation is located.
- F. All fabrication, manufacturing, processing, or production shall be undertaken substantially within enclosed buildings.
- G. All waste material, debris, refuse, or garbage not disposed of through the sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purpose.
- H. All waste material, debris, refuse, or garbage stored in outside refuse bins must be located behind the Principal Structure and screened from view by use of an enclosed building, solid screening, or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.

- I. All compost piles stored outside must be located behind the Principal Structure and contained within a freestanding enclosure constructed of concrete blocks, brick, wood, woven wire, or durable plastic.
- J. All compost piles shall be maintained so as not to cause unpleasant odors or attract animals and shall be no taller than five feet high and be no larger in volume than 125 cubic feet.
- K. No land shall be developed and no use shall be permitted that results in water runoff, flooding, or erosion on adjacent properties. Such runoff shall be properly channeled into a storm drain, watercourse, ponding area, or other public facilities.
- L. Animal boarding facilities, animal grooming facilities, animal hospitals, and veterinary clinics or offices shall be required to be soundproofed to ensure that the noise levels associated with the use do not interfere with the health, welfare, and safety of adjoining properties.
- M. Any access drive for a car wash shall be at least 30 feet from any public street intersection, measured from the interior curb line commencing at the intersection of the street. Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
- N. Lock box system required.
 - (1) Unless exempted by written order of the Chief of the Village of Denmark Fire Department, and in order to eliminate forced entries to structures and to avoid costly and time consuming efforts in gaining access to locked structures during times of emergency, the following structures shall be equipped with a key lock box system at or near the main entrance or at any other such location which may be required by the Fire Chief or any other representative of the Fire Department.
 - (a) All newly constructed commercial and industrial structures and places of assembly protected by an automatic fire alarm system or automatic suppression system or any such structure secured in a manner that restricts access during an emergency;
 - (b) All newly constructed multifamily residential structures that have restricted access through locked doors and have a common corridor for access to the living quarters;
 - (c) All newly constructed health care facilities; and
 - (d) All existing structures undertaking additions, alterations or repairs which shall cause the same to conform with the then current provisions of any of the building or property maintenance codes adopted by the Village.
 - (2) All structures subject hereto shall be required to install a key lock box system prior to the issuance of any occupancy permit which shall then be functional at all times thereafter.
 - (3) Lock box means a key lock box manufactured by the Knox Company of Irvine, California, or any successor company which manufactures a compatible system.
 - (4) The owner or operator of any structure subject hereto shall, at all times, keep a key in the lock box that will permit access to the structure.
 - (5) The owner or operator of any structure hereto shall notify Fire Department of any changes to the key lock box system.
 - (6) The Fire Chief shall be authorized to implement rules and regulations governing the use of any key lock box system.

315-30 through 315-49 Reserved.

ARTICLE III: ZONING DISTRICTS AND ZONING MAP

315-50 Establishment of Zoning Districts.

- A. In order to carry out the purposes and provisions of this Chapter, the following zoning districts are hereby established:
- (1) Residential Districts
 - (a) R-1 Low Density Residential District
 - (b) R-2 Medium Density Residential District
 - (c) R-3 Varied Density Residential District
 - (d) R-4 Multifamily Residential District
 - (e) R-5 Mobile Home Park Residential District
 - (f) RD-1 Rural Development District
 - (2) Business Districts
 - (a) B-1 Central Business District
 - (b) B-2 General Commercial District
 - (c) B-3 Highway Commercial District
 - (3) Industrial Districts
 - (a) I-1 Limited Industrial District
 - (b) I-2 Heavy Industrial District
 - (4) Institutional Districts
 - (a) IN Institutional District
 - (5) Non-Standard Districts
 - (a) C-1 Conservancy District
 - (b) PDD Planned Development District
 - (c) TZ Transitional Zoning District

315-51 Zoning Map.

- A. The location and boundaries of the districts established by this Chapter are set forth on the Zoning Map, titled 'Zoning District Map for the Village of Denmark, Brown County, Wisconsin,' which is incorporated herein and hereby made a part of this Chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein. Such map, together with a copy of this Chapter, shall be available for public inspection in the office of the Clerk of the Village of Denmark.
- B. The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.
- (1) A boundary shown as following, or approximately following, a street, alley or railroad shall be construed as following the centerline of such feature.
 - (2) A boundary line shown as following, or approximately following, a lot line, Section line, survey or other property line, or municipal boundary shall be construed as following such line or boundary.
 - (3) Streets or alleys which are shown on the zoning district maps and which were previously vacated, or which may be vacated in the future, shall be construed to be in the same zoning district as the lots, pieces or lots abutting both sides of the street or alley involved.

If the lots, pieces or lots abutting each side of the street or alley were located in different zoning districts before the said street or alley was vacated, the center line of such vacated street or alley shall be the boundary line of the respective zoning districts.

- (4) The boundaries of a base zoning district shall correspond with the boundaries of a legal lot. No un-subdivided property shall possess more than one base zone. Where a district boundary divides a platted lot, the zone classification of the greater portion shall prevail throughout the lot unless and until one of the following occurs:
- (a) All portion of the lots are rezoned to a single zone classification.
 - (b) A land division is approved to establish separate legal lots coinciding with the boundaries of the zone classifications as they appear on the zoning map.
 - (c) Where any uncertainty exists as to the exact location of zoning district boundary lines, the Zoning Board of Appeals, upon written application, shall determine the location of such boundary lines.

315-52 Permitted Uses and Conditional Uses.

- A. Base Districts. The table appearing below and on the following pages presents the complete list of Permitted Uses and Conditional Uses for all base districts. The Intent, Dimensional Standards, and additional regulations and standards applicable to each district follow the table.
- B. Non-Standard Districts. The regulations and standards for Non-Standard Districts, along with applicable Permitted, Conditional, and Accessory Uses, follow immediately thereafter.
- C. Permitted Uses and Conditional uses by Base District.

(1) Agricultural Uses.

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	N
Agriculture and general farming.						P						
Agricultural crops.	C											
Agricultural uses limited to cropping.								P	P			

(2) Civic and Institutional Uses

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	N
Athletic fields.												P
Cemeteries.						C						P
Clubs and lodges, nonprofit and fraternal.	C	C	C	C	C		P	P	P			
Community gardens.	C	C	C	C	C	C		P	P			P
Fire and police stations.												P
Municipal facilities not otherwise listed.												P
Municipal garages.										P	P	C
Municipal yard waste site.											C	

Nursery schools, elementary schools, and junior and senior high schools (boarding).												C
Nursery schools, elementary schools, and junior and senior high schools (non-boarding).												P
Places of worship and uses and structures incidental to such uses.	C	C	C	C	C	C	P	P	P			P
Private parks and playgrounds.				C	C							
Public libraries.												P
Public museums.												P
Public parks and playgrounds.	P	P	P	P	P	P	P	P	P			P
Sewage and wastewater treatment plants.										C	C	C
Substations, electrical and natural gas.										P	P	

(3) Commercial and Industrial Uses.

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	IN
Artisan shops.							P	P	P	P	P	
Artist studios.							P	P	P			
Auto dealerships.									P			
Bakeries, wholesale.										P		
Banks and financial institutions.							P	P	P			
Bars, cocktail lounges, pubs, and taverns.							C	C	C			
Bed & breakfast establishments.	C	C	C	C	C	C						
Breweries, excluding microbreweries.										C		
Building materials sales and storage.											P	
Business incubator, commercial.							C	C	C			
Business incubator, manufacturing.										C		
Car washes.							C	C	C			
Carpet and flooring sales and service.										P		
Child day-care centers (group).							P	P	P			
Coffee, tea, juice, and smoothie shops.							C	C	C			
Commercial bakeries.											P	
Commercial composting operations.										C	C	
Contractor, architect, and engineer offices, shops, and yards.										P	P	
Convenience stores.							P	P	P			
Craft distilleries							C	C	C			
Distilleries, excluding craft distilleries										C		
Department store warehouse.											P	
Drive-in and carry-out businesses.							C	C	C			
Electronic and scientific precision equipment manufacturing.										P	P	
Engraving.							C	C	C			
Equipment rental stores.									P			
Farm machinery and equipment sales.										P		
Feed mills and feed sales.											P	

Fertilizer manufacturing.												P	
Food processing establishments.							C	C	C	C		P	
Freezer and locker meat providers.							C	C	C				
Glass and window installation.												P	
Grain storage and processing.												C	
Greenhouses, commercial, and garden supply stores.								C	C	C			
Greenhouses, wholesale.										P			
Health and fitness establishments, including gyms, yoga establishments, martial arts studios, gymnastics centers, and health clubs.							P	P	P				
Heavy industrial, general												P	
Hotels and motels.							P	P	P				
Hotels and motels, extended stay.									P				
Ice cream, frozen custard, yogurt, and the like.							C	C	C				
Indoor kennels.								C	C				
Landscaping supply businesses and outlets.								C	C				
Light industrial, general											P		
Live/work unit.							C	C	C	C			
Manufactured home sales.										P	P		
Meat storage and wholesale sales.												P	
Metal stamping.												P	
Microbreweries and brewpubs.							C	C	C				
Mobile food establishments, with an approved license.							C	C	C				C
Motor vehicle, boat, recreational vehicle, and trailer sales, rental and leasing.										P			
Nightclubs.							C	C	C				
Nonmetallic mining operations.												C	
Outdoor advertising services.												P	
Park and ride lots.										P			
Pet grooming establishments.							C	C	C				
Plastic manufacturing.											C	C	
Printing and publishing establishments.											P	P	
Printing shops.							C	C	C				
Professional offices and clinics.							P	P	P				
Production plants.												P	
Recreational vehicle and utility trailer sales.									C				
Repair garage.								C	C	P	P		
Restaurants, including with drive-through service and walk-up service.							P	P	P				
Retail sales establishments and service establishments less than 10,000 square feet of gross first floor area.							P						
Retail sales establishments and service establishments 10,000 square feet or more of gross first floor area.							C						

Retail sales establishments and service establishments less than 40,000 square feet of gross first floor area.								P				
Retail sales establishments and service establishments 40,000 square feet or more of gross first floor area.								C				
Retail sales establishments and service establishments less than 80,000 square feet of gross first floor area.									P			
Retail sales establishments and service establishments 80,000 square feet or more of gross first floor area.									C			
Sales, service, and repair: boats and personal watercraft.								C	C	C	C	
Sales, service, and repair: 'Category L' two- and three-wheeled vehicles, ATVs and UTVs, snowmobiles, and the like.								C	C	C	C	
Sales, service, and repair: 'Category M' light duty vehicles (passenger vehicles).								C	C	C	C	
Sales, service, and repair: 'Category N' heavy duty vehicles (trucks, buses, coaches, tractor-trailer units, and the like).										C	C	C
Sales, service, and repair: 'Category T' implements of husbandry.										C	C	C
Sales, service, and repair: construction equipment and similar heavy equipment.										C	C	C
Schools: dance, music, and business.							P	C				
Self-service storage facilities.										C	C	
Service stations and full service gas stations.							C	C	C	P	P	
Sexually oriented adult entertainment establishments.										C	C	
Short-term rental of dwelling unit, with approved license.	P	P	P	P	P	P	P					
Storage warehouses.											C	
Surface parking lots, as a Principal Use.							C	C	C			
Tattoo parlors and body piercing establishments.							C	C	C			
Tire and vehicle parts, not including resale or salvage yards.							C	C	C	P		
Tire and vehicle parts resale businesses.											P	
Tool and die manufacturing.										C	C	
Truck terminals (cartage facilities).										C	C	
Undertaking establishments and funeral parlors, excluding crematoriums.							P	P	P			
Veterinary hospitals and animal clinics.							C	C	C			
Welding shops.										C	C	
Wholesale natural gas, propane, and other similar distribution companies.									C			
Winery										C		

Winery, boutique							C	C	C			
Woodworking and wood products manufacturing.											P	

(4) Residential Uses.

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	IN
Community-based residential facilities serving eight or fewer persons.	P	P	P	P	P	P	C	C	C			P
Community-based residential facilities serving nine or more persons.	C	C	C	C	C	C	C	C	C			P
Dwelling, attached single-family.				P								
Dwelling, attached single-family, four or fewer units.		P	P									
Dwelling, detached single-family.	P	P	P	P		P						
Dwelling, detached two-family converted from single-family dwelling.			C									
Dwelling, detached two-family on interior lot.	C	P	P	P	C							
Dwelling, detached two-family on corner lot.	P	P	P	P	C							
Dwelling, multifamily.				P								
Dwelling, zero lot line duplexes.		P										
Dwelling, zero lot line duplexes on corner lots.				P								
Mobile home.					P							
Upper story residential units when located above commercial uses.							P	P	P			
Transitional residential facilities.										C		

(5) Utility, Communication, and Transportation Uses.

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	IN
Antennas, communication towers, microwave relay stations, and similar telecommunications facilities, other than mobile towers and amateur radio facilities.						C	C					
Mobile Towers.	C	C	C	C	C	C	C	C	C	C	C	C

(6) Accessory Uses and Structures

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	IN
Accessory dwelling unit, as an accessory to a single-family dwelling.	C	C	C	C		C						

Accessory Structures for storage.							C	C		P	P	P
Alternative Energy System: Electric vehicle infrastructure, levels 1, 2.	C	C	C	C	C	C	C	C	C	C	C	C
Alternative Energy System: Electric vehicle infrastructure, level 3.							C	C	C	C	C	C
Alternative Energy System: Geothermal.	C	C	C	C		C	C	C	C	C	C	C
Alternative Energy System: Small Wind.	P	P	P	P	P	P	P	P	P	P	P	P
Alternative Energy System: Solar.	P	P	P	P	P	P	P	P	P	P	P	P
Amateur radio facilities.	P	P	P	P	P	P						
Artificial bodies of water.	P	P	P	P	P	P	P	P	P	P	P	P
Beer gardens, as an accessory to bars, cocktail lounges, pubs, and taverns, but excluding nightclubs.							C	C	C			
Conservatories and greenhouses for plants provided that such activity is not designed for wholesale or retail sale.	P	P	P	P		P						
Farm structures, accessory in nature, necessary for the continuation of the farming operation.						P						
Garages for storage of vehicles used in conjunction with the operation of a permitted use.												P
Home occupations.	P	P	P	P	P	P						
Keeping of bees.	P	P	P	C		P	C	C	C			C
Landscape ponds.	P	P	P	P	P	P						
Offices, accessory to a Principal Use.										P	P	
Outdoor dining, as an accessory to: Restaurants; Coffee, tea, juice, and smoothie shops; Ice cream, frozen custard, yogurt, and the like.							P	P	P			
Outdoor display of retail merchandise on a temporary basis, with display areas on sidewalk immediately in front of Principal Structure or elsewhere onsite when not interfering with pedestrian or vehicular traffic of conflicting with other Village regulations.							P	P	P			
Outdoor storage, when accessory to: (a) Building Material sales; or, (b) Sales and service of motor vehicles, boats, recreational vehicles, and trailers, greenhouses, garden supply stores, landscaping supply outlets, manufactured home sales, and farm machinery and equipment sales.								P	P			
Ponds.						C						
Private garages, no more than one stall per dwelling unit.					P							
Private garages, no more than three stalls per dwelling unit.	P	P	P	P								
Residential quarters for caretakers or clergy.												P

Roadside stand provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.						P						
Structures and uses customarily incidental to the principal, unless otherwise prohibited herein.	P	P	P	P	P	P	P	P	P	P	P	P
Tasting rooms, as an accessory to a craft distillery, microbrewery, or winery.							P	P	P	P	P	
Transitory Accessory Structures.	P	P	P	P	P	P	P	P	P	P	P	P
Waste and recycling storage.				P			P	P	P	P	P	P

(7) Other Uses.

Use	Zoning Districts											
	R-1	R-2	R-3	R-4	R-5	RD-1	B-1	B-2	B-3	I-1	I-2	IN
Unlisted uses deemed by the Plan Commission to be substantially the same as a conditional use in the applicable zoning district. Once approved, this Chapter shall be amended to include such use as a listed conditional use.	C	C	C	C	C	C	C	C	C	C	C	C
Unlisted uses deemed by the Plan Commission to be substantially the same as a permitted use in the applicable zoning district. Once approved, this Chapter shall be amended to include such use as a listed permitted use.	P	P	P	P	P	P	P	P	P	P	P	P

(8) Notes.

Table Codes	P – Permitted Use; C – Conditional Use
Specific Provisions	Please see Article IV: Specific Provisions of this Chapter for regulations and standards applicable to various Permitted, Conditional, and Accessory Uses.
Definitions	Please see Definitions Section of this Chapter for additional information applicable to various Permitted, Conditional, and Accessory Uses.

315-53 R-1 Low Density Residential District (hereafter, R-1 District)

- A. Purpose. The Purpose of the R-1 District is to provide for varied housing options that have access to public sewer and water.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the R-1 District.
- C. Dimensional Standards.

Lot Standards – R-1 District		
Lot	Minimum Area	10,000 sf.

	Minimum Frontage	80 ft.
	Minimum Frontage, corner lot	100 ft. on one street, 80 ft. on other street
	Minimum Frontage, bulb of cul-de-sac	65 ft. [a]
	Minimum Open Space	Total cumulative area of all Accessory Structures, including detached garages and ADU, shall not exceed 25% of buildable area of rear yard
Building and Structure Standards – R-1 District		
Principal Structure	Minimum Size, single-family dwelling	1,200 sf. residential floor area
	Minimum Size, two-family dwelling	1,200 sf. residential floor area
	Maximum Height	35 ft. [b]
Detached Garage	Maximum Area	1,200 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number	One
Accessory Dwelling Unit (ADU)	Maximum Area	700 sf. [c]
	Maximum Height	25 ft.
Accessory Structures	Maximum Area	672 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number, single-family dwelling	Three, including detached garage and ADU but excluding transitory Accessory Structures
	Maximum Number, two-family dwelling	Two, including detached garage and ADU but excluding transitory Accessory Structures
	Minimum Roof Pitch	4:12
Minimum Setbacks – R-1 District		
Principal Structure	Street Yard	25 ft. from right-of-way
	Side Yard, corner lot	25 ft. from right-of-way; 8 ft. from opposite lot line
	Side Yard, interior lot	Eight ft. from lot line
	Rear Yard	25 ft. from lot line
Detached Accessory Structures	From Principal Structure	10 ft.
	Side Yard	Eight ft. from lot line
	Rear Yard	Eight ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at building setback.		
[b] See Modifications Section of this Chapter.		

- D. Parking. Parking in the R-1 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

315-54 R-2 Medium Density Residential District (hereafter, R-2 District)

- A. Purpose. The Purpose of the R-2 District is to provide for varied housing options that have access to public sewer and water.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the R-2 District.

C. Dimensional Standards.

Lot Standards – R-2 District		
Lot	Minimum Area, single-family dwelling and two-family dwelling	7,500 sf.
	Minimum Area, zero lot line duplex	5,000 sf. for each dwelling unit
	Minimum Frontage, single-family dwelling	70 ft.
	Minimum Frontage, two-family dwelling	110 ft.
	Minimum Frontage, Corner Lot	100 ft. on one street, 70 ft. on other street
	Minimum Frontage, bulb of Cul-de-Sac	65 ft. [a]
	Minimum Frontage, zero lot line duplex	45 ft.
	Minimum Open Space	Total cumulative area of all Accessory Structures, including detached garages and ADU, shall not exceed 25% of buildable area of rear yard
Building and Structure Standards – R-2 District		
Principal Structure	Minimum Size, single-family dwelling	1,200 sf. residential floor area
	Minimum Size, two-family dwelling	1,400 sf. residential floor area
	Maximum Height	35 ft. [b]
Detached Garage	Maximum Area	1,200 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number	One
Accessory Dwelling Unit (ADU)	Maximum Area	700 square feet [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
Accessory Structures	Maximum Area	672 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number, Single-Family Dwelling	Three, including detached garage and ADU but excluding transitory Accessory Structures
	Maximum Number, Two-Family Dwelling	Two, including detached garage and ADU but excluding transitory Accessory Structures
	Minimum Roof Pitch	4:12
Minimum Setbacks – R-2 District		
Principal Structure	Street Yard	25 ft. from right-of-way
	Side Yard, Corner Lot	25 ft. from right-of-way; 8 ft. from opposite lot line
	Side Yard, Interior Lot	Eight ft. from lot line
	Rear Yard	25 ft. from lot line
Detached Accessory Structures	From Principal Structure	10 ft.
	Side Yard	Eight ft. from lot line
	Rear Yard	Eight ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.

[a]	Measured at building setback.
[b]	See Modifications Section of this Chapter.
[c]	Detached garages and Accessory Structures shall be subordinate in area, extent, and purpose to the Principal Structure.

- D. **Parking.** Parking in the R-2 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

315-55 R-3 Varied Density Residential District (hereafter, R-3 District)

- A. **Purpose.** The Purpose of the R-3 District is to provide for varied housing options in traditional neighborhoods that have access to public sewer and water.
- B. **Uses.** See Section 315-52 for a complete list of permitted uses and conditional uses in the R-3 District.
- C. **Dimensional Standards.**

Lot Standards – R-3 District		
Lot	Minimum Area, single-family dwelling and two-family dwelling	5,000 sf.
	Minimum Area, zero lot line duplex	5,000 sf.
	Minimum Frontage, single-family dwelling	45 ft.
	Minimum Frontage, two-family dwelling [a]	45 ft.
	Minimum Frontage, Corner Lot	100 ft. on one street, 45 ft. on other street
	Minimum Frontage, bulb of Cul-de-Sac	40 ft. [a]
	Minimum Open Space	Total cumulative area of all Accessory Structures, including detached garages and ADU, shall not exceed 25% of buildable area of rear yard
Building and Structure Standards – R-3 District		
Principal Structure	Minimum Size, single-family dwelling	900 sf. residential floor area
	Minimum Size, two-family dwelling [b]	900 sf. residential floor area
	Maximum Height	35 ft. [c]
Detached Garage	Maximum Area	1,200 sf. [d]
	Maximum Height	25 ft., but no higher than Principal Structure [c]
	Maximum Number	One
Accessory Dwelling Unit (ADU)	Maximum Area	700 sf.
	Maximum Height	25 ft., but no higher than Principal Structure [d]
Accessory Structures	Maximum Area	672 sf.
	Maximum Height	25 ft., but no higher than Principal Structure [c]
	Maximum Number, Single-Family Dwelling	Three, including detached garage and ADU but excluding transitory Accessory Structures
	Maximum Number, Two-Family Dwelling	Two, including detached garage and ADU but excluding transitory Accessory Structures

	Minimum Roof Pitch	4:12
Minimum Setbacks – R-3 District		
Principal Structure	Street Yard	10 ft. from right-of-way
	Side Yard, Corner Lot	25 ft. from right-of-way; 4 ft. from opposite lot line
	Side Yard, Interior Lot	Four ft. from lot line [e]
	Rear Yard	10 ft. from lot line
Detached Accessory Structures	From Principal Structure	10 ft.
	Side Yard	Five ft. from lot line [e]
	Rear Yard	Five ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at building setback. [b] Newly constructed two-family dwelling units can only be built on corner lots; conversions of existing single-family dwelling units to two-family dwelling units may occur on any lot. [c] See Modifications Section of this Chapter. [d] Detached garages and Accessory Structures shall be subordinate in area, extent, and purpose to the Principal Structure. [e] Where structures cannot meet the side yard interior setbacks, the setbacks may be averaged so that a minimum of two feet of setback is maintained on one side of the dwelling.		

- D. **Parking.** Parking in the R-3 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

315-56 R-4 Multifamily Residential District (hereafter, R-4 District)

- A. **Purpose.** The Purpose of the R-4 District is to provide for varied housing options that involve higher housing densities than allowed in the other residential districts.
- B. **Uses.** See Section 315-52 for a complete list of permitted uses and conditional uses in the R-4 District.

- C. **Dimensional Standards.**

Lot Standards – R-4 District		
Lot	Minimum Area, single-family dwelling	10,000 sf.
	Minimum Area, two-family dwelling	12,000 sf.
	Minimum Area, zero lot line duplex	6,000 sf.
	Minimum Area, multifamily dwellings of three or more units	2,500 sf. per unit
	Minimum Area, all other residential permitted uses	12,000 square feet or 1,000 square feet for each resident occupancy of the structure, whichever is greater
	Minimum Frontage, except zero lot line duplex	100 ft.
	Minimum Frontage, zero lot line duplex	50 ft.
	Minimum Frontage, Corner Lot	110 ft.

	Minimum Frontage, bulb of Cul-de-Sac	70 ft. [a]
	Minimum Open Space	50% of total lot area, excluding areas lying within floodways or wetlands
Building and Structure Standards – R-4 District		
Principal Structure	Minimum Size, single-family dwelling	1,200 sf. residential floor area
	Minimum Size, two-family dwelling	1,400 sf. residential floor area
	Minimum Size, one bedroom multifamily unit	750 sf.
	Minimum Size, two bedroom multifamily unit	850 sf.
	Minimum Size, three or more bedroom multifamily unit	1,00 sf, plus 200 sf. for each additional bedroom over three
	Maximum Height	35 ft. [b]
Detached Garage	Maximum Area	1,200 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number	One
Accessory Structures	Maximum Area	308 sf. per unit
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number, Single-Family Dwelling	Three, including detached garage and ADU but excluding transitory Accessory Structures
	Maximum Number, Two-Family Dwelling	Two, including detached garage and ADU but excluding transitory Accessory Structures
	Minimum Roof Pitch	4:12
Minimum Setbacks – R-4 District		
Principal Structure	Street Yard	15 ft. from right-of-way
	Side Yard, Corner Lot	15 ft. from right-of-way; 15 ft. from opposite lot line
	Side Yard, Interior Lot	15 ft. from lot line, except 25 feet when lot abuts an R-1, R-2 or R-3 District parcel
	Rear Yard	25 ft. from lot line
	Between Buildings	12 ft.
Detached Accessory Structures	From Principal Structure	10 ft.
	Side Yard	10 ft. from lot line
	Rear Yard	10 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at building setback.		
[b] See Modifications Section of this Chapter.		
[c] Detached garages and Accessory Structures shall be subordinate in area, extent, and purpose to the Principal Structure.		

D. Parking. Parking in the R-4 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

315-57 R-5 Mobile Home Park Residential District (hereafter, R-5 District)

A. Purpose.

- (1) It is the Purpose of the R-5 District to provide mobile home parks that involve higher housing densities than allowed in the other residential districts in specific areas designated within the Village.
- (2) Subject to the terms, conditions, and limitations set forth herein, it shall be unlawful for any person to establish, operate, or maintain or permit to be established, operated, or maintained upon any property within the Village a mobile home park which is not in compliance with this Section.
- (3) It is the Purpose of this Section that development in the R-5 District provide a quiet and pleasant living area that is harmonious with the surrounding area. Further, manufactured home parks shall be well landscaped and well planned, shall provide a well planned and designed internal street system, and shall be well maintained. Mobile home parks shall not be located in areas unsuitable for residential use.
- (4) Development in the R-5 District is limited primarily to mobile and manufactured homes on smaller lots and certain community and recreational facilities to serve residents of the district.

B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the R-5 District.

C. Dimensional Standards.

Lot Standards – R-5 District		
Lot	Minimum Area	40,000 sf.
	Minimum Frontage	400 ft.
	Minimum Open Space	25% of total lot area, excluding areas lying within floodways or wetlands
Building and Structure Standards – R-5 District		
Principal Structure	Minimum Size	432 sf.
	Maximum Height	15 ft. [a]
	Minimum Roof Pitch	2:12
Detached Garage	Maximum Area	308 sf.
	Maximum Height	15 ft. [a]
	Maximum Number	One stall per unit
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
Minimum Setbacks – R-5 District		
All development in the R-5 District shall comply with the requirements of the mobile home park site plan.		
[a] See Modifications Section of this Chapter.		

D. Parking. Parking in the R-5 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter; however, all mobile home sites shall provide at least two off-street parking spaces for each unit as discussed in the mobile home park site plan.

E. Other requirements.

- (1) No occupied mobile home shall be permitted to be located in the Village unless the same is in a licensed mobile home park, except those mobile homes now occupied outside of a mobile home park, which right to occupy ceases when the present occupant thereof vacates said mobile home either by death, sale or otherwise.
- (2) Each mobile home shall be installed on an approved foundation system in conformity with the Uniform Building Code. The wheels and axles must be removed.
- (3) Each mobile home (Class I or II) shall be equipped with foundation siding which in design, color, and texture appears to be an integral part of the adjacent exterior wall of the mobile home. The roof shall be permanently covered with nonreflective material.

F. License for mobile home park; application and issuance.

- (1) No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon any property owned, leased, rented, or controlled by him a mobile home park within the Village of Denmark without first securing a license for each park from the Village Board pursuant to this Section. Such license shall expire at the close of the calendar year issued but may be renewed under the provisions of this Section for additional periods of one year.
- (2) The application for such a license or renewal thereof shall be approved by the Village Board. Before a license is issued, an applicant shall pay an annual fee as identified in the Village of Denmark fee schedule and, in addition thereto, each applicant for an original or renewal license shall file with the Village Clerk a bond in the sum of \$100 for each 50 mobile home spaces or fraction thereof. The additional fee guarantees the collection by the licensee of the monthly parking permit fees as provided in this Chapter and the compliance of the licensee and the park management with the provision of this Chapter. Such bond shall be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this Section. The annual license shall be subject to renewal by the Village Board, provided that said licensee has abided by the requirements of this Section or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
- (3) The application for a license or a renewal thereof shall be made on forms furnished by the Village Clerk and shall include the name and address of the owner in fee of the tract. If the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application shall be provided. The application shall include a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new, or revised mobile home park shall be accompanied by five copies of the park plan showing the following, either existing or as proposed:
 - (a) The extent and area for park purposes.
 - (b) Roadway and driveways.
 - (c) Locations and designation of dependent and nondependent mobile home spaces.
 - (d) Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms to be used by occupants of the mobile home park.
 - (e) Complete layout of storm, sanitary, and water systems for service building and spaces.
 - (f) Method and plan of garbage removal.

- (g) Plan for electrical or gas lighting of spaces.
 - (h) Interest of the applicant in the proposed mobile home park or extension thereof. If the owner of the tract is a person other than the applicant, a duly verified statement by the owner that the applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.
- G. Revocation and suspension. The Village Board may suspend or revoke a license after a hearing held pursuant to state statutes.
- H. Location of mobile home parks. An application for the construction of a mobile home park shall be considered only when its proposed location is within a district zoned to permit this type of use.
- I. Mobile home park site plan.
- (1) Mobile home spaces shall be clearly defined and shall consist of a minimum of 1,800 square feet and a width of not less than 25 feet measured at right angles from the side lot line of each space when served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than 25 feet in width, giving ease of access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition and provide for adequate stormwater drainage, said drainage to be determined by the Village Plan Commission. Gravel roadway may be constructed provided that it meets the specifications of roads by the Village Building Inspector or Engineer. The roadways shall be well lighted and shall not be obstructed.
 - (2) No dependent buildings shall be allowed.
 - (3) Electrical service to mobile home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
 - (4) All mobile homes within the park shall be parked within the designated spaces.
 - (5) For the protection of abutting property owners, as well as mobile home owners, a vegetated buffer strip shall be provided where feasible within all property lines of the site. A buffer strip 25 feet wide will be required for all mobile homes placed after the effective date of this Section, said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the mobile home spaces. A decorative fence may be substituted for the rear and interior twenty-five-foot buffer strip.
 - (6) Each mobile home space created after the effective date of this Section shall provide a front and rear yard setback of 10 feet and a side yard setback of 10 feet. Lots existing on the effective date of this Section may have a setback less than 10 feet. The above setbacks shall be seeded and landscaped and in no case shall be occupied by a mobile home and/or its accessory buildings, except for the following:
 - (a) Structures for utility outlets and garages serving more than one space may be located within the side or rear setback of the common lot line.
 - (b) The hitch used for pulling the mobile home may protrude into the street yard setback.
 - (7) Two off-street parking stalls shall be provided within each mobile home space.
 - (8) On all lots created after the effective date of this Section, a minimum of 200 square feet of open space per mobile home, exclusive of the minimum setbacks provided for individual mobile home spaces and buffer strips as indicated in shall be required for the express

purpose of providing open space and recreational area for the residents of the mobile home park.

- (9) All mobile homes in mobile home parks shall be skirted, unless the unit is placed within one foot vertically of the stand with soil and other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
 - (10) Construction on or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to the addition of awnings, antennas or skirting to mobile homes. Accessory Structures on mobile home spaces shall comply with all setback, side yard and rear yard requirements for mobile home units.
- J. Sanitary regulations. All mobile homes parks shall conform to the sanitation and health regulations as set forth by the State of Wisconsin and Brown County.
- K. Operation of manufacture home parks; responsibility of park management.
- (1) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Section shall be posted therein and the park register shall at all times be kept in said office.
 - (2) The attendant or person in charge and the park licensee shall operate the park in compliance with this Section and regulations and ordinances of the Village and state and their agents or officers and shall have the following duties:
 - (a) Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
 - 1. Names and addresses of all owners and occupants of each mobile home.
 - 2. Number of children of school age.
 - 3. State of legal residence.
 - 4. Date of entrance and departure of each mobile home.
 - 5. Make, model, year, and serial number of each mobile home and license number of towing or other motor vehicles and state, territory, or country issuing such licenses.
 - 6. Place of employment of each occupant.
 - (b) Notify park occupants of the provisions of this Section and inform them of their duties and responsibilities and report promptly to the proper authorities any violation of this Section or any other violations of law which may come to their attention.
 - (c) Notify the Village Clerk immediately of any suspected communicable or contagious disease within the park.
 - (d) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections.
 - (e) Maintain park grounds, buildings, and structures free of insect and rodent harborage and infestation and accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests and maintain the park free from growth of noxious weeds or invasive species.
- L. Prior Existing Mobile Home Parks. The requirements of this Section shall not apply to mobile home parks existing prior to the adoption of this Section. All provisions of this Section, however, shall apply to additions to existing mobile home parks and new manufactured home parks.

M. Additions to parks.

Licensees of mobile home parks shall furnish information to the Village Clerk and Assessor on such homes added to their park within five days after their arrival on forms furnished by the Village Clerk. Failure to comply with this Section shall be subject to a forfeiture of not more than \$25. Each failure to report is a separate offense.

N. Parking permit fees.

There is hereby imposed on each occupied, nonexempt mobile home located in the Village a parking permit fee in such amount as determined in accordance with Wis. Stat. § 66.0435. Said fees shall be paid to the Village Treasurer on or before the 10th day of the month following the month for which such fees are due. It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied, nonexempt mobile home therein and to remit such fees to the Village Treasurer. Failure to do so is to be treated like a default in payment of personal property taxes and subject to all procedures and penalties applicable under Wis. Stat. Ch. 70 and 74.

O. Payment of fees for homes outside parks.

Occupants of nonexempt mobile homes parked outside of a mobile home park shall remit monthly parking permit fees directly to the Village Treasurer.

P. Violations and penalties.

Any person who shall violate any provision of this Article or who shall fail to obtain a license or permit as required hereunder shall be subject to a penalty as provided in the Village Code.

315-58 RD-1 Rural Development District (hereafter, RD-1 District)

A. Purpose. The Purpose of the Rural Development RD-1 District is to provide for rural development lots that do not yet have access to public sewer or water but may in the near future.

B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the RD-1 District.

C. Dimensional Standards.

Lot Standards – RD-1 District		
Lot	Minimum Area	20,000 sf.
	Minimum Frontage	100 ft.
	Minimum Frontage, bulb of cul-de-sac	90 ft. [a]
	Minimum Open Space	Total cumulative area of all Accessory Structures, including detached garages and ADU, shall not exceed 25% of buildable area of rear yard
Building and Structure Standards – RD-1 District		

Principal Structure	Minimum Size, single-family dwelling	1,200 sf. residential floor area
	Maximum Height	35 ft. [b]
Detached Garage	Maximum Area	1,200 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number	One
Accessory Dwelling Unit (ADU)	Maximum Area	700 sf. [c]
	Maximum Height	25 ft.
Accessory Structures	Maximum Area	672 sf. [c]
	Maximum Height	25 ft., but no higher than Principal Structure [b]
	Maximum Number, single-family dwelling	Three, including detached garage and ADU but excluding transitory Accessory Structures
	Minimum Roof Pitch	4:12
Farm Structures	Maximum Height	60 ft. [b]
Minimum Setbacks – RD-1 District		
Principal Structure	Street Yard	30 ft. from right-of-way
	Side Yard, corner lot	30 ft. from right-of-way; 10 ft. from opposite lot line
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	25 ft. from lot line
Detached Accessory Structures	From Principal Structure	10 ft.
	Side Yard	10 ft. from lot line
	Rear Yard	10 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at building setback.		
[b] See Modifications Section of this Chapter.		

- D. **Parking.** Parking in the RD-1 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

315-59 B-1 Central Business District (hereafter, B-1 District)

- A. **Purpose.** The Purpose of the B-1 District is to further maintain and encourage the use and redevelopment of the principal downtown central business district in the Village by providing locations for general commercial goods and services serving the Village of Denmark and other nearby communities.
- B. **Uses.** See Section 315-52 for a complete list of permitted uses and conditional uses in the B-1 District.
- C. **Dimensional Standards.**

Lot Standards – B-1 District		
Lot	Minimum Area	5,000 sf.
	Minimum Frontage	45 ft. [a]
	Minimum Open Space	None

Building and Structure Standards – B-1 District		
Principal Structure	Minimum Size	None, but shall be minimum two stories
	Maximum Height	35 ft. [b]
	Maximum Number	One per lot
Accessory Structures	Maximum Area	None, but subordinate to first floor area of Principal Structure
	Maximum Height	No higher than Principal Structure [b]
	Maximum Number	One, excluding transitory Accessory Structures
Minimum Setbacks – B-1 District [a]		
All Structures	Street Yard	Build-to line
	Side Yard, corner lot	Build-to line
	Side Yard, interior lot	None unless abutting a different zoning district, then same setback as said district
	Rear Yard	25 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] See 'Build-to Line' in Section 315-59.D of this Chapter.		
[b] See Modifications Section of this Chapter.		

D. Build-to Line.

- (1) For the purposes of this Section, a build-to line is defined as the line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even (or more or less even) building facade line on a street. The build-to line is considered a front setback.
- (2) The intent of the build-to line is to pull the building facade close to the street and sidewalk. By doing so, building facades along a block face shall be aligned to form a street edge that frames the public realm while retaining sufficient width for people to walk.
- (3) If the primary building does not traverse the entire width of the lot, the balance of the build-to line shall include features such as elevated landscape planters, hedges, or decorative fences, with the exception of points of access, as approved by the Zoning Administrator.
- (4) Attempts shall be made by the designer to minimize portions of the building that recede from the build-to line except where the recessions are intended to provide an articulated facade.
- (5) For corner and through lots, the build-to line shall apply on all frontages, provided that the required corner setbacks are maintained.
- (6) Unless prevented by safety considerations or physical limitations related to the site, as determined by the Zoning Administrator, the primary pedestrian entrance to the main building shall be along the build-to line front wall. The entrance shall be clearly identified.
- (7) Build-to lines are established as follows:
 - (a) West side of North Wall Street from Main Street to East Pine Street: six feet.
 - (b) East side of North Wall Street from Main Street to East Pine Street: 10 feet.
 - (c) North side of Main Street from Wall Street to Green Bay Road: zero feet.
 - (d) South side of Main Street from Wall Street to Green Bay Road: zero feet.
 - (e) Both sides of Wisconsin Avenue from Main Street to Kellner Street: zero feet.
 - (f) East side of Railroad Avenue from Main Street to East Pine Street: 10 feet.

E. Parking.

- (1) At least two on-street parking spots shall be provided in front of each recognized establishment.
 - (2) Where applicable, all businesses in the Central Business District shall establish a use agreement with the Village of Denmark to utilize the downtown parking lot to meet their off-street parking needs.
 - (3) Parking in the B-1 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.
- F. Signs. Signs in the B-1 District shall comply with the requirements set forth in the Sign Regulations Section of this Chapter.
- G. Other Requirements.
- (1) Structures and equipment.
 - (a) All business, service repair, or storage shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
 - (b) Outside refuse bins shall be located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
 - (c) Rooftop mechanical equipment shall be screened from ground-level view.
 - (2) Exterior lighting.
 - (a) Exterior lighting shall be contained within the lot, except that a maximum of one percent of the total illumination may spill over into adjacent properties.
 - (b) Downward directional lighting shall be employed on all properties.
 - (3) When abutting residential zoning district.
 - (a) Where a side or rear lot line in a B-1 District parcel coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 15 feet in depth and shall contain landscaping and planting to provide an effective screen.
 - (b) Such screening shall consist of a fence and landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs, and shall be an effective visual barrier.
 - (c) All trees shall be a minimum of 2-1/2 inches in diameter at breast height when planted.

315-60 B-2 General Commercial District (hereafter, B-2 District)

- A. Purpose. The Purpose of the B-2 District is to further maintain and encourage the use and redevelopment of the principal business districts in the Village by providing locations for general commercial goods and services serving the Village of Denmark and other nearby communities.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the B-2 District.
- C. Dimensional Standards.

Lot Standards – B-2 District

Lot	Minimum Area, publicly sewered lots	10,000 sf.
	Minimum Frontage	70 ft. [a]
	Minimum Open Space	25% of lot
Building and Structure Standards – B-2 District		
Principal Structure	Minimum Size	None
	Maximum Height	35 ft. [b]
	Maximum Number	One per lot
Accessory Structures	Maximum Area	None, but subordinate to first floor area of Principal Structure
	Maximum Height	No higher than Principal Structure [b]
	Maximum Number	One, excluding transitory Accessory Structures
Minimum Setbacks – B-2 District		
All Structures	Street Yard	10 ft. from right-of-way
	Side Yard, corner lot	10 ft. from right-of-way
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	10 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at building setback.		
[b] See Modifications Section of this Chapter.		

- D. Parking. Parking in the B-2 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.
- E. Signs. Signs in the B-2 District shall comply with the requirements set forth in the Sign Regulations Section of this Chapter.
- F. Other Requirements.

- (1) Structures and equipment.
 - (a) Excepting motor vehicle, boat, recreational vehicle, and trailer sales and leasing All business, service repair, or storage shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
 - (b) Outside refuse bins shall be located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
 - (c) Rooftop mechanical equipment shall be screened from ground-level view.
- (2) Exterior lighting.
 - (a) Exterior lighting shall be contained within the lot, except that a maximum of one percent of the total illumination may spill over into adjacent properties.
 - (b) Downward directional lighting shall be employed on all properties.
- (3) When abutting a residential zoning district.
 - (a) Where a side or rear lot line in a B-2 District parcel coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 15 feet in depth and shall contain landscaping and planting to provide an effective screen.

- (b) Such screening shall consist of a fence and landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs, and shall be an effective visual barrier.
- (c) All trees shall be a minimum of 2-1/2 inches in diameter at breast height when planted.

315-61 B-3 Highway Commercial District (hereafter, B-3 District)

- A. Purpose. The Purpose of the Highway Commercial B-3 District is to provide for the orderly use and redevelopment of land at appropriate locations along principal highway routes for those general commercial goods and services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the need of such traffic serving the Village of Denmark and other nearby communities.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the B-3 District.
- C. Dimensional Standards.

Lot Standards – B-3 District		
Lot	Minimum Area, publicly sewered lots	20,000 sf.
	Minimum Frontage	100 ft. [a]
	Minimum Open Space	25% of lot
Building and Structure Standards – B-3 District		
Principal Structure	Minimum Size	None
	Maximum Height	45 ft. [b]
	Maximum Number	One per lot
Accessory Structures	Maximum Area	None, but subordinate to first floor area of Principal Structure
	Maximum Height	No higher than Principal Structure [b]
	Maximum Number	One, excluding transitory Accessory Structures
Minimum Setbacks – B-3 District		
All Structures	Street Yard	10 ft. from right-of-way
	Side Yard, corner lot	10 ft. from right-of-way
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	10 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at street yard setback line.		
[b] See Modifications Section of this Chapter.		

D. Parking.

- (1) No parking shall be located in the street yard setback.
- (2) All parking shall be located on the side or rear of the building.
- (3) All loading docks and overhead doors shall be located on the side or rear of the building.
- (4) Parking in the B-3 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

- E. Signs. Signs in the B-3 District shall comply with the requirements set forth in the Sign Regulations Section of this Chapter.
- F. Other Requirements.
- (1) Structures and equipment.
 - (a) Excepting motor vehicle, boat, recreational vehicle, and trailer sales and leasing All business, service repair, or storage shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.
 - (b) Outside refuse bins shall be located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
 - (c) Rooftop mechanical equipment shall be screened from ground-level view.
 - (2) Exterior lighting.
 - (a) Exterior lighting shall be contained within the lot, except that a maximum of one percent of the total illumination may spill over into adjacent properties.
 - (b) Downward directional lighting shall be employed on all properties.
 - (3) When abutting residential zoning district.
 - (a) Where a side or rear lot line in a B-3 District parcel coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 15 feet in depth and shall contain landscaping and planting to provide an effective screen.
 - (b) Such screening shall consist of a fence and landscaped area at least six feet wide, planted with a mixture of deciduous and evergreen shrubs, and shall be an effective visual barrier.
 - (c) All trees shall be a minimum of 1-1/2 inches in diameter at breast height when planted.

315-62 I-1 Limited Industrial District (hereafter, I-1 District)

- A. Purpose. The Purpose of the I-1 Zoning District is to provide for locations for low-intensity industrial uses to build the Village's economic base.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the I-1 District.
- C. Dimensional Standards.

Lot Standards – I-1 District		
Lot	Minimum Area, publicly sewered lots	20,000 sf.
	Minimum Frontage	150 ft. [a]
	Minimum Frontage, bulb of Cul-de-Sac	90 ft. [b]
	Minimum Open Space	25% of lot
Building and Structure Standards – I-1 District		
Principal Structure	Minimum Size	None
	Maximum Height	45 ft. [c]

	Maximum Number	One per lot
	Maximum Area	None
Accessory Structures	Maximum Height	35 ft, but no higher than Principal Structure [c]
	Maximum Number	None
Minimum Setbacks – I-1 District		
Principal Structure	Street Yard	20 ft. from right-of-way
	Side Yard, corner lot	20 ft. from right-of-way
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	25 ft. from lot line
Accessory Structure	Side Yard	25 ft. from right-of-way
	Rear Yard	25 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at street yard setback line.		
[b] May be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac.		
[c] See Modifications Section of this Chapter.		

- D. **Parking.** Parking in the I-1 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.
- E. **Signs.** Signs in the I-1 District shall comply with the requirements set forth in the Sign Regulations Section of this Chapter.
- F. **Other Requirements.**
- (1) **Uses.** No use shall be established, maintained, or conducted in the I-1 District that causes any of the following:
 - (a) Dissemination of excessive noise, vibration, odor, dust, smoke, observable gas or fumes, atmospheric pollutants, or any other nuisances beyond the boundaries of the immediate site of the building in which such use is conducted.
 - (b) Hazard of fire or explosion or other physical hazard to any person, building, or vegetation.
 - (c) A harmful discharge of waste material.
 - (d) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
 - (2) **Structures and equipment.** Outside refuse bins shall be located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
 - (3) **Exterior lighting.**
 - (a) Exterior lighting shall be contained within the lot, except that a maximum of one percent of the total illumination may spill over into adjacent properties.
 - (b) Downward directional lighting shall be employed on all properties.
 - (4) **When abutting residential zoning district.**
 - (a) Where a side or rear lot line in a I-1 District parcel coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 20 feet in depth and shall contain landscaping, a wooden privacy fence, and planting to provide an effective screen.

- (b) Such screening shall consist of a fence and landscaped area at least 10 feet wide, planted with a mixture of deciduous and evergreen shrubs, and shall be an effective visual barrier.
- (c) All trees shall be a minimum of 1-1/2 inches in diameter at breast height when planted.
- (5) Storage.
 - (a) All storage within 300 feet of a different zoning district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height. Cyclone fencing with wooden or plastic slats shall not be deemed sufficient. All fencing abutting a street shall be 90 percent impervious to sight.
 - (b) Outside storage of commodities and materials shall be permitted as an Accessory Use, provided that such open storage shall:
 - 1. Be located behind the front building line and corner side yard setback and shall not intrude into any required building setback areas.
 - 2. Comply with the setbacks contained within this district.
 - 3. Be screened from view from any street by shrubbery or a solid wall or fence (including solid entrance and exit gates).
 - 4. Not protrude above the fencing or shrubbery or be visible from ground level of an adjoining parcel.

315-63 I-2 Heavy Industrial District (hereafter, I-2 District)

- A. Purpose. The Purpose of the I-2 District is to provide for locations for high-intensity industrial uses to build the Village's economic base.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the I-2 District.
- C. Dimensional Standards.

Lot Standards – I-2 District		
Lot	Minimum Area, publicly sewered lots	30,000 sf.
	Minimum Frontage	150 ft. [a]
	Minimum Frontage, bulb of Cul-de-Sac	90 ft. [b]
	Minimum Open Space	25% of lot
Building and Structure Standards – I-2 District		
Principal Structure	Minimum Size	None
	Maximum Height	45 ft. [c]
	Maximum Number	One per lot
Accessory Structures	Maximum Area	None
	Maximum Height	35 ft, but no higher than Principal Structure [c]
	Maximum Number	None
Minimum Setbacks – I-2 District		
Principal Structure	Street Yard	20 ft. from right-of-way

	Side Yard, corner lot	20 ft. from right-of-way
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	25 ft. from lot line
Accessory Structure	Side Yard	25 ft. from right-of-way
	Rear Yard	25 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at street yard setback line.		
[b] May be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac.		
[c] See Modifications Section of this Chapter.		

D. Parking. Parking in the I-2 District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

E. Signs. Signs in the I-2 District shall comply with the requirements set forth in the Sign Regulations Section of this Chapter.

F. Other Requirements.

- (1) Uses. No use shall be established, maintained, or conducted in the I-2 District that causes any of the following:
 - (a) Dissemination of excessive noise, vibration, odor, dust, smoke, observable gas or fumes, atmospheric pollutants, or any other nuisances beyond the boundaries of the immediate site of the building in which such use is conducted.
 - (b) Hazard of fire or explosion or other physical hazard to any person, building, or vegetation.
 - (c) A harmful discharge of waste material.
 - (d) Radiation or interference with radio and television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
- (2) Structures and equipment. Outside refuse bins shall be located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- (3) Exterior lighting.
 - (a) Exterior lighting shall be contained within the lot, except that a maximum of one percent of the total illumination may spill over into adjacent properties.
 - (b) Downward directional lighting shall be employed on all properties.
- (4) When abutting residential zoning district.
 - (a) Where a side or rear lot line in a I-2 District parcel coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 30 feet in depth and shall contain landscaping, a wooden privacy fence, and planting to provide an effective screen.
 - (b) Such screening shall consist of a fence and landscaped area at least 15 feet wide, planted with a mixture of deciduous and evergreen shrubs, and shall be an effective visual barrier.
 - (c) All trees shall be a minimum of 1-1/2 inches in diameter at breast height when planted.
- (5) Storage.

- (a) All storage within 300 feet of a different zoning district, except for motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened by shrubbery or a solid wall or fence (including solid entrance and exit gates) not less than six feet nor more than eight feet in height. Cyclone fencing with wooden or plastic slats shall not be deemed sufficient. All fencing abutting a street shall be 90 percent impervious to sight.
- (b) Outside storage of commodities and materials shall be permitted as an Accessory Use, provided that such open storage shall:
 - 1. Be located behind the front building line and corner side yard setback and shall not intrude into any required building setback areas.
 - 2. Comply with the setbacks contained within this district.
 - 3. Be screened from view from any street by shrubbery or a solid wall or fence (including solid entrance and exit gates).
 - 4. Not protrude above the fencing or shrubbery or be visible from ground level of an adjoining parcel.

315-64 IN Institutional District (hereafter, IN District)

- A. Purpose. The Purpose of the IN District is to provide appropriate locations for institutional uses so that traffic and other potential neighborhood impacts may be addressed.
- B. Uses. See Section 315-52 for a complete list of permitted uses and conditional uses in the IN District.
- C. Dimensional Standards.

Lot Standards – IN District		
Lot	Minimum Area, publicly sewered lots	5,000 sf.
	Minimum Frontage	45 ft. [a]
	Minimum Frontage, bulb of Cul-de-Sac	40 ft. [b]
	Minimum Open Space	25% of lot
Building and Structure Standards – IN District		
Principal Structure	Minimum Size	None
	Maximum Height	Shall not exceed that permitted in the most restrictive abutting zoning district [b]
	Maximum Number	One per lot
Accessory Structures	Maximum Area	None
	Maximum Height	25 ft, but no higher than Principal Structure [b]
	Maximum Number	None
Minimum Setbacks – IN District		
Principal Structure	Street Yard	15 ft. from right-of-way
	Side Yard, corner lot	15 ft. from right-of-way
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	10 ft. from lot line
Accessory Structure	Side Yard	10 ft. from right-of-way
	Rear Yard	10 ft. from lot line

Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.
[a] Measured at building setback.		
[b] May be measured at the building setback line if said lot is located on the outer radius of a street, such as a cul-de-sac.		
[c] See Modifications Section of this Chapter.		

D. Parking.

- (1) Off-street parking shall be located behind or to the side of the Principal Structure.
- (2) Parking in the IN District shall comply with the requirements set forth in the Off-Street Parking Requirements Section of this Chapter.

E. Signs. Signs in the IN District shall comply with the requirements set forth in the Sign Regulations Section of this Chapter.

F. Other Requirements.

- (1) Structures and equipment. Outside refuse bins shall be located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- (2) Exterior lighting.
 - (a) Exterior lighting shall be contained within the lot, except that a maximum of five percent of the total illumination may spill over into adjacent properties.
 - (b) Downward directional lighting shall be employed on all properties.
- (3) When abutting residential zoning district.
 - (a) Where a side or rear lot line in a IN District parcel coincides with a side or rear lot line in any adjacent residential district, a yard shall be provided along such side or rear lot line not less than 10 feet in depth and shall contain landscaping, a wooden privacy fence, and planting to provide an effective screen.
 - (b) Such screening shall consist of a fence and landscaped area at least 10 feet wide, planted with a mixture of deciduous and evergreen shrubs, and shall be an effective visual barrier.
 - (c) All trees shall be a minimum of 1-1/2 inches in diameter at breast height when planted.
- (4) Special Provisions.
 - (a) If any land zoned IN is sold, conveyed, or transferred to any nongovernmental entity, the buyer or transferee must submit an application requesting the Village to rezone the land in accordance with the requirements of this Chapter.
 - (b) Land acquired by a government, public or quasi-public agency or public school district shall retain its existing zoning designation until such time as the Zoning Map is amended to designate such land as IN.

315-65 C-1 Conservancy District (hereafter, C-1 District)

- A. Purpose. The Purpose of the C-1 District is to preserve, protect, and enhance the streams, shorelands, and wetland areas located within the Village. The preservation, protection, and enhancement of these areas will serve to maintain and improve water quality, both ground and surface; maintain stormwater and floodwater storage capacity; control stormwater runoff;

protect stream banks from erosion; protect groundwater recharge and discharge areas; protect the water-based recreation resources of the Village; and avoid the location of structures on soils and lands which are generally not suitable for use.

B. Permitted Uses.

- (1) Hiking, fishing, and swimming unless prohibited by other laws and ordinances.
- (2) Silviculture, including the planting, thinning and harvesting of timber.
- (3) Existing agricultural uses provided that they do not involve extension of cultivated areas or extension of or creation of new drainage systems and further provided that they do not substantially disturb or impair the natural fauna, flora, or topography.
- (4) Public parks and recreation areas, recreation trails, open space areas, outdoor education areas, fish and wildlife habitat improvement projects, and water storage, provided that no land alteration is done except for limited work necessary for the development of walkways, trails, park shelters, or similar structures.
- (5) Construction, installation or maintenance of fences, provided that no filling, draining, dredging, or excavation is done in wetland areas, except limited filling necessary for the construction and maintenance of the fences.
- (6) The construction and maintenance of water and sewer lines or electric or other utility transmission lines and related facilities, where such lines cannot be located outside the Conservancy District, provided further than any filling, excavating, ditching, or draining necessary for such construction and maintenance is done in a manner designed to minimize the adverse impact upon the Conservancy District lands and provided that disturbed sites are restored.
- (7) The construction, maintenance, repair, replacement, or reconstruction of roads and bridges necessary for provision of essential utility and emergency services or necessary to provide access to uses permitted in this district, provided that the roads cannot be located outside the Conservancy District and the roads are designed and constructed to minimize the adverse impacts upon the function of the lands in the Conservancy District and the roads are designed with minimum area practical to serve the intended uses.

C. Conditional Uses.

- (1) Alternative Energy System: Small Wind.
- (2) Alternative Energy System: Solar.
- (3) Mobile towers.

D. Prohibited Uses.

- (1) The use of a boathouse for human habitation or placement of a boathouse or fixed boathouse below the ordinary high-water mark of any navigable water.
- (2) The placement of any structures in an area defined as an environmentally sensitive area by the Brown County Plan Commission.

E. Dimensional Standards.

Lot Standards – C-1 District		
Lot	Minimum Area	None
	Minimum Frontage	None
Building and Structure Standards – C-1 District		

Minimum Setbacks – C-1 District		
Principal Structure	Street Yard	15 ft. from right-of-way
	Side Yard, corner lot	15 ft. from right-of-way
	Side Yard, interior lot	10 ft. from lot line
	Rear Yard	10 ft. from lot line
Accessory Structure	Side Yard	10 ft. from right-of-way
	Rear Yard	10 ft. from lot line
Driveway	Side Yard	Six ft. from lot line
Environmentally Sensitive Area		10 ft.

315-66 PDD Planned Development District (hereafter, PDD)

A. Purpose.

- (1) The Purpose of the PDD is to encourage and provide a means for creating desirable and quality development by permitting greater flexibility and design freedom than permitted under the basic zoning district regulations. These regulations are established to permit latitude in the development of the building sites if such development is found to be in accordance with the purpose, spirit, and intent of this Chapter and the Village of Denmark Comprehensive Plan and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values, or the character of the neighborhood or the health, safety, and welfare of the Village of Denmark.
- (2) It is intended to permit and encourage diversification, variation, and imagination in the relationship of uses, landscaping, design, structures, open spaces, lot sizes, and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services and to encourage and facilitate the preservation of open space and other natural features such as woodlands, floodplains, and wetlands by incorporating these features into the overall development.

B. Application.

- (1) This Section shall serve as an option in addition to the permitted uses and regulations applicable to all zoning districts in the Village and shall apply only to those lands which are hereby and may hereafter be zoned PDD by the Village Board. Existing zoning shall continue in full force and effect and shall be solely applicable until such time as the Village Board grants final approval for the PDD.
- (2) All required improvements, construction standards, engineering standards, and all other applicable standards contained within the Village of Denmark Code of Ordinances shall be complied with, except where specifically varied through the provisions of this Chapter.

C. Minimum size of PDD. No district shall be established unless it contains the minimum area specified in this Section and has at least 200 feet of frontage or Village-approved private road access. The minimum gross area required for a PDD is as follows:

- (1) Two acres where the PDD is placed upon base residential districts.
- (2) One acre where the PDD is placed upon base commercial or industrial districts.

D. Uses permitted.

- (1) Basic zoning uses. The following uses are permitted in a PDD upon obtaining all necessary approvals required under this Section when determined by the Plan Commission be compatible with other existing and/or proposed uses onsite:
 - (a) All principal, accessory, and conditional uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.
 - (b) Conservation subdivision plats shall have a minimum of 50 percent open space, of which at least 25 percent must be outside of environmentally sensitive areas. Stormwater management facilities and other public facilities may be located within the 25 percent of land outside of environmentally sensitive areas.
 - (c) A mixture of residential types and recreational, commercial, and institutional uses may be developed to serve the residents of the PDD and/or residents of the surrounding area. Also, parking, signage, and any additional use restrictions for the uses shall be addressed in the ordinance adopted that authorizes and establishes the proposed PDD development.
- (2) Building restrictions. Requirements for building height, size and floor area, lot size, setbacks (front, side, rear and corner side), density, and open space shall be delineated in the preliminary and final development plans and the ordinance adopted that authorizes and establishes the proposed PDD. In no case shall these requirements be less than stated in other subsections of this Section, and they shall be found to not be hazardous, harmful, offensive, or otherwise adverse to the environment, property values, or the character of the proposed development, surrounding neighborhood or community, or adverse to the health, safety, and welfare of the residents of the PDD and/or community as a whole. Notwithstanding the foregoing, if the final development plan does not address a specific zoning requirement (the non-addressed requirement), the provisions of the Village of Denmark Zoning Ordinance shall apply to the development plan to the extent of the non-addressed requirements.

E. General provisions.

- (1) Engineering design standards. The width of rights-of-way, width and location of streets, sidewalks, or other paving requirements, outdoor lighting types and locations, public sanitary sewer, storm sewer, and waterlines, provision for stormwater retention and drainage, and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to perform the specific function in the specific situation; provided, however, that in no case shall construction standards be less than necessary to ensure the public safety and welfare. The Village reserves the right to have the Village's Engineer review all engineering aspects of the development at cost to the developer.
- (2) Approvals. The applicant shall develop the site in accordance with the terms and conditions of development presented to and approved by the Village Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Plan Commission and approval by the Village Board.
- (3) Rescinding approval. Failure to comply with the conditions, commitments, guarantees, or recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Village Clerk, the applicant or agent then shall be required to appear before the Village Board at its next

public meeting to explain any such failure to comply. The Village Board at such hearing shall determine whether or not the developer has failed to comply, and if there has been such a failure, may either:

- (a) Rescind its approval, whereupon such rescission and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the 31st day following a written notice of such decision sent by certified mail to the developer at his or her last known address; or
- (b) Adjourn such hearing for a period not to exceed 65 days to enable the developer to comply, whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there is such compliance. If the developer has not established to the reasonable satisfaction of the Village Board that there will be compliance in the future, the Board will proceed in accordance with SubSection (3)(a), above.

F. Criteria for approval. As a basis for determining the acceptability of a PDD proposal, the following criteria shall be applied to the development proposal, with specific considerations as to whether or not it is consistent with the spirit and intent of this Chapter and the Village of Denmark Comprehensive Plan:

- (1) Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall be a visual, aesthetic, and operational character which:
 - (a) Is compatible to the physical nature of the site, with particular concern for preservation of woodlands, open space, or other environmentally sensitive areas.
 - (b) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability, and functional practicality compatible with the general development plans for the community.
 - (c) Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.
 - (d) Would provide sufficient and accessible off-street parking and loading facilities. Creativity in addressing the provision of parking is encouraged. Alternate parking arrangements may be used, such as exterior or interior satellite parking lots, provision of mass transportation, etc., to provide adequate parking within the requirements of this Section.
 - (e) Would be developed in a manner that encourages alternative means of transportation through the provision of sidewalks and/or off-street trails and a well-connected street pattern.
- (2) Preservation and maintenance of open space. Adequate provisions shall be made for the permanent preservation and maintenance of common open space and rights-of-way either by private reservation or dedication to the public.
 - (a) Any identified reserved open space within a planned development shall first be offered to the Village for conveyance and dedication for public open space.
 - (b) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying an open space easement to the Village over such open areas as part of the conditions for project approval. This easement shall restrict the areas from any further building or use except as specifically authorized as part of the development plan.

- (c) Proposed new construction or additions outside of the existing footprint of agricultural-related buildings shall require obtaining an amendment to the PDD. Agricultural-related buildings shall not be interpreted to mean new residential, commercial, or industrial buildings.
- (d) In the case of roadways, other rights-of-way, and stormwater management facilities which are not dedicated to the public, as part of the conditions for project approval there shall be granted to the Village such easements over the same as may be necessary to enable the Village to provide suitable and adequate fire protection, police protection, emergency services, sanitary and storm sewer, water, maintenance, recreational trail connections, and other required municipal services to the project area.
- (e) The construction, care, and maintenance of such open space reservations, stormwater management facilities, and rights-of-way shall be assured either by establishment of an appropriate management organization for the project or acceptance of dedication to the Village. In any case the Village shall have the right to carry out and levy an assessment for the cost of any maintenance that it feels necessary if it is not otherwise taken care of to the satisfaction of the Village. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title of each property. The developer shall submit a landscape maintenance schedule and stormwater management plan with the final plan for approval by the Village that satisfies the above requirements.
- (f) Ownership, maintenance, construction, and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.
- (3) Implementation schedule. The petitioners for a PDD shall submit a reasonable schedule for implementation of the development to the satisfaction of the Plan Commission and the Village Board, including suitable provisions for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase. The Village may require the furnishing of a development agreement and a sufficient performance bond, escrow, or letter of irrevocable credit for construction.
- (4) Additional factors that may be considered by the Plan Commission and Village Board:
 - (a) Height of structures.
 - (b) Screening and fencing.
 - (c) Landscaping.
 - (d) Setbacks.
 - (e) The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.
 - (f) Nature and use of the proposed structures.
 - (g) Design and architecture of the structures and the construction materials to be used.
 - (h) Highway access to the site, number of driveways, and location.
 - (i) Traffic generation, number of vehicles parked, and rate of turnover per hour.
 - (j) Stormwater management.
 - (k) Capacities required for sewer, water, and other necessary utilities.
 - (l) Educational capacity capabilities (number of families and school load).
 - (m) Economic impact on the Village, its inducements, attractions, and detractions.
 - (n) Lighting.
 - (o) Proposed hours of operation.

- (p) Comparison of open space as required by the underlying basic zones with that proposed project.
 - (q) Operational control.
 - (r) Commencement and completion dates.
 - (s) Highway/street dedication.
 - (t) Signage.
 - (u) Deed restrictions and sureties deemed necessary to protect the health, safety, and welfare of the community.
 - (v) Impact on groundwater resources.
 - (w) Method of sanitary waste disposal.
 - (x) Such other limitations, conditions, special requirements, or characteristics to the use as may be deemed necessary to protect the health, safety, and welfare of the Village.
- G. Procedures. No development shall be permitted within this district unless it is submitted, reviewed, and approved subject to the procedures set forth in this Section.
- H. Pre-application conference. Prior to filing of an application for PDD, the applicant of the proposed PDD shall contact the Village Clerk to arrange a conference with Village representatives and/or staff. The primary purpose of the conference shall be to provide the applicant with an opportunity to gather information and obtain guidance as to the general suitability of the proposal for the area for which it is proposed and its conformity to the provisions of this Chapter before incurring substantial expense in the preparation of plans, surveys, and other data.
- I. Preliminary approval.
- (1) Notice and fee. A person desiring to develop a particular site as a planned development project shall apply to the Village Clerk on such forms as shall be provided by the Village and shall pay a fee equal to cover the cost to the Village of Denmark for reviewing the plans and specifications. All PDD fees shall be reviewed and set annually. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in this Section, shall be filed with the application.
 - (2) Notice to Plan Commission. The Village Clerk shall inform the Plan Commission of such desire and shall secure a date for a preliminary discussion between the developer and the Plan Commission and shall notify the developer of such date.
 - (3) Preliminary PDD Plan Commission recommendation. The Plan Commission, after such preliminary discussions, and such further discussions as may be required with the applicant, shall report in writing such proposed project development to the Village Board, together with its recommendation for either approval, approval with modifications, or denial of the same. Such report and recommendation of the Commission shall be made to the Village Board no later than 90 days from the filing of the application with the Village Clerk, unless agreed upon in writing by the Village and applicant. A recommendation of approval from the Commission shall in no way be binding on the Village Board.
 - (4) Information required. The following information shall be provided by the applicant in adequate detail to satisfy the Plan Commission for its recommendation regarding preliminary approval:
 - (a) A statement describing the general character of the intended development.

- (b) An accurate map of the project area, drawn to scale no less than one inch equals 200 feet, showing the nature, use, and character of abutting properties prepared by a licensed surveyor.
- (c) A digital submittal in PDF or comparable format along with no fewer than five paper copies of a general development plan of the proposed project drawn at a scale no less than one inch equals 200 feet showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in this Section:
 - 1. Tract boundaries and a statement of the total acreage of the tract.
 - 2. Significant physical features within the tract and outside the tract to a distance of 200 feet from the outer boundary of the tract, including existing two-foot contours, watercourses, drainage, ponds, lakes, wetlands, and other potential environmentally sensitive areas.
 - 3. Existing zoning district(s) on the property and within 400 feet adjacent to the proposed project.
 - 4. Property lines (if any) within the proposed project.
 - 5. All contemplated land uses within the tract.
 - 6. An indicator of the contemplated intensity of use (i.e., gross density in residential development, number of prospective tenants in office, commercial and industrial development, or recreational development).
 - 7. Number and type of dwelling units.
 - 8. Existing buildings that may affect future development and proposed location of all Principal Structures and associated parking area.
 - 9. Proposed lot coverage of buildings and structures.
 - 10. Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type and how they relate to the existing network outside this site.
 - 11. Existing rights-of-way and easements which may affect the project.
 - 12. In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages.
 - 13. The location of sanitary and storm sewer lines, water mains, fire hydrants, and lighting.
 - 14. The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.
 - 15. Description and proposed location of proposed stormwater management facilities.
 - 16. General site treatment, including parking and refuse areas.
 - 17. Landscaping plan.
- (d) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to the evaluation under the criteria of this Section.
- (e) Architectural drawings and sketches illustrating the design and character of proposed structures.
General outline of intended organization structure related to property owners' association, deed restrictions, and private provision of common services, if any.
- (f) Economic feasibility and impact report may be required by the Plan Commission to provide satisfactory evidence of the project's economic feasibility, of available adequate financing, and of its not adversely affecting the economic prosperity of the Village or the values of surrounding properties.

- (g) A description comprised of drawings, illustrations, images, and text, of how the proposed PDD will be compatible with, and integrated into, surrounding neighborhoods and the Village as a whole.
- (5) Preliminary PDD public hearing. The Village Board shall hold a public hearing on the preliminary PDD within 60 days of receipt of the Plan Commission recommendation, unless the applicant and Village agree to an extension in writing. A Class 2 notice pursuant to Wis. Stat. Ch. 985, shall publish time, place, and purpose of the hearing. Such notification appearing in the Village's official newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Village shall also mail notice of the hearing to all parties of interest who have requested notification and property owners within 300 feet of the outer boundaries of the proposed PDD.
- (6) Preliminary PDD Village Board action.
 - (a) The Village Board shall approve, approve with modifications, deny, or refer the proposed development back to the Plan Commission. The Village Clerk shall provide a written summary of the Village Board action and any modifications to the preliminary plan and mail them to the applicant.
 - (b) Approval of the preliminary development plan shall entitle the developer to final approval if the final development plan is submitted within one year of the date of approval of the preliminary plan and conforms to such layout and conditions of the approved preliminary plan and required final approval information and the applicant and Village have executed a development agreement as required under the Village of Denmark Code.
 - (c) No building permits shall be issued on land within the PDD until the final plan is approved and all public improvements are in place and accepted by the Village.
- J. Amendment of preliminary plan approval.
 - (1) The recommendation of the Plan Commission and the preliminary approval of the Village Board shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character, or other factors pertinent to an assurance that the proposed development will be carried out as presented in the approved plans.
 - (2) Detailed construction time and the approval of such preliminary plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Plan Commission, and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within 60 days make an appropriate recommendation to the Village Board relating to an amendment of the preliminary approval.
 - (3) An applicant desiring to amend an approved preliminary PDD shall apply to the Village Clerk on such forms as shall be provided by the Village and shall pay a fee equal to cover the cost to the Village of Denmark for reviewing the plans and specifications. The fee must accompany said forms. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, a contact name, address, and telephone number, if different, and a description of the development site. Appropriate supporting documents and maps, as required in this Section, shall be filed with the application.

- (4) The Village Board shall hold a public hearing on the preliminary PDD amendment within 60 days, following the Plan Commission recommendation, unless the applicant and Village agree to an extension in writing. A Class 2 notice pursuant to Wis. Stat. Ch. 985, shall publish time, place, and purpose of the hearing. Such notification appearing in the Village's official newspaper shall appear once during each of the two weeks prior to the scheduled date of such hearing, the last of which shall be at least one week before the hearing. The Village shall also mail notice of the hearing to all property owners within 300 feet of the proposed PDD and parties of interest who have requested notification.

K. Final approval.

- (1) Petition for final approval. When the Village Board has issued its preliminary approval of the proposed plan, then the applicant may file with the Village Clerk a petition executed by the owner, or its agent, of the property to be developed for the final approval stating that it seeks to develop such property under the provisions of this Section. Such petition shall include (unless previously submitted and unchanged from the preliminary plan):
 - (a) The names, mailing addresses, and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application that no longer have an interest in the project, in the event there has been a change in owners or developers since the date of application.
 - (b) An accurate topographical map showing topographical data at two-foot intervals and extending within 200 feet beyond the exterior boundaries of such site, showing all public rights-of-way and all buildings accurately located within 200 feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and capacities thereof, and high-water elevations along rivers.
 - (c) A scale plot plan showing the location, type, and size of every proposed structure and its proposed use; also driveways, driveway access roads, refuse areas, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaping areas, and utility easements.
 - (d) A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities, and open areas (both in square feet and as a percentage of the project area).
 - (e) Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
 - (f) A table showing the approximate cost of structures.
 - (g) A statement showing the starting and completion dates of the project.
 - (h) Any other pertinent data, statements, drawings, or plans which may be required by the Plan Commission or the Village Board.
 - (i) Square footage of buildings.
 - (j) Square footage of offices, production areas and the proposed number of employees in such area for commercial and industrial developments.
 - (k) Detailed signage sketch elevations.
 - (l) Details of proposed use or uses and manner of operation.
 - (m) The municipal services that may be required to serve the area.
- (2) Final PDD Plan Commission recommendation. The Plan Commission shall make a formal recommendation to the Village Board and provide written findings of fact upon which its recommendation is based in the official minutes of the Plan Commission meeting. The Plan Commission shall make a recommendation to the Village Board within 60 days of the submittal of a final plan to the Village Clerk based upon the criteria in this Section and the information provided by the applicant.

- (3) Final PDD Village Board action.
 - (a) The Village Board shall have an additional 60 days after the public hearing in which to approve, approve with modifications, refer back to the Plan Commission, or deny the application, unless an extension is granted through written agreement between the Village and applicant. The Village Board shall base its decision on the criteria in this Section information provided by the applicant, and official testimony at the public hearing. Approval by the Village Board of the final plan shall also constitute approval of the PDD zoning.
 - (b) The Village Board shall provide written findings of fact regarding its action and direct the Village Clerk to provide written notification to the applicant of the Village Board action and the findings of fact.
 - (c) The applicant is responsible for any county or state filings and fees.
 - (d) A development agreement shall be negotiated and executed by the applicant and Village prior to final approval as described in the Village of Denmark Code.
- L. Failure to begin construction or establish use. If no construction has begun, or no use has been established in the PDD, within 12 months from the approval of the final plan, the final plan and related restrictions and conditions shall lapse and be of no further effect. In its discretion and for good cause, the Village Board may extend for not more than six months the period for the beginning of construction or the establishment of a use.
- M. Amendments.
 - (1) Post-Approval Changes to PDD. Any change to a use or structure approved as part of the PDD, or the addition of a new use or structure, may require an amendment to the PDD. Such a requirement shall be at the discretion of the Plan Commission based upon its determination the change in an existing use or structure or addition of a new use or structure constitutes a substantive change to the approved PDD. Uses determined by the Zoning Administrator to not constitute a substantive change shall not required PDD amendment.
 - (2) The Village Board must approve any amendment to regulations, restrictions, or conditions for an approved final PDD. Such regulations, restrictions, or conditions may include but are not limited to changes or alterations to landscaping, architectural design, type of construction, sureties, lighting, fencing, planting screens, operational control, hours of operation, signs, improved traffic circulation, deed restriction, highway access restrictions, minor alterations or minor additions, building height or area of existing structures, off-street parking, or loading requirement changes.
 - (3) The applicant shall pay a fee for the cost of review and processing of an amendment.
- N. Interpretation.
 - (1) In the interpretation and application, the provisions of this Section 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.
 - (2) Further, development shall be planned, reviewed and carried out in conformance with all municipal, state and other laws and regulations. However, in interpreting and applying the provisions of this Section or any PDD adopted under this Section, they shall take

precedence and be controlling when there is conflict between their provision and those of the zoning provisions of this Chapter.

315-67 TZ Transitional Zoning District (hereafter, TZ District)

- A. Purpose. The Purpose of the TZ District is to provide a temporary zoning district to accommodate lands recently annexed to the Village of Denmark, subject to the following:
 - (1) Annexation to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the TZ District.
 - (2) Such lands shall remain in the TZ District for a period of time not to exceed 365 days from the date of approval of the annexation.
- B. Uses. Permitted Uses in the TZ District are those uses currently in place on the land. No other uses other than uses incidental to the current use are allowable.
- C. Fees. Notwithstanding the provisions of Wis. Stat. § 16.53(14), the Village Board may, in its sole discretion, pay the annexation petition review fees prescribed by the Wisconsin Department of Administration.

315-68 through 315-80 Reserved.

ARTICLE IV: SPECIFIC PROVISIONS

315-80 Zero Lot Line Duplexes.

- A. Purpose. There is hereby created a Zero Lot Line Duplex Ordinance to regulate side yard setback requirements on building lots zoned to include zero lot line duplexes as allowable uses.
- B. Where permitted. Zero lot line duplexes shall be permitted only in areas zoned to include their use.
- C. Side yard setbacks.
 - (1) General. The following regulations shall apply to all future zero lot line duplexes and zero lot line duplex lots within the Village of Denmark.
 - (2) Lot requirements. The side yard setback of a zero lot line duplex may be zero on one side provided that it meets the minimum requirements of the individual zoning district as established in this Chapter and all of the following.
 - (a) Zero lot line duplex lots shall have a minimum of 45 feet of frontage on a public street and all lots shall have a minimum of 5,000 square feet of area for each dwelling unit.
 - (b) The lot adjacent to that side yard is held under the same ownership at the time of initial construction.
 - (c) The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.
 - (d) The opposite side yard is not less than eight feet in Districts R-1 and R-2.
 - (e) Easements shall be provided across zero lot lines where necessary for water, sewer and utility services.
 - (3) Construction requirements. Lots upon which zero lot line duplexes are allowed and the construction of said duplexes shall meet the following requirements.
 - (a) The premises must include an enclosed garage for each dwelling unit, either attached or detached, to hold at least one car.
 - (b) The exterior materials and roof materials on each unit shall be of the same color and consistency.
 - (c) The plans, specifications, and construction of such buildings shall require the installation and construction of separate sewer, water, and other utility services to each dwelling unit.
 - (4) Additional requirements.
 - (a) Matters of mutual concern to adjacent property owners, due to construction, catastrophe, and/or maintenance, shall be guarded against by private covenants and deed restrictions and the Village of Denmark shall not be held responsible for the same.
 - (b) A homeowners' association must be established with bylaws that are recorded with the Brown County Register of Deeds office. A copy of the recorded document is to be filed with the Village Clerk.

315-81 Home Occupations.

Home occupations and professional offices, when incidental to the principal residential use, situated in the same building, and carried on by the residential occupant, are subject to the following conditions:

- A. Such uses shall not occupy more than 20 percent of the assessed floor area of the Principal Structure in which it is located.
- B. Such use shall not employ more than one person not a resident on the premises.
- C. No such use shall be permitted which normally necessitates the coming of the customer or client to the premises, or customer presence on the premises while the service is being performed, or otherwise generates pedestrian or vehicular traffic incompatible with the rural or residential character of the neighborhood, except for teaching or tutoring academic subjects, or the studios where dancing, music or other art instruction is offered to no more than 2 pupils at one time.
- D. Any off-street parking area provided shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.
- E. Such use shall not include the conduct of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
- F. There shall be no exterior indication that the dwelling is being used for any other purpose than a dwelling.
- G. Such use shall not include the operation of any machinery, tools or other appliances, or the outside storage of materials, or other operational activity which would create offensive noise, vibration, sound, smoke, dust, odors, heat, glare, X-rays or electrical disturbances to radio or television instruments, or be otherwise incompatible to the surrounding residential area.
- H. A name plate not in excess of one square foot in area shall be permitted.
- I. A home occupation shall not be interpreted to include barber shops, beauty shops, auto repairing, antique shops, restaurants or similar occupations or professions.

315-82 Accessory Dwelling Units.

- A. General Standards.
 - (1) Accessory dwelling units (ADU) are accessory to a Principal Use, which shall be a single-family dwelling.
 - (2) ADU located within or attached to a Principal Structure shall have a separate entrance from the structure dwelling.
 - (3) A Principal Structure shall be present prior to the commencement of construction of an ADU.
 - (4) The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six months is allowed.
 - (5) No more than one accessory dwelling unit may be located on a lot.
 - (6) The number of occupants of the accessory dwelling unit shall not exceed one family or two unrelated individuals.
 - (7) The accessory dwelling unit shall not be sold separately from the principal dwelling, unless removed from site upon sale.

B. Dimensional Standards.

- (1) The maximum height of a detached building containing an ADU, including one built above a garage, shall be 25 feet.
- (2) The maximum size of an ADU shall be 75 percent of the Principal Structure's floor area, up to a maximum size of 700 square feet.
- (3) The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
- (4) ADU entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.

C. Design Standards.

- (1) The appearance or character of the Principal Structure shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.
- (2) The exterior finish material of an ADU shall be complimentary to the exterior finish material of the principal dwelling.
- (3) The roof pitch of an ADU shall compliment the predominant roof pitch of the principal dwelling.
- (4) Trim, projecting eaves, and other such architectural accouterment of an ADU shall compliment those of the principal dwelling.
- (5) Windows of an ADU shall match compliment in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).
- (6) ADU shall comply in all respects with the Wisconsin Uniform Development Code and all other applicable building codes and standards.

315-83 Live/Work Unit

A. Description. A Live/Work Unit is an owner occupied mixed-use building compliant with the following:

- (1) All uses.
 - (a) A minimum of two means of dedicated egress shall be available for each unit.
 - (b) A separate Certificate of Occupancy is required for each residential and nonresidential use of the structure.
 - (c) The Certificate of Occupancy is non-transferrable.
 - (d) Owner-occupied. The main-level residential use or the main-level non-residential use shall be owner-occupied.
- (2) Nonresidential Use.
 - (a) Only those nonresidential uses listed as a Permitted Use or Conditional use in the B-7 District are permissible.
 - (b) A nonresidential use may occupy any level of the structure, however:
 1. No less than 50 percent of the main level shall be dedicated to a nonresidential use.
 2. Such use shall occupy the entirety of the front portion of the structure, but for any entrance exclusive to the residential use. The front portion of the structure shall be that part of the structure abutting the street associated with the primary mailing address of said structure.

3. No more than five persons not a member of the owner's immediate family shall be engaged in the nonresidential use.
- (3) Residential Use. A residential use may occupy any level of the structure, however:
 - (a) No more than 50 percent of the main level shall be dedicated to a residential use.
 - (b) Such use shall not occupy the front portion of the structure, but for any entrance exclusive to the residential use. The front portion of the structure shall be that part of the structure abutting the street associated with the primary mailing address of said structure.

315-84 Fences, Walls, Hedges, and Berms.

For the purposes of this Section, the term 'fence' applies to fences, wall, hedges, berms, and similar such structures as determined by the Zoning administrator and defined in this Chapter.

A. Location.

- (1) All fences, walls, hedges, berms, or shrubbery must be separated from all lot lines by at least two feet.
- (2) All fences paralleling buildings and other structures must be erected such that there is a minimum of two feet of clearance between the fence and structure.
- (3) The owner shall be responsible for properly locating all property lines before construction of any fence.
- (4) Fences or walls shall comply with the vision corner requirements of this Chapter.

B. Orientation. The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.

C. Height Measurement. Fence height shall be measured from natural or approved grade. In the case of grade separation, such as the division of properties by a retaining wall, fence or hedge height shall be determined based on measurement from the average point between highest and lowest grade. If the fence or hedge is set back from the retaining wall by a distance of at least four feet, the height shall be measured from the base of the fence or hedge. Berms and retaining walls shall not be used to increase grade relative to screening height.

D. Residential Zoning Districts.

- (1) Materials and Structure.
 - (a) Fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or vinyl coated chain link material, wrought iron, brick, natural stone, or masonry.
 - (b) Barbed wire, electrical, and single-, double- or triple-strand fences are prohibited.
 - (c) No fence shall have sharp or pointed pickets or other elements deemed by the Zoning Administrator to be dangerous to health.
- (2) Height.
 - (a) Street Yard.
 1. Screening Fence. The maximum height of a screening fence or screening hedge within a required front or street yard setback (both primary and secondary) shall not exceed four feet in height.

2. Ornamental Fence. The maximum height of an ornamental fence located in a street yard is four feet if the fence is less than fifty percent opaque, and six feet if the fence is less than twenty percent opaque.
 - (b) Side and Rear Yards.
 1. Screening Fence. The maximum height of a screening fence or screening hedge within required side yard and rear yard setbacks shall not exceed six feet. Screening fences around swimming pools shall not exceed eight feet.
 2. Ornamental Fence. An ornamental fence may exceed six feet in height but shall not exceed eight feet in height.
 - (c) Boundary Fence. A screening fence or screening hedge of up to eight feet in height may be placed on a district boundary line between a residential district and a nonresidential district or where adjacent to a public utility or public service use.
 - (d) Hedges, shrubbery, trees lines, and other such natural barriers may grow to their natural height.
- E. Nonresidential Zoning Districts.
- (1) Height.
 - (a) Street Yard. The maximum height of a screening fence or screening hedge shall not exceed four feet.
 - (b) Side and Rear Yards. The maximum height of a screening fence or screening hedge shall not exceed eight feet.
- F. Exceptions.
- (1) Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for a time period consistent with an approved building permit or up to one hundred eighty consecutive days per calendar year.
 - (2) Protective security and boundary fences on industrial sites, publicly owned lands, utility substations, etc. are excluded from the height provisions of this Section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.
- G. Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.
- H. Permit Required. A site plan permit or amendment to an existing site plan permit is required for all fences regulated under this Section, except for temporary seasonal fences (e.g. snow fences).

315-85 Artificial Bodies of Water

The following regulations shall apply to all zoning districts in the Village.

- A. Exemptions. The following are exempted from the requirements of this Section provided all required permits, as applicable, are obtained from the Zoning Administrator.**

- (1) **Pools, both public and private.**

- (2) **Landscape ponds.**
 - (3) **Detention ponds being constructed as part of a Village-approved stormwater management system as long as they are designed and constructed in accordance with the set standards of Brown County, EPA, and DNR.**
- B. Districts Allowed.** Artificial bodies of water are allowable in all zoning districts with an approved Site Plan Permit.
- C. Site Plan Required.** Applications shall include a site plan scaled to at least one inch equalling 200 feet with the following information contained on the site plan:
- (1) **A map showing the location of the premises and the adjoining properties within 500 feet.**
 - (2) **Topography of the site at two-foot intervals.**
 - (3) **Any existing or proposed residential lots, buildings, easements, property lines, and setbacks.**
 - (4) **Any existing waterways, floodways, or tile lines.**
 - (5) **A scaled cross-Section view of the artificial body of water in a north-south and east-west direction depicting slopes, safety benches, depths, and high and low water levels.**
 - (6) **Outflow design with calculations.**
 - (7) **Fencing, if required.**
 - (8) **The source of water supply for residential dwellings (if appropriate) and the method(s) of maintaining low water levels.**
 - (9) **Proposed truck and machinery access to the site.**
 - (10) **Approximate amount of earth material to be excavated or moved off site.**
 - (11) **Proposed site design depicting two-foot contour intervals.**
 - (12) **Proposed grading and seeding of the site after completion of the excavating. All seeding and grading must be completed within six months after construction.**
 - (13) **Designated hours of operation during construction of pond or artificial lake.**
 - (14) **The type of sanitary facilities to be installed if residential development is to take place.**
- D. Design standards.**
- (1) **All artificial bodies of water shall be designed within the scope of this Article. Where no minimum water level is to be maintained, the slope of the bottom may not exceed three feet horizontal to one foot vertical and the depth may not exceed four feet. When the artificial body of water is greater than four feet in depth, a six-foot horizontal bench shall be constructed four feet below the normal high water level. A slope greater than 3:1 will only be acceptable below the six-foot horizontal bench.**
 - (2) **All artificial bodies of water shall have an outflow to maintain the maximum normal water level. The size of this outflow shall be determined by design and shall be capable of removing one inch of water from the surface of the entire pond every 12 hours. The minimum size of the outflow pipe shall not be less than eight inches in diameter. A ditch or swale may be considered a substitute for a culvert as an outflow. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but**

in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 3:1 or less shall be established and maintained from the outfall normal high-water level. This area shall be no less than three feet horizontal measured from the water's edge.

- (3) All artificial bodies of water shall have a minimum and maximum water level established and sealed with one of the following procedures:
 - (a) Existing clay soils.
 - (b) Compacted clay liner.
 - (c) Synthetic liner.
- (4) A minimum of one foot of freeboard shall be maintained above the maximum high water level.
- (5) The minimum side and rear setback shall be 75 feet. Front setbacks and corner side setbacks shall be 75 feet.
- (6) The Village of Denmark may, at its discretion, require fencing. Where such fencing is required, the following criteria shall be used:
 - (a) A structural fence no less than four feet in height and no less than four feet from the water's edge at the high-water line shall be provided. It shall be constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors or gates. If a picket fence is erected or maintained, the horizontal dimensions shall not exceed four inches. All gates or doors 48 inches or less in width opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48 inches in width opening through such enclosures shall be kept securely latched at all times when unsupervised.
 - (b) Side load pressure must withstand 200 pounds of lateral pressure.
- (7) The groundwater table in the surrounding area and adjacent to the artificial body of water shall be protected. No residential well water shall be used to fill the artificial body of water.
- (8) Village and state permits shall be required if high-capacity wells are drilled on the site. Location of all wells shall be provided on the site plans. Well logs shall be provided to the Village after completion of the well.
- (9) Temporary fencing shall be provided as soon as slopes of greater than 3:1 are developed during construction and shall be maintained until minimum water level is obtained.
- (10) No screening, sifting, washing, crushing, or other forms of mineral processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling and until completion of the project or three months, whichever is less.
- (11) At all stages of operations, proper drainage shall be provided to prevent the collection or growth of vegetation not depicted on the approved plan (weeds and cattails), stagnation of water, and to prevent harmful effects and odors upon surrounding properties. The artificial body of water shall be maintained at all times in accordance with the approved plan. No deviation shall be created from the approved plan without the written approval from the Village of Denmark.
- (12) The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Village to revoke the permit.

- (13) No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.**
- (14) Erosion control measures shall follow the Wisconsin Department of Natural Resources Construction Site Best Management Practices Handbook and Technical Standards.**
- (15) The Village of Denmark retains the right to require any other and/or future restrictions as deemed necessary to protect the health, safety, and welfare, and a proper land use fit to the surrounding area.**
- (16) The Village of Denmark retains the right to hire an engineer licensed in the State of Wisconsin at its discretion to verify any artificial body of water design or calculation. All Village-incurred engineering costs related to the body of water shall be the sole responsibility of the owner.**
- (17) Any artificial body of water constructed shall comply with the regulations set forth by all applicable federal, state, county, and local jurisdictions.**
- (18) A performance bond may be required to be filed with the Village Board prior to the start of construction. The amount of bond per acre shall be specified by the Village Board of Denmark.**
- (19) The Village shall not approve the application for the conditional use permit unless it is assured that the proposed artificial body of water will not adversely affect adjoining properties or the environment and shall not cause future land use conflicts.**

E. Inspections. The owner shall call for the following required inspections 24 hours in advance.

- (1) Site Inspection. A site inspection by Village staff shall be made prior to any excavation. Property lines adjacent to the excavation, easements, proposed excavation boundaries, and outflow termination point shall be clearly marked for site approval.**
- (2) Excavation Inspection. Any excavation inspection shall be made by Village staff after all slopes are established and prior to the excavation filling with water. If the excavation fills with water, the Village reserves the right to require the water removed to perform the required inspections. All costs associated with removing the water shall be the sole responsibility of the owner.**
- (3) Final Inspection. Final inspection by Village staff shall be made when all fencing is in place (if required) and the pond has reached its minimum water level.**

F. Maintenance.

- (1) The owner of any land on which a artificial body of water shall exist is required to maintain that land and body of water within the limits of this Article.**
- (2) A maintenance agreement shall be filed with the Village and shall carry with the property.**

G. Permit fees.

- (1) Permit fees shall be established and charged as per the Village fee schedule.**

(2) A construction deposit, performance bond, or irrevocable letter of credit shall be required as per the Village of Denmark Code.

315-86 Recreational Vehicles.

Travel trailers, recreational vehicles, camping vehicles, trailered boats, trailered all terrain/utility terrain, and similar such vehicles may be parked or stored on any property within the Village only under the following conditions:

- A. In all residential districts, it is permissible to park said vehicles on private property in the following manner:
 - (1) Parking is permitted inside any enclosed, lawfully-erected structure.
 - (2) One such vehicle may be stored on a year-round basis in the rear yard or side yard outside of the required setbacks of the zoning district of the lot.
 - (3) All such vehicles with a weight of 3,000 pounds or more shall be parked on a hard-surfaced driveway of asphalt or cement.
- B. Such vehicles parked outside for more than 21 days in a calendar year must be owned by the property owner and must have current licenses, registration, or tags.
- C. Such vehicles shall not be used for living quarters or connected to water or sanitary sewer.
- D. No such vehicle may be parked within the street yard or on any public street for more than 12 consecutive hours.

315-87 Swimming Pools, Hot Tubs, Spas, and Ponds.

- A. Permit Required. A Site Plan Permit shall be issued by the Zoning Administrator prior to commencing the construction and installation of a swimming pool, hot tub, spa, or pond. The construction and installation of a swimming pool, hot tub, spa, or pond shall not commence prior to the issuance of a Building Permit, if so required by the Building Inspector.
- B. Site Plan. An application shall be submitted on a form furnished by the Village and shall include a site plan drawing showing the following information:
 - (1) Location of swimming pool, hot tub, spa, or pond on the lot and distance from the Principal Structure, detached Accessory Structures, property lines, easements, and fences.
 - (2) Location of overhead and/or underground wiring in relation to swimming pool, hot tub, spa or pond.
 - (3) Dimensions and depth of swimming pool, hot tub, spa or pond.
 - (4) Type, location, and height of fence, if required.
 - (5) Type, dimensions, and location of deck if proposed.
- C. Location.
 - (1) Swimming pools, hot tubs, spas, and ponds shall be located in the rear yard and shall be located no less than 10 feet from rear and side yard lot lines. In determining the setback

permanent fencing, decks, or similar surfaces shall be considered part of the swimming pool, hot tub, spa, or pond.

- (2) Swimming pools shall not be located closer than five feet to any structure other than a deck.
- (3) Swimming pools, hot tubs and spas shall not be located in utility or drainage easements and shall not be located in a conservancy.
- (4) Pools, decks, and gazebos detached from the Principal Structure shall be included in the calculation of Accessory Structure square footage or as counting toward the 25 percent of buildable area of a rear yard.

D. Security.

- (1) In-Ground Pools. In-ground pools shall be:
 - (a) Completely fenced, before filling, by a permanent, sturdy fence, not less than four feet or more than eight feet in height. Access to any such pool shall be through a gate or gates in the fence, equipped with a self-closing, self-latching device placed at a minimum height of three feet above the ground; or,
 - (b) Include a powered safety cover compliant with ASTM F1346-91.
- (2) Above-ground pools having a height of less than 3½ feet above ground at any portion of the poolside wall are required to be fenced the same as in-ground pools. When fencing is required, it shall be installed to extend a minimum of four feet beyond any area less than 42 inches high. When the height of a poolside wall is such that a fence will not be required, all ladders, steps or other means of access to an above-ground pool shall be removed and/or designed to prevent access when the pool is unattended.
- (3) Hot tubs and spas with a lockable safety cover that can be fastened and key locked when unattended and shall be able to withstand 150 pounds.
- (4) Decks. Where decks surround or adjoin an aboveground swimming pool, hot tub, spa, or pond, a three-foot minimum height guardrail mounted to and measured from the deck surface to the top of the guardrail will be considered as meeting the fencing requirements as long as the design and construction regulations of this Section are complied with and the overall vertical measurement from grade (ground) level to the top of the guardrail is a minimum height of four feet. Sides of stairs and gates leading to a deck shall also comply with the requirements of this Section. Side yard and rear yard setbacks for a detached deck surrounding a swimming pool, hot tub or spa shall be measured 10 feet from the property line.
- (5) Ponds shall be exempt from the fence requirements if an approved wire screen, mesh or grate is placed and maintained three to four inches below the waterline of sufficient strength to withstand a weight of 100 pounds.

E. Lighting. Lights used to illuminate any residential swimming pool, hot tub, spa or pond shall be so arranged and shaded as to reflect light away from adjoining premises.

F. Filtration System Required. All private swimming pools, other than those specifically exempted above, shall have a filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof. The swimming pool, hot tub, spa or pond shall be kept clean and in sanitary condition at all times.

G. Drainage. Drainage. In no case shall any swimming pool, hot tub, spa or pond be drained on to properties other than that of the owner of the swimming pool, hot tub, spa or pond.

- H. Exemptions. Portable pools not to exceed 18 or inches in depth and which are so constructed as to be readily disassembled for storage and reassembled to its original integrity are exempt from permitting and do not need fence protection but must be drained or covered in such manner as to provide public safety when left unattended. All covers are required to meet safety standard ASTM F1346-91.

315-88 Satellite Dishes.

- A. Amateur radio structures and towers and mobile towers are specifically excluded from the requirements that follow.
- B. All satellite dishes located in the Village of Denmark shall conform to the following regulations contained herein:
- (1) Satellite dishes no larger than 34 inches in diameter may be located in the street yard. All other satellite dishes shall be located in the side or rear yard only.
 - (2) Satellite dishes larger than 34 inches in diameter shall be screened from view from abutting properties and adjoining streets through fencing or vegetation compliant with the applicable requirements of this Chapter.
 - (3) No more than one satellite dish per dwelling unit is allowable on a lot.

315-89 Amateur Radio Facilities.

- A. Applicability.
- (1) This Section applies to all amateur radio towers installed after the effective date of this Chapter.
 - (2) Any upgrade, modification, or structural change to an antenna or its support structure constructed prior to the effective date of this Chapter that materially alters the size, placement, or appearance of the system shall comply with the provisions of this Chapter.
- B. Purpose. The purpose of this Section 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:
- (1) Minimizing the unnecessary detriment to the aesthetic quality of the Village and its landscape.
 - (2) Preserving the character of various neighborhoods within the Village.
 - (3) Preserving the values of properties within the Village.
 - (4) Providing for adequate review of designs and installation of facilities that may pose substantial risk of collapse if improperly designed, installed, or maintained.
 - (5) 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.
 - (6) 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.

- C. Standards. The installation and operation of an amateur radio tower and its antenna and support structure shall be subject to the following standards:
- (1) Compliance. The amateur radio tower and the operation of the amateur radio service using such antenna shall at all times be maintained in compliance with the applicable regulations and permit conditions issued by the Federal Communications Commission.
 - (2) Structure.
 - (a) The antenna and its support structure are accessory to the Principal Structure.
 - (b) Not more than one support structure for licensed amateur radio operator shall be allowable on the parcel.
 - (c) The antenna shall not exceed 70 feet in height above grade measured at the center point of the highest part of the antenna or mast.
 - (d) An amateur radio tower and its antenna exceeding 70 feet in height above grade measured at the center point of the highest part of the antenna or mast shall require a Conditional Use Permit.
 - (3) Location.
 - (a) An amateur radio tower, including its antenna and support structure, that is designed, engineered, and constructed to fall within the boundaries of the parcel upon which it is sited, including those attached to the Principal Structure, shall comply with the side yard and rear yard setbacks for Accessory Structures in zoning district within which it is located.
 - (b) All other amateur radio towers, including associated antenna and support structures, shall be setback a distance equal to 100 percent of its total height from:
 1. Any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road.
 2. Any overhead utility lines, unless written permission is granted by the affected utility.
 3. Any property lines, unless written permission is granted from the affected landowner or neighbor.
 - (c) The amateur radio tower, including its antenna and support structure, shall be located within the Rear Yard or Secondary Street Yard on a double-frontage lot and shall not be located within any required setback.
 - (4) Access.
 - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - (b) All electrical wires associated with the amateur radio tower and its antenna and support structure shall be located underground.
 - (c) Anti-climbing measures shall be incorporated into the amateur radio tower and its antenna and support structure as needed, to reduce potential for trespass and injury.
 - (5) Lighting. The amateur radio tower and its antenna and support structure shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
 - (6) Appearance, Color, and Finish. The amateur radio tower and its antenna and support structure shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit. The support structure shall comply with the same requirements as Accessory Structures in the zoning district.
- D. Waiver of Standards. If effective communications cannot be obtained when facilities are in compliance with the regulations set forth herein, the Zoning Administrator may permit a waiver from the height and location requirements of this Section. The waiver request shall:

- (1) Provide technical evidence in the form of a report from a licensed professional engineer familiar with amateur radio operations, or an Extra Class licensed amateur radio operator other than the Owner, that effective communications cannot be obtained by facilities in compliance with the standards.
- (2) Document the minimum reasonable accommodation, in the form of a waiver from these regulations, required in order to permit effective communications.

315-90 Mobile Towers.

A. Purpose. The purpose of this Section is to regulate by Mobile Service Facility Permit:

- (1) The siting and construction of any new mobile service support structure and facilities.
- (2) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
- (3) With regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. Authority. The Village Board has the specific authority under Wis. Stat. §§ 62.23 and 66.0404 to adopt and enforce this Section.

C. Definitions. All definitions contained in Wis. Stat. § 66.0404(1) are hereby incorporated by reference.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities.

(1) Application Process.

- (a) A Mobile Service Facility Permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a Permitted Use in the Village obtainable with this permit.
- (b) A written permit application must be completed by any applicant and submitted to the Village. The application must contain the following information:
 1. The name and business address of, and the contact individual for, the applicant.
 2. The location of the proposed or affected support structure.
 3. The location of the proposed mobile service facility.
 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the

applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

- (c) A permit application will be provided by the Village upon request to any applicant.
- (d) If an applicant submits to the Village an application for a Mobile Service Facility Permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (e) Within 90 days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the 90-day period:
 - 1. Review the application to determine whether it complies with all applicable aspects of the Village's building code and this Chapter.
 - 2. Make a final decision whether to approve or disapprove the application.
 - 3. Notify the applicant, in writing, of its final decision.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described above.
- (g) If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this Chapter, the Chapter does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
- (2) The fee for the Mobile Service Facility Permit is \$3,000.00 payable upon submittal of a complete application.

E. Class 1 Collocation.

- (1) Application Process.
 - (a) A Mobile Service Facility Permit is required for a Class 1 collocation.
 - (b) An application for a Mobile Service Facility Permit must be completed by any applicant and submitted to the Village. The application must contain the following information:
 - 1. The name and business address of, and the contact individual for, the applicant.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
 - 4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas,

- transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 6. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A permit application will be provided by the Village upon request to any applicant.
 - (d) If an applicant submits to the Village an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (e) Within 90 days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the 90-day period:
 1. Review the application to determine whether it complies with all applicable aspects of the Village's building code and this Chapter.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (f) The Village may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under in this Section.
 - (g) If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in this Chapter, the Chapter does not apply to such a structure unless the Village provides the applicant with substantial evidence that the engineering certification is flawed.
- (2) The fee for the Mobile Service Facility Permit is \$3,000.00 payable upon submittal of a complete application.

F. Class 2 Colocation.

- (1) Application Process.

- (a) A Mobile Service Facility Permit is required for a Class 2 collocation. A class 2 collocation is a permitted use in the Village but still requires the issuance of the Mobile Service Facility Permit.
- (b) An application must be completed by any applicant and submitted to the Village. The application must contain the following information:
 - 1. The name and business address of, and the contact individual for, the applicant.
 - 2. The location of the proposed or affected support structure.
 - 3. The location of the proposed mobile service facility.
- (c) A permit application will be provided by the Village upon request to any applicant.
- (d) A Class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject as per the Village Code.
- (e) If an applicant submits to the Village an application for a Mobile Service Facility Permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Village shall consider the application complete. If any of the required information is not in the application, the Village shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (f) Within 45 days of its receipt of a complete application, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree in writing to an extension of the 45-day period:
 - 1. Make a final decision whether to approve or disapprove the application.
 - 2. Notify the applicant, in writing, of its final decision.
 - 3. If the application is approved, issue the applicant the relevant Mobile Service Facility Permit.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (2) The fee for the Mobile Service Facility Permit is \$500.00 payable upon submittal of a complete application.

G. **Penalty Provisions.** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the Village Board may seek injunctive relief from a court of record to enjoin further violations.

315-91 Alternative Energy Systems

A. Small Wind Energy Systems.

- (1) **Applicability.**
 - (a) This Section applies to:
 - 1. New small wind energy systems as defined in this Chapter and Wis. Admin. Code PSC 128.
 - 2. An expansion of a previously approved wind energy system other than those described in Section 1.b below.

- (b) This Section does not apply to the following:
1. A wind energy system for which construction began before March 1, 2011.
 2. A wind energy system placed in operation before March 1, 2011.
 3. A wind energy system approved by the Village before March 1, 2011.
 4. A wind energy system proposed by the owner in an application filed with the Village before the March 1, 2011.
- (2) Purpose. It is the purpose of this Section to:
- (a) Promote the safe, effective and efficient use of wind energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
 - (b) Oversee the permitting of wind energy systems.
 - (c) Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system, per Wis. Stats. § Ch. 66.0401 and Wis. Admin. Code PSC 128.
- (3) Standards. The installation and operation of a wind energy system shall be subject to the following standards:
- (a) A wind energy system requires a Conditional Use Permit as an accessory to a Principal Use.
 - (b) Physical Characteristics.
 1. The owner may not display advertising material or signage other than warnings, equipment information, or indicia of ownership on a wind turbine. The owner may not attach any flag, decorative sign, streamers, pennants, ribbons, spinners, fluttering, or revolving devices to a wind turbine. The owner may attach a safety feature or wind monitoring device to a wind turbine.
 2. The owner shall ensure that a wind turbine has a conventional or unobtrusive finish.
 3. The owner shall install lighting at a wind energy system that complies with standards established by the Federal Aviation Administration.
 4. The owner shall use shielding or control systems approved by the Federal Aviation Administration to reduce visibility of any required lighting to individuals on the ground.
 5. The owner shall take appropriate measures to ensure that a wind turbine is not readily climbable except by authorized personnel.
 6. The owner shall ensure that all wind turbine access doors and electrical equipment are locked when authorized personnel are not present.
 7. The owner shall place appropriate warning signage on or at the base of each wind turbine.
 8. The owner shall clearly mark guy wires and supports for a wind energy system, meteorological tower or other device for measuring wind speeds so that the wires and supports are visible to low flying aircraft under fair weather conditions.
 9. The owner shall construct, maintain, and operate collector circuit facilities in a manner that complies with the national electrical safety code and Wis. Admin. Code PSC 114, and shall construct, maintain, and operate all wind energy system facilities in a manner that complies with the national electrical code.

- (c) Construction, Operation, and Maintenance Standards. The owner shall construct, operate, repair, maintain and replace wind energy system facilities as needed to keep the wind energy system in good repair and operating condition and in a manner that protects individuals from injury.
- (d) Setbacks.
1. A wind energy system shall be setback a distance equal to 100 percent of from the maximum blade tip height from the following:
 - a. Occupied community buildings.
 - b. Nonparticipating residences.
 - c. Nonparticipating property lines.
 - d. Overhead communication and electric transmission lines or distribution lines, not including utility service lines to individual houses or outbuildings.
 2. The owner of an adjacent nonparticipating residence or an adjacent occupied community building may waive the required setback as long as such waiver is provided in writing to the Village at the time of application for a Conditional Use Permit.
 3. There is no required setback for a wind energy systems from the following:
 - a. Participating residences.
 - b. Participating property lines.
 - c. Public road right-of-way.
 - d. Overhead utility service lines to individual houses or outbuildings.
- (e) Noise.
1. Hours. In this Section, nighttime hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.
 2. Planning.
 - a. The noise limits in this Section apply at the outside wall of a nonparticipating residence or occupied community building that exists when the owner gives notice under Wis. Admin. Code PSC § 128.105(1), or for which complete publicly-available plans for construction are on file with the Village within 30 days of the date on which the owner gives notice under Wis. Admin. Code PSC § 128.105(1).
 - b. The owner shall design the proposed wind energy system to minimize noise at a residence or occupied community building to the extent reasonably practicable.
 - c. The owner shall design a wind energy system to comply with the noise standards in this Section under planned operating conditions.
 3. Noise Limits.
 - a. Except as provided below the owner shall operate the wind energy system so that the noise attributable to the wind energy system does not exceed 50 dBA during daytime hours and 45 dBA during nighttime hours.
 - b. In the event audible noise due to wind energy system operations contains a steady pure tone, such as a whine, whistle, screech, or hum, the owner shall promptly take corrective action to permanently eliminate the noise. This paragraph does not apply to sound the wind energy system produces under normal operating conditions.
 4. Compliance.
 - a. If the owner uses sound level measurements to evaluate compliance with this Section at a nonparticipating residence or occupied community building,

those measurements shall be made as near as possible to the outside wall nearest to the closest wind turbine, or at an alternate wall as specified by the owner of the nonparticipating residence or occupied community building. The owner may take additional measurements to evaluate compliance in addition to those specified by this Section.

- b. Upon receipt of a complaint regarding a violation of the noise standards of this Section, the owner shall test for compliance with the noise limits in this Section. The Village may not require additional testing if the owner has provided the results of an accurate test conducted within two years of the date of the complaint showing that the wind energy system is in compliance at the location relating to the complaint.
 - c. Upon receipt of a complaint about a noise under this Section, the owner shall use operational curtailment to eliminate the noise until the owner permanently corrects the problem.
5. Waiver. Upon request by the owner of a wind energy system, the owner of an affected nonparticipating residence or occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this Section at the affected residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by the owner of an affected nonparticipating residence or occupied community building, a waiver by the owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property, runs with the land until the wind energy system is decommissioned, and shall be recorded under Wis. Stat. § ch. 706.
6. Notification.
- a. Before entering into a contract for a waiver as described above, the owner of a wind energy system shall provide written notice of the requirements of this Section to the owner of an affected nonparticipating residence or occupied community building.
 - b. Before the initial operation of the wind energy system, the owner shall provide notice of the requirements of Wis. Admin. Code PSC § 128.14, to each adjacent nonparticipating residence or occupied community building before the initial operation of the small wind energy system.
- (f) Shadow Flicker.
1. Planning.
 - a. The shadow flicker requirements in this Section apply to a nonparticipating residence or occupied community building that exists when the owner gives notice under Wis. Admin. Code PSC § 128.105(1), or for which complete publicly-available plans for construction are on file with a political subdivision within 30 days of the date on which the owner gives notice under Wis. Admin. Code PSC § 128.105(1).
 - b. The owner shall design the proposed wind energy system to minimize shadow flicker at a residence or occupied community building to the extent reasonably practicable.
 2. Shadow Flicker Limits. The owner shall operate the wind energy system in a manner that does not cause more than 30 hours per year of shadow flicker at a nonparticipating residence or occupied community building. If a nonparticipating residence or occupied community building experiences more

than 30 hours per year of shadow flicker under the wind energy system's normal operating conditions, the owner shall use operational curtailment to comply with this subsection.

3. Shadow Flicker Mitigation. The owner of a wind energy system shall work with an owner of a nonparticipating residence or occupied community building to mitigate the effects of shadow flicker to the extent reasonably practicable.
4. Waiver. Upon request by the owner of a wind energy system, an owner of an affected nonparticipating residence or occupied community building may relieve the wind energy system owner of a requirement under this Section at the affected nonparticipating residence or occupied community building by written contract with the wind energy system owner. Unless otherwise provided in a contract signed by an owner of an affected nonparticipating residence or occupied community building, a waiver by an owner of an affected nonparticipating residence or occupied community building is an encumbrance on the real property and runs with the land until the wind energy system is decommissioned, and shall be recorded under Wis. Stat. ch. 706, Wis.

(g) Signal Interference.

1. Except as provided under an approved waiver, the signal interference requirements in this Section apply to commercial communications and personal communications in use when the wind energy system begins operation.
2. The owner shall use reasonable efforts to avoid causing interference with commercial communications and personal communications to the extent practicable.
3. The owner may not construct wind energy system facilities within existing line-of-sight communication paths that are used by government or military entities to provide services essential to protect public safety. The Village may require an owner to provide information showing that wind turbines and other wind energy system facilities will be in compliance with this paragraph.

(h) Emergency Procedures. The owner shall notify the Village of the occurrence and nature of a wind energy system emergency within 24 hours of the wind energy system emergency.

(i) Decommissioning.

1. The owner of a wind energy system shall decommission and remove the wind energy system when the system is at the end of its useful life.
2. A wind energy system is presumed to be at the end of its useful life if the wind energy system generates no electricity for a continuous 540-day period.

(4) Application.

(a) Pre-Application Notice.

1. At least 60 days before the owner files an application to construct a wind energy system, the owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 - a. All adjacent landowners.
 - b. The Zoning Administrator.
2. The owner shall include all of the following in the required notice:
 - a. A complete description of the wind energy system, including the number and size of the planned wind turbines.
 - b. A map showing the planned location of all wind energy system facilities.
 - c. Contact information for the owner.

- d. A list of all potential permits or approvals the owner anticipates may be necessary for construction of the wind energy system.
3. The owner shall make reasonable efforts to ascertain and accommodate any existing land uses or commercial enterprises located on an adjacent nonparticipating property.
- (b) Application and Notice Requirements. The owner shall file an application for Conditional Use Permit with the Village.
- (c) Contents of application. The owner shall complete and file with the Village an application on a form provided by the Village that includes all of the following:
 1. Wind energy system description and maps showing the locations of all proposed wind energy facilities.
 2. Technical description of wind turbines and wind turbine sites.
 3. Timeline and process for constructing the wind energy system.
 4. Information regarding anticipated impact of the wind energy system on local infrastructure.
 5. Information regarding noise anticipated to be attributable to the wind energy system.
 6. Information regarding shadow flicker anticipated to be attributable to the wind energy system.
 7. Information regarding the anticipated effects of the wind energy system on parcels adjacent to the wind energy system.
 8. Information regarding the anticipated effects of the wind energy system on airports and airspace.
 9. Information regarding the anticipated effects of the wind energy system on line-of-sight communications.
 10. A list of all state and federal permits required to construct and operate the wind energy system.
 11. Information regarding the planned use and modification of roads within the Village during the construction, operation, and decommissioning of the wind energy system, including a process for assessing road damage caused by wind energy system activities and for conducting road repairs at the owner's expense.
 12. A representative copy of all notices issued under this Section and Chapters PSC 128.105(1)(a) and 128.42(1).
 13. Any other information necessary to understand the construction, operation or decommissioning of the proposed wind energy system.
- (d) Accuracy of information. The owner shall ensure that information contained in an application is accurate.
- (e) Duplicate copies. The Village may specify a reasonable number of copies to be filed. Each copy shall include all worksheets, maps, and other attachments included in the application. The Village may permit the owner to file an application electronically.
- (f) Notice to property owners and residents.
 1. On the same day the owner files an application for a wind energy system, the owner shall, under Wis. Stats. § 66.0401(4)(a)3, use commercially reasonable methods to provide written notice of the filing of the application shall be provided only to property owners and residents located adjacent to the small wind energy system. written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any wind energy system facility. The notification shall include all of the following:

- a. A complete description of the wind energy system, including the number and size of the wind turbines.
 - b. A map showing the locations of all proposed wind energy system facilities.
 - c. The proposed timeline for construction and operation of the wind energy system.
 - d. Locations where the application is available for public review.
 - e. Owner contact information.
 2. After the Village receives an application for a wind energy system, the notice required to be published by the Village under Wis. Stat. § 66.0401(4)(a)1, shall include a brief description of the proposed wind energy system and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments to the Village, and the approximate schedule for review of the application by the Village.
- (g) Application completeness.
1. Complete applications.
 - a. An application is complete if it meets the requirements of this Chapter and the filing requirements under Wis. Admin. Code PSC §§ 128.30(2) and 128.50 (1).
 - b. The Village shall determine the completeness of an application, and shall notify the owner in writing of the completeness determination, no later than 45 days after the day the application is filed. An application is considered filed the day the owner notifies the Village in writing that all the application materials have been filed and the application fee has been paid. If the Village determines that the application is incomplete, the notice provided to the owner shall state the reasons for the determination.
 - c. The owner may file a supplement to an application that the Village has determined to be incomplete. There is no limit to the number of times that the owner may re-file an application. For incomplete applications, the owner shall provide additional information as specified in by the Zoning Administrator.
 - d. An additional 45-day completeness review period shall begin the day after the Village receives responses to all items identified in the notice.
 - e. If the Village does not make a completeness determination within the applicable review period, the application is considered to be complete.
 2. Requests for additional information. The Village may request additional information necessary to understand the wind energy system after determining that an application is complete. The owner shall provide additional information in response to all reasonable requests. The owner shall respond to all inquiries made subsequent to a determination of completeness in a timely, complete, and accurate manner.
- (h) Accuracy of Application. The owner shall certify that the information contained in the application is accurate. The Village may reject or deny the application if it contains false, misleading or inaccurate information.
- (i) Village Review.
1. Written Decision.
 - a. The Village shall issue a written decision to grant or deny an application for a wind energy system. The written decision shall include findings of fact supported by evidence in the record. If an application is denied, the decision shall specify the reason for the denial.

- b. The Village shall provide its written decision to the owner and to the commission. The political subdivision shall provide the owner with a duplicate original of the decision.
 - c. The owner shall record the duplicate original of a decision approving an application with the register of deeds for the county in which the wind energy system is located.
 - 2. Ownership Change. Approval of a wind energy system remains in effect if there is a change in the owner of the wind energy system.
- (j) Record of Decision.
 - 1. Recordkeeping.
 - a. The Village shall keep a complete written record of its decision-making relating to an application for a wind energy system.
 - b. If the application is denied, the Village shall keep the record for at least seven years following the year in which it issues the decision.
 - c. If the application is approved, the Village shall keep the record for at least seven years after the year in which the wind energy system is decommissioned.
 - 2. Record of Contents. The record of a decision shall include all of the following:
 - a. The approved application and all additions or amendments to the application.
 - b. A representative copy of all notices issued under Wis. Admin. Code §§ 128.105(1)(a), 128.30(5), and 128.42(1).
 - c. A copy of any notice or correspondence that the Village issues related to the application.
 - d. A record of any public meeting under Wis. Admin. Code PSC § 128.30(6)(c) and any hearing related to the application. The record may be an electronic recording, a transcript prepared from an electronic recording, or a transcript prepared by a court reporter or stenographer. The record shall include any documents or evidence submitted by meeting or hearing participants.
 - e. Copies of any correspondence or evidentiary material that the Village considered in relation to the application, including copies of all written public comments filed under Wis. Admin. Code PSC 128.30(6)(b), Wis. Stats.
 - f. Minutes of any Village meetings held to consider or act on the application.
 - g. A copy of the written decision under Wis. Admin. Code PSC § 128.32(3)(a).
 - h. Other materials that the Village prepared to document its decision-making process.
 - i. A copy of any Village ordinance cited in or applicable to the decision.
- (5) Modifications to an Approved Wind Energy System.
 - (a) Material Change.
 - 1. The owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Village that authorized the wind energy system, unless the political subdivision automatically approves the material change by taking either of the steps specified in Wis. Admin. Code § PSC 128.32(2)(b)1 or 2.
 - 2. The owner shall submit an application for a material change to an approved wind energy system to the Village.
 - (b) Limited Review.

1. Upon receipt of an application for material change to an approved wind energy system, the Village shall consider only those issues relevant to the proposed change.
 2. An application for a material change is subject to Wis. Admin. Code PSC §§ 128.30(1), (3) to (5), (6)(a) and (b), and (7); and Wis. Stat. §§ 128.31 to 128.34.
 3. An application for a material change shall contain information necessary to understand the material change.
 4. The Village shall hold a public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.
- (6) Complaint Process. Making a Complaint.
- (a) An aggrieved person may make a complaint regarding failure by an owner to comply with an obligation under this Chapter.
 - (b) A complaint shall be made first to the owner of the wind energy system pursuant to a complaint resolution process developed by the owner.
 - (c) A complainant may petition the Village for review of a complaint that is not resolved within 45 days of the day the owner receives the original complaint.
 - (d) The Village's decision is subject to review under Wis. Stat. § 66.0401(5).

B. Solar Energy Systems.

- (1) Applicability.
- (a) This Section applies to solar energy systems, including photovoltaic and solar thermal systems, constructed after the effective date of this Chapter.
 - (b) Any upgrade, modification, or structural change to a solar energy system constructed prior to the effective date of this Chapter shall comply with the provisions of Chapter.
- (2) Purpose. It is the purpose of this Section to:
- (a) Promote the safe, effective and efficient use of solar energy systems installed to reduce the on-site consumption of utility supplied energy and/or hot water as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
 - (b) Oversee the permitting of solar energy systems.
 - (c) Preserve and protect the public health and safety without significantly increasing the cost or decreasing the efficiency of a solar energy system, per Wis. Stat. § 66.0401.
- (3) Standards. The installation and operation of a solar energy system shall be subject to the following standards:
- (a) A solar energy system is permissible as an accessory to a Principal Use.
 - (b) A solar energy system shall be constructed, installed, and operated in conformance with all applicable State and Village building codes, and in accordance with Wis. Stat. §§ Chapters 66.0401, 66.0403, 700.35, and 700.41.
 - (c) A solar energy system shall provide power for the Principal Use and/or Accessory Use of the property on which the solar energy system is located and shall not be used for the generation of power for the sale of energy to other users, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time to the local utility company.
 - (d) A solar energy system connected to the utility grid shall provide written authorization from the local utility company to the Village acknowledging and approving such connection.

- (e) Roof-mounted solar energy systems.
 - 1. A roof-mounted system may be mounted on a Principal Structure or Accessory Structure.
 - 2. A roof-mounted system, whether mounted on the Principal Structure or Accessory Structure, may not exceed the maximum height for such a structure.
 - 3. In no instance shall any part of the solar energy system extend beyond the edge of the roof.
 - 4. A roof-mounted system shall be located to ensure that any solar glare is directed away from adjacent properties and roads.
- (f) Ground-mounted solar energy systems.
 - 1. A ground-mounted system shall not exceed the maximum building height for Accessory Structures.
 - 2. The surface area of a ground-mounted system, regardless of the mounted angle, shall be calculated as part of the overall lot coverage.
 - 3. A ground-mounted system or system attached to an Accessory Structure shall not be located within the required street yard setback.
 - 4. Solar panels shall be placed such that concentrated solar radiation or solar glare shall not be directed onto nearby properties or roadways.
 - 5. All exterior electrical and/or plumbing lines must be buried below the surface of the ground and placed in a conduit.
 - 6. A ground-mounted system shall be placed in the side and rear yard only and shall meet all setback and yard requirements for the district in which it is located.
- (g) All mechanical equipment associated with and necessary for the operation of the solar energy system shall comply with the following:
 - 1. Mechanical equipment shall be screened from any adjacent property that is residentially zoned or used for residential purposes. The screen shall consist of shrubbery, trees, or other non-invasive plant species that provides a visual screen. In lieu of a planting screen, a decorative fence meeting the requirements of this Chapter may be used.
 - 2. Mechanical equipment shall not be located within the Street Yard of the parcel.
 - 3. Mechanical equipment shall comply with the setbacks specified for Accessory Structures unless attached to the Principal Structure.
- (h) No adjacent property owners shall be required to remove vegetation or structures that may block sunlight to the solar energy system during the initial installation of a system.
- (i) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers and equipment information, warning, or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- (j) The design of the solar energy system shall conform to applicable industry standards. All wiring shall comply with the applicable version of the National Electric Code (NEC). The local utility provider shall be contacted to determine grid interconnection and net metering policies. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturer from a certifying organization and any such design shall be certified by an Engineer registered in the State of Wisconsin.
- (k) If a solar energy system is defective or is deemed to be unsafe by the Building Inspector, the solar energy system shall be required to be repaired by the Owner to

meet federal, state, and local safety standards, or be removed by the property Owner within the time period allowed by the Plan Commission. If the Owner fails to remove or repair the defective or abandoned solar energy system, the Village may pursue a legal action to have the system removed at the Owner's expense.

C. Geothermal Energy Systems.

- (1) Applicability.
 - (a) This Section applies to geothermal energy systems constructed after the effective date of the Chapter.
 - (b) Any upgrade, modification, or structural change to a geothermal energy systems constructed prior to the effective date of this Chapter shall comply with the provisions of this Chapter.
- (2) Purpose. It is the purpose of this Section to:
 - (a) Promote the safe, effective and efficient use of geothermal energy systems installed to reduce the on-site consumption of utility supplied energy as a permitted Accessory Use while protecting the health, safety and welfare of adjacent and surrounding land uses through appropriate zoning and land use controls. Where said general standards and specific criteria overlap, the specific criteria shall supersede the general standards.
 - (b) Oversee the permitting of geothermal systems.
 - (c) Preserve and protect the public health and safety.
- (3) Standards. The installation and operation of a geothermal energy system shall be subject to the following standards:
 - (a) A geothermal energy system shall be constructed, installed, and operated in conformance with all applicable State and Village building codes, and in accordance with Wis. Stats. ch. § 280.
 - (b) A geothermal energy system shall conform to applicable industry standards including those of ANSI. Applicants shall submit certificate of compliance demonstrating that the system has been tested and approved by UL or other approved independent testing agency.
 - (c) Above ground equipment shall comply with the setback requirements of the respective zoning district.
 - (d) Equipment, piping and devices shall not be located in any easement or right-of-way.
 - (e) Setbacks. Geothermal energy systems shall conform to all setbacks requirements for Accessory Structures and shall:
 1. Be setback a minimum of 75 feet between a vertical geothermal energy system and a personal onsite wastewater treatment system.
 2. Be setback a minimum of 25 feet between a horizontal geothermal energy system and a personal onsite wastewater treatment system.
 3. Not be located closer than 200 feet to a well, except when the well is a private water system well and when the owner is the same for both the water well and the geothermal system, in which case the water well shall not be closer than 75 feet from the geothermal system.

D. Electric Vehicle Infrastructure.

- (1) Applicability.

- (a) This Section applies to electric vehicle infrastructure constructed after the effective date of the Chapter.
 - (b) Any upgrade, modification, or structural change to a electric vehicle infrastructure constructed prior to the effective date of this Chapter shall comply with the provisions of this Chapter.
- (2) Purpose. The purpose of this Section is to facilitate the use of electric vehicles and to expedite the establishment of a convenient, cost-effective electric vehicle infrastructure that such use necessitates.
- (3) Standards.
 - (a) Electric vehicle infrastructure shall be accessory to a Principal Use unless the primary use of the parcel, where it then shall be considered in-vehicle sales or service for zoning purposes.
 - (b) Charging stations located at single- and two-family dwellings shall be designated as private restricted use only.
- (4) General requirements for parking.
 - (a) An electric vehicle charging station space may be included in the calculation for any minimum required parking spaces.
 - (b) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only.
 - (c) Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (5) Lighting. Site lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only.
- (6) Equipment Standards and Protection.
 - (a) Battery charging station outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.
 - (b) Adequate battery charging station protection, such as concrete-filled steel bollards, shall be used. Curbing may be used in lieu of bollards, if the battery charging station is setback a minimum of 24 inches from the face of the curb.
 - (c) The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
- (7) Usage Fees. Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
- (8) Signage.
 - (a) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this SubSection, charging means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage, if removal provisions are to be enforced by the property owner.
 - (b) When a sign provides notice that a parking spaces a publicly designated electric vehicle charging station, no person shall park or stand any non-electric vehicle in a designated electric vehicle charging station space. Further, no person shall park or stand an electric vehicle in a publicly designated electric vehicle charging station space when not electrically charging or parked beyond the days and hours designated on the regulatory signs posted. For purposes of this SubSection, "charging," means an

electric vehicle is parked at an electric vehicle charging station and is connected to the charging station equipment.

- (9) Maintenance. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting when it is not functioning or other problems are encountered.

315-92 Breweries and Distilleries.

- A. General. Breweries and distilleries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- B. Accessory Uses. The following Accessory Uses shall require a Conditional Use Permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the brewery and distillery premises.

- C. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Village Code.

315-93 Microbreweries and Craft Distilleries.

- A. General. Microbreweries and craft distilleries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

- B. Quantity.

- (1) A total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages shall be manufactured on the premises per calendar year.
- (2) A total of not more than 100,000 proof gallons of intoxicating liquor shall be manufactured on the premises per calendar year.

- C. Accessory Uses. The following Accessory Uses shall require a Conditional Use Permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the brewery and distillery premises.

- D. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Village Code.

315-94 Wineries.

- A. General. Large boutique wineries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.

- B. Quantity. A total of at least 25,000 U.S. gallons of wine, but less than 100,000 gallons of wine, shall be manufactured on the premises per calendar year.

- C. Accessory Uses. The following Accessory Uses shall require a Conditional Use Permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the winery premises.

D. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to Chapter 12 of the Municipal Code or as defined in Chapter 13 of the Municipal Code.

315-95 Boutique Wineries.

- A. General. Boutique wineries shall comply with all other Zoning, Building, Fire, Engineering, Utility and other Municipal Codes, and all applicable State and Federal laws.
- B. Quantity. A total of not more than 25,000 U.S. gallons of wine shall be manufactured on the premises per calendar year.
- C. Accessory Uses. The following Accessory Uses shall require a Conditional Use Permit:

- (1) Tasting rooms.
- (2) Retail sales of business merchandise on the winery premises.

D. Waste. All solid waste generated on the premises shall be stored and disposed of in a manner that does not cause a public nuisance affecting public health pursuant to the Village Code.

315-96 Keeping of Bees.

A. Districts Allowed.

- (1) Permitted Use. Notwithstanding any other provision of this Chapter, bees may be kept as a Permitted Use in the R-1, R-2, R-3, and RD-1 Districts upon issuance of a Keeping of Bees License.
- (2) Conditional Use. Notwithstanding any other provision of this Chapter, bees may be kept as a Conditional Use in the R-4, B-1, B-2, and B-3 Districts upon issuance of a Keeping of Bees License.

B. Standards. The keeping of bees shall comply in all respects with the following:

- (1) No bees shall be intentionally kept and maintained other than Mason bees or Honeybees.
- (2) No hive shall exceed 20 cubic feet in volume.
- (3) An ever-present supply of water shall be provided for all hives.
- (4) The Village Clerk shall be notified immediately if a hive swarms. The Owner is responsible for tracking and managing the swarm and notifying affected landowners.
- (5) Hives.
 - (a) No more than two hives may be kept on a residential zoning lot.
 - (b) Hives shall not be located on vacant lots.
 - (c) Hives shall be located in the back or rear yard in a sunny location.
 - (d) No hive shall be located closer than ten feet from any property line of a residential district lot.

- (e) No hive shall be located closer than ten feet from a public sidewalk or 25 feet from a Principal Structure on an abutting lot in different ownership.
- (f) The area around the hive(s) shall be kept clean of hive scrapings to avoid attracting wasps, nuisance insects, and animals.
- (g) Signage shall be posted informing that bees are kept on the property. Such signage shall conform to the following:
 - 1. Signs shall be no smaller than seven inches by 10 inches and printed in a font size clearly legible to the general public.
 - 2. Signs shall be placed at locations visible to all adjoining parcels.
 - 3. Signs shall be posted to a fence or semi-permanent post at a height no lower than four feet and no higher than six feet.
 - 4. Signs shall be made of aluminum, heavy-duty plastic, or vinyl laminate.
 - 5. Signs shall be composed of black writing on a yellow background.
 - 6. Signs shall include the words 'Caution' or 'Warning' in large block letters at the top and 'Bees', 'Honeybees', 'Beehives', or similar below.
- (h) A flyway barrier at least six feet in height shall shield any part of a property line of a lot in different ownership that is within 25 feet of a hive. The flyway barrier must effectively direct Bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation, or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded.

C. License Required.

- (1) An 'Application for License: Keeping of Bees' shall be completed and submitted to the Village Clerk.
 - (a) The application shall include a diagram describing the location of the hive(s) in relationship to lot boundaries.
 - (b) The license shall be issued only to the primary owner(s) of record of a residence located in the designated residential districts.
 - (c) The property owner/licensee shall reside on the premises regulated by the license.
 - (d) The keeping of bees for commercial purposes or for any activity or purpose not related to the personal purpose of the license holder, including the commercial sale of honey or other materials related to the keeping of bees, shall be prohibited.
 - (e) The license shall include the standards described in SubSection B above.
 - (f) The license shall be approved by the Plan Commission and issued by the Zoning Administrator.
- (2) Revocation. A license may be revoked by the Plan Commission for failure to comply with any of the provisions of this Section.
- (3) Once revoked, a license shall not be reissued for a two-year period.
- (4) Any Applicant whose application has been denied or license has been revoked under the provisions of this Chapter shall have the right to appeal said denial.
- (5) Any license holder who has his/her license revoked must properly remove the hive(s) from the subject property within 96 hours of revocation or decision on appeal.

315-97 Commercial and Manufacturing Incubators

A. Commercial Incubators.

- (1) Districts Allowed. An 'Incubator: Commercial' is permissible in the B-1, B-2 and B-3 Districts upon issuance of a Conditional Use Permit.
 - (a) Applicability. This Section applies to commercial incubators. See SubSection B below for manufacturing incubators.
 - (b) Purpose. It is the purpose of this Section to:
 1. Promote opportunities for small and expanding commercial businesses.
 2. Support entrepreneurs and grow the economy of the Village.
 3. Oversee the permitting of commercial incubators.
 4. Preserve and protect the public health and safety.
 - (c) Standards.
 1. Commercial incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.
 2. Allowable Uses.
 - a. Any use listed as a Permitted Use or Conditional Use in the B-1, B-2, or B-3 Districts may be potentially permissible within the same District.
 - b. Uses deemed by the Plan Commission to be incompatible with the Principal Use, as applicable, shall be prohibited.
 - c. All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.
 - (d) Dimensional and Design Standards.
 1. Commercial incubators approved as a Principal Use and/or Structure shall conform to the requirements for Principal Structures and Uses in the B-1, B-2, or B-3 District, as applicable.
 2. Commercial incubators approved as an Accessory Use and/or Structure shall conform to the requirements for Accessory Uses and Structures in the B-1 District. The exterior materials of a commercial incubator when accessory to a Principal Structure shall be substantially the same in appearance and use substantially the same materials as the Principal Structure.

B. Manufacturing Incubators.

- (1) Districts Allowed. An 'Incubator: Manufacturing' is permissible in the I-1 District upon issuance of a Conditional Use Permit.
- (2) Applicability. This Section applies to manufacturing incubators. See SubSection A above for commercial incubators.
- (3) Purpose. It is the purpose of this Section to:
 - (a) Promote opportunities for small and expanding light industrial businesses.
 - (b) Support entrepreneurs and grow the economy of the Village.
 - (c) Oversee the permitting of commercial incubators.
 - (d) Preserve and protect the public health and safety.
- (4) Standards.
 - (a) Manufacturing incubators may be a Principal Structure or Use or accessory to a Principal Structure or Use.
 - (b) Allowable Uses.
 1. Any use listed as a Permitted Use or Conditional Use in the I-1 District may be potentially permissible.
 2. Uses deemed by the Plan Commission to be incompatible with the Principal Use, as applicable, shall be prohibited.

3. Uses deemed by the Plan Commission to be incompatible with an existing use within the same incubator, even if such a use is non-adjoining, shall be prohibited.
 4. All uses, unless otherwise approved by the Plan Commission, shall be conducted entirely within a building.
 5. Corporate and administrative offices not ancillary to the Principal Use are prohibited.
- (c) Dimensional and Design Standards.
1. Manufacturing incubators approved as a Principal Use and/or Structure shall conform to the requirements for Principal Structures and Uses in the I-1 District.
 2. Manufacturing incubators approved as an Accessory Use and/or Structure shall conform to the requirements for Accessory Uses and Structures in the I-1 District. The exterior materials of a manufacturing incubator when accessory to a Principal Structure shall be substantially the same in appearance and use substantially the same materials as the Principal Structure.

315-98 Through 315-99 Reserved

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ARTICLE V: SEXUALLY ORIENTED ADULT ENTERTAINMENT

315-100 Purpose; county and state laws; applicability.

- A. It is the purpose of this Article to regulate sexually oriented adult entertainment establishment business (hereinafter referred to as adult establishment) to promote the health, safety, morals, and general welfare of the citizens of the Village, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with unsafe and unsanitary conditions known to exist in those establishments, and to alleviate the spread of sexually transmitted diseases and other contagious disease in those establishments.
- B. Nothing in this Article is intended to authorize, legalize, or permit the establishment, operation or maintenance of any business, building or use which violates any county ordinance or statute of the State of Wisconsin regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.
- C. The following regulations shall apply to all future and existing adult establishments.

315-101 Definitions.

- A. For the purpose of this Article, the following definitions shall apply:
 - (1) **SEXUALLY ORIENTED ADULT ENTERTAINMENT ESTABLISHMENTS.** Retail services and sales establishments as defined in § 315-8 of this Chapter, including bookstores, motion-picture theaters, mini motion-picture theaters, bathhouses, motels, modeling studios, body painting studios, cabarets, and novelty shops, and are more specifically defined as:
 - (2) **ADULT BOOKSTORE.** An establishment having 50% of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein.
 - (3) **ADULT MOTION-PICTURE THEATER.** An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.
 - (4) **ADULT MOTION-PICTURE THEATER (OUTDOOR).** A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
 - (5) **ADULT MINI MOTION-PICTURE THEATER.** An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein for observation by patrons therein.
 - (6) **ADULT BATHHOUSE.** An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in specified sexual activities as defined in this Section.

- (7) **ADULT MOTEL.** A hotel, motel, or similar commercial establishment which does one of the following:
 - (a) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmission, films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of the adult type of photographic reproductions.
 - (b) Offers a sleeping room for rent for a period of time that is less than 10 hours.
 - (c) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.
- (8) **ADULT MODELING STUDIO.** An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
- (9) **ADULT BODY PAINTING STUDIO.** An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this Article, "adult body painting studio" shall not be deemed to include a tattoo parlor.
- (10) **ADULT CABARET.** An establishment or business which features male and or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.
 - (a) Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult entertainment establishment only during those times when the adult entertainment is being presented or the entertainers are on the premises and all provisions of this Article shall apply during those presentations. The establishment shall notify the Village of Denmark Police Department at least 24 hours prior to the date on which such adult entertainment is to take place.
 - (b) Any periodic adult establishment as defined above shall be licensed yearly in accordance with the licensing provision hereinafter set forth.
- (11) **ADULT NOVELTY SHOP.** An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on or designed for specified sexual activities as defined herein or stimulating such activity.
- (12) **SPECIFIED ANATOMICAL AREAS.** Those body parts which are less than completely and opaquely covered, including:
 - (a) Human genitals and the pubic region.
 - (b) Buttock.
 - (c) Female breasts below a point immediately above the top of the areola.
- (13) **SPECIFIED SEXUAL ACTIVITIES.** Activities involving specified anatomical areas as defined in this Section depicted in the following situations:
 - (a) Human genitals in a state of sexual stimulation or arousal.
 - (b) Acts of human masturbation, sexual intercourse, or sodomy.
 - (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

315-102 Zoning standards.

- A. Sexually oriented adult entertainment establishments (hereinafter adult establishments) shall locate only in areas zoned Limited Industrial (I-1) and Heavy Industrial (I-2) only as a conditional use.
- B. Prior to the granting of a conditional use permit, an inventory of the surrounding area and population shall be made by the Plan Commission along with a study of the proposed development. All applicable planning documents, including but not limited to the Village of Denmark Comprehensive Plan and recreational plans, shall be consulted.
- C. Outdoor adult motion-picture theaters are prohibited.
- D. No more than one adult establishment shall be located on any one parcel.
- E. All adult establishments shall be at least 1,500 feet from any other adult establishment.
- F. Any adult establishment must meet the following setback requirements:
 - (1) One thousand feet from any existing residential dwelling.
 - (2) One thousand feet from any land zoned R-1, R-2, R-3, R-4, or RD-1.
 - (3) One thousand feet from any lands zoned with a PDD.
 - (4) One thousand feet from a historic site identified on the National Register or as an adopted historic district by the Village of Denmark.
 - (5) One thousand feet from any public or private elementary or secondary school, vocational school, or licensed nursery school or day-care center.
 - (6) One thousand feet from a church or established place of worship.
 - (7) One thousand feet from a public park, any public or private playground, parkway, and youth recreation area, including little league baseball fields, soccer fields, or other areas where children congregate.
- G. All adult establishments must be located within 300 feet of a county trunk highway or a state trunk highway.
- H. The distances provided in this Section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the lot upon which the proposed use is to be located to the nearest point of the lot upon which the above-stated uses reside.

315-103 Sign standards.

Signs advertising any of the aforementioned adult uses shall be in accordance with the Sign Regulations of this Chapter with the following exceptions:

- A. No tower or portable signs or billboards shall be permitted on the premises.
- B. Signs will inform only the establishment name and address and will not depict specified sexual activities and/or specified anatomical areas as defined in this Article.
- C. The signage may refer to the establishment only as an "adult bookstore," "gentleman's club," or other similar phrasing approved by the Village Attorney.
- D. An adult establishment may have only one, nonflashing business sign.

- E. There shall be no flashing or traveling lights located outside the building.
- F. The location and wording of such sign shall be shown on the site design review plan required by the § 315-58 of this Article and submitted contemporaneously with the request for conditional use.
- G. The height of the sign may not exceed the height of the Principal Structure.

315-104 License required.

- A. Except as provided in this Section below, from and after the effective date of this Article, no adult establishments shall be operated or maintained in the Village without first obtaining a license to operate issued by the Village.
- B. A license may be issued only for one adult establishment located at a fixed and certain place. Any person, partnership, or corporation who or which desires to operate more than one adult establishment must have a license for each.
- C. No license or interest in a license may be transferred to another person, partnership, or corporation.
- D. All adult establishments existing at the time of passage of this Article must submit an application for a license within 90 days of adoption. If an application is not received within said ninety-day period, then such existing adult establishment shall cease operations.

315-105 Application for license.

- A. Any person, partnership, or corporation desiring to secure a license shall make application to the Village Clerk. The application shall be filed in triplicate with and be dated by the Village Clerk. A copy of the application shall be distributed within 10 days of receipt thereof to the Zoning Administrator, Plan Commission, Police Department, Fire Chief, all members of the Village Board, and all departments with site design review authority. In addition, the plan shall be distributed to the Brown County Sheriff and Brown County Health Department.
- B. The application for a license shall be upon a form approved by the Village Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, or all officers or directors of a corporate applicant, and any other person who is directly involved in the ownership and operation of the business, shall furnish the following information under oath:
 - (1) Name and address, including aliases.
 - (2) Written proof that the individual is at least 18 years of age.
 - (3) All residential addresses of the applicant for the past 10 years.
 - (4) The business, occupation, or employment of the applicant for the previous 10 years immediately preceding the date of application.
 - (5) Whether the applicant previously operated in this or any state, county, or city under an adult establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended and the reasons therefor; and the business

entity or trade name under which the applicant operated that was subject to the suspension or revocation.

- (6) All criminal convictions, whether state, federal, or local ordinance violation convictions, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations.
- (7) Fingerprints and two portrait photographs at least two inches by two inches of the applicant.
- (8) (The address of the adult establishment to be operated by the applicant.
- (9) If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation.

315-106 Standards for issuance of license.

To receive a license to operate an adult establishment, an applicant must meet the following standards:

A. If the applicant is an individual:

- (1) The applicant shall be at least 18 years of age.
- (2) Subject to Wis. Stat. ch. § 111, the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the application.
- (3) The applicant shall not be found to have previously violated this Article within five years immediately preceding the date of application.

B. If the applicant is a corporation:

- (1) All officers, directors, and others associated with the corporation shall be at least 18 years of age.
- (2) Subject to Wis. Stat. ch. § 111, the officers, directors, and others associated with the corporation shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the application.
- (3) All officers, directors, and others associated with the corporation shall have been found not to have previously violated this Article within five years immediately preceding the date of application.

C. If the applicant is a partnership, joint venture, or other type of organization where two or more persons have a financial interest:

- (1) All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least 18 years of age.
- (2) Subject to Wis. Stat. ch. § 111., all persons having a financial interest in the partnership, joint venture, or other type of organization shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five years immediately preceding the application.

- (3) All persons having a financial interest in the partnership, joint venture, or other type of organization shall have been found not to have previously violated this Article within five years immediately preceding the date of application.
- D. No license shall be issued unless the Village Board has investigated the applicant's qualifications to be licensed. The results of the investigation shall be filed in writing with the Village Clerk no later than 14 days after the date of application.
- E. The Building Inspector and Plan Commission shall inspect the premises proposed to be licensed to verify compliance with their respective codes and shall report compliance findings to the Village Clerk with 14 days of the application.
- F. No license shall be issued unless the applicant provides proof of one of the following:
 - (1) Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible nonconforming use status.
 - (2) A lease on a building which is properly zoned to house the venture. Proper zoning includes permissible nonconforming use status.
 - (3) An option to purchase property which is properly zoned for the venture. Proper zoning includes permissible nonconforming use status.

315-107 Fees.

A license fee set by the Village Board shall be submitted with the application for a license.

315-108 Display of license.

The license shall be displayed in a conspicuous public place in the adult establishment.

315-109 Renewal of license.

- A. Every license issued pursuant to this Article will terminate on December 31 of the year it is issued, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Village Clerk. The application for renewal must be filed not later than 60 days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Village Clerk. A copy of the application for renewal shall be distributed by the Village Clerk to the Village Board. The application for renewal shall be upon a form provided by the Village Clerk and shall contain such information and date, given under oath or affirmation, as is required for an application for a new license.
- B. A license renewal fee set by the Village Board shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of \$100 shall be assessed against the applicant who filed for a renewal less than 60 days before the license expires.

315-110 Denial of application.

- A. Whenever an initial application is denied, the Village Clerk shall, within 14 days of the denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing

within 10 days of receipt of notification of denial, a public hearing shall be held at the next regularly scheduled meeting of the Village Board as hereinafter provided.

- B. Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal to appear at any reasonable time and place for examination under oath regarding said application or his or her refusal to submit or cooperate with any investigation required by this Article shall constitute admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Village Clerk.

315-111 Suspension, revocation or nonrenewal of license.

- A. Revocation and suspension. The license granted herein may be revoked or suspended for up to six months or nonrenewed by the Village Board as follows:
 - (1) If the applicant has made or recorded any statement required by this Article knowing it to be false or fraudulent or intentionally deceptive.
 - (2) For the violation of any provision of this Article, except for establishment license matters involving violations of Village codes, in which case the license shall be revoked after the second conviction thereof in any license year.
 - (3) After one conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substances in SubChapter II of Ch. 961, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.
- B. Notice and hearing.
 - (1) No license shall be revoked, suspended, or not renewed by the Village Board except on due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Plan Commission. Notice of such hearing shall be in writing and shall state the grounds of the complaints against the licensee. The notice shall be served upon the licensee at least 15 days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, and to cross-examine witnesses on his or her own behalf under subpoena by the Village Board if such is required, and the hearing may be stenographically recorded at the licensee's option and expense. At the conclusion of such hearing, the Plan Commission shall submit a report to the Village Board including findings of fact and conclusions of law and recommendation as to what, if any, action the Village Board can take. The Plan Commission shall provide the complainant and licensee with a copy of the report. The Plan Commission shall then file its findings of fact and conclusions of law with the Village Clerk.
 - (2) Either the complainant or licensee may file an objection to the report and have the opportunity to present argument supporting the objection to the Village Board. The Village Board shall determine whether argument shall be presented orally or in writing, or both. If the Village Board, after arguments presented by the complainant or licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided in § 315-57A above. The Village Board shall decide the matter and shall prepare a written decision which shall be filed with the Village Clerk and a copy thereof delivered to the licensee and complainant within 20 days after its decision.

315-112 Site design considerations for adult establishments.

- A. Adequate parking shall be provided in a lighted area in accordance with Article VII, Off-Street Parking Requirements. Such parking provisions shall be shown on the site plan required by Village ordinances and submitted contemporaneously with the request for conditional use.
- B. The building shall have a determined safe fire limit for occupancy calculated by the Fire Department based upon the square footage and physical characteristics of the building. The occupancy limit shall be communicated to the patrons and employees by signs posted at the entrance and in the facility.
- C. Downward directional lighting shall be provided so as to illuminate the entire exterior of the building. Lighting fixtures and illumination levels shall be shown on the site plan submitted along with the request for a conditional use.
- D. Any adult establishment having available for customers, patrons, or members any booth, room, or cubicle for the private viewing of any sexually oriented adult entertainment must comply with the following requirements:
 - (1) Access. Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishment and shall be unobstructed by any door, lock, or other control-type device.
 - (2) Every booth, room, or cubicle shall meet the following construction requirements:
 - (a) Each booth, room, or cubicle shall be separated from adjacent booths, rooms, cubicles, and any nonpublic areas by a wall.
 - (b) Each booth, room, or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view of anyone occupying the same.
 - (c) All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet, and be light colored, nonabsorbent, smooth textured, and easily cleanable.
 - (d) The floor must be light colored, nonabsorbent, smooth textured, and easily cleanable.
 - (e) The lighting level of each booth, room, or cubicle, when not in use, shall be a minimum of 10 footcandles at all times, as measured from the floor.
 - (3) Occupants. Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of the same shall engage in any type of sexual activity or cause any bodily discharge of fluids while in the booth.
- E. There shall be separate entrances for patrons and employees.
- F. There shall be a video monitoring system by which the operator can continuously monitor activities outside the building on the entire premises including parking lots.
- G. The adult establishment may not have flashing lights, neon signs, or decorative lighting other than illumination of parking lots, walkways, and entrances.
- H. The interior of the adult establishment shall not be visible from the exterior, including at times when the doors are open.

- I. All windows shall comply with the following design standards:
 - (1) Exterior windows shall not be covered or made opaque in any way.
 - (2) No material which references or depicts specified anatomical areas or specified sexual acts shall be displayed in any exterior window.
 - (3) There shall be no display windows on the premises.
- J. The establishment shall place waste receptacles near the entrances to the building to discourage littering on the premises.
- K. The building shall be sound insulated and sound levels contained to the following: the level of sound audible at the property line of the establishment:
 - (1) Shall not exceed 70 decibels from 12:00 noon to 10:00 p.m.
 - (2) Shall not exceed 60 decibels from 10:00 p.m. to 12:00 noon.

315-113 Responsibilities of operator.

- A. The owner shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, social security number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three years following termination.
- B. The owner shall make the register of employees available immediately for inspection by the Village Board or Plan Commission upon demand at all reasonable times.
- C. Every act or omission by an employee constituting a violation of the provisions of this Article shall be the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator or as a result of the operator's negligent failure to supervise the employee's conduct. The operator shall be punishable for such act or omission in the same manner as if the operator had committed the act or caused the omission.
- D. Any act or omission of any employee constituting a violation of the provisions of this Article shall be deemed the act of the operator for the purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- E. No employee of an adult entertainment establishment shall allow any minor to loiter around or to frequent an adult entertainment establishment or allow any minor to view sexually oriented adult entertainment defined herein.
- F. The owner and/or operator of the adult establishment shall agree to comply with all federal, state, and local laws and ordinances including obscenity and cabaret laws.
- G. In the case of adult cabarets, the hours of operation shall be limited to the same hours of operation for bars and taverns within the district in which the adult cabaret is located.
- H. The operator shall maintain the premises in a clean and sanitary manner at all times.

- I. The operator shall maintain at least 10 footcandles of light in the public portion of the establishment, including aisles, at all times. However, if lesser levels of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles; provided, however, that at no time shall there be less than one footcandle of illumination in said aisle as measured from the floor.
- J. The operator shall ensure compliance of the establishment and its patrons with the provisions of this Article.
- K. The operator shall ensure that there is a conspicuously posted, unmutated and undefaced sign or poster containing information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought in each booth, stall, partitioned portion of a room or individual room. Said signs can be supplied by either the Brown County Health Department or State of Wisconsin Department of Health Services.
- L. The operator shall ensure that there are conspicuously displayed brochures or pamphlets pertaining to sexually transmitted diseases provided by the Brown County Health Department or State of Wisconsin Department of Health Services at a place near the main entrance of the establishment or a portion thereof.
- M. The operator shall ensure there are posted regulations concerning booth occupancy on signs, with lettering at least one inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.
- N. The Department of Health Services shall charge its reasonable costs for supply of such poster, brochures, pamphlets, and other information supplied under this Section.
- O. No alcoholic beverages are to be served on the premises.

315-114 Registration of employees.

All operators, employees, and independent contractors working in any adult establishment hereunder shall, prior to beginning employment or contracted duties, register with the Village Clerk.

- A. Such registration shall include the following: name, address, birth date, any aliases used, telephone numbers, date of employment, and name of employer.
- B. All registrations hereunder are valid for a period of one year.
- C. The registration fee shall be set by the Village Board, which shall be paid to the Village Clerk.

315-115 Prohibited activities.

- A. No patron of the adult establishment may engage in any type of sexual activity, cause any bodily discharge, or litter while in the adult establishment or its parking areas.

- B. The adult establishment may not sell condoms or sexual aids, either directly or indirectly through vending machines.
- C. Patrons of the adult establishment may not be in a motor vehicle which is located on the premises of an adult establishment for more than two minutes.
- D. Patrons of the adult establishment may not be in a motor vehicle which is located on the premises of an adult establishment with an employee or an entertainer who has performed or will perform at said establishment.
- E. Patrons of the adult establishment may not congregate at or near the separate entrance for employees or entertainers.
- F. Patrons may not remain on the premises for more than three minutes after exiting the building.
- G. The adult establishment shall cease admitting patrons at such time as all off-street parking for said establishment is full.

315-116 Exclusions.

All private and public schools, as defined in Ch. 115, Wis. Stats., located in the Village are exempt from obtaining a license hereunder when instructing pupils in sex education as part of their curriculum.

315-117 Enforcement.

It shall be the duty of the Village of Denmark Police Department, the Building Inspector, the Zoning Administrator, and the Brown County Health Department to administer and enforce the provisions of this Article. The operator shall afford the Building Inspector and Zoning Administrator reasonable access to inspect the same and verify that adult establishments meet the requirements of this Article.

315-118 Violations and penalties.

- A. Any person, partnership, or corporation who or which is found to have violated this Article shall be subject to a penalty as provided in this Chapter, and conviction of any such violation shall result in a revocation of any license.
- B. Each violation of this Article shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.
- C. A violation of these provisions is considered to be a public nuisance per se.

315-119 Reserved

ARTICLE VI: OFF-STREET PARKING REQUIREMENTS

315-120 Applicability.

The following regulations shall apply minimum and maximum parking ratio standards for all zoning districts within the Village of Denmark.

315-121 Purpose.

Parking and loading regulations are established to alleviate or prevent congestion of the public right-of-way, to provide for the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, and location of required off-street parking and loading spaces and access driveways and aisles.

315-122 General provisions.

The following regulations shall apply to all zone districts within the Village of Denmark.

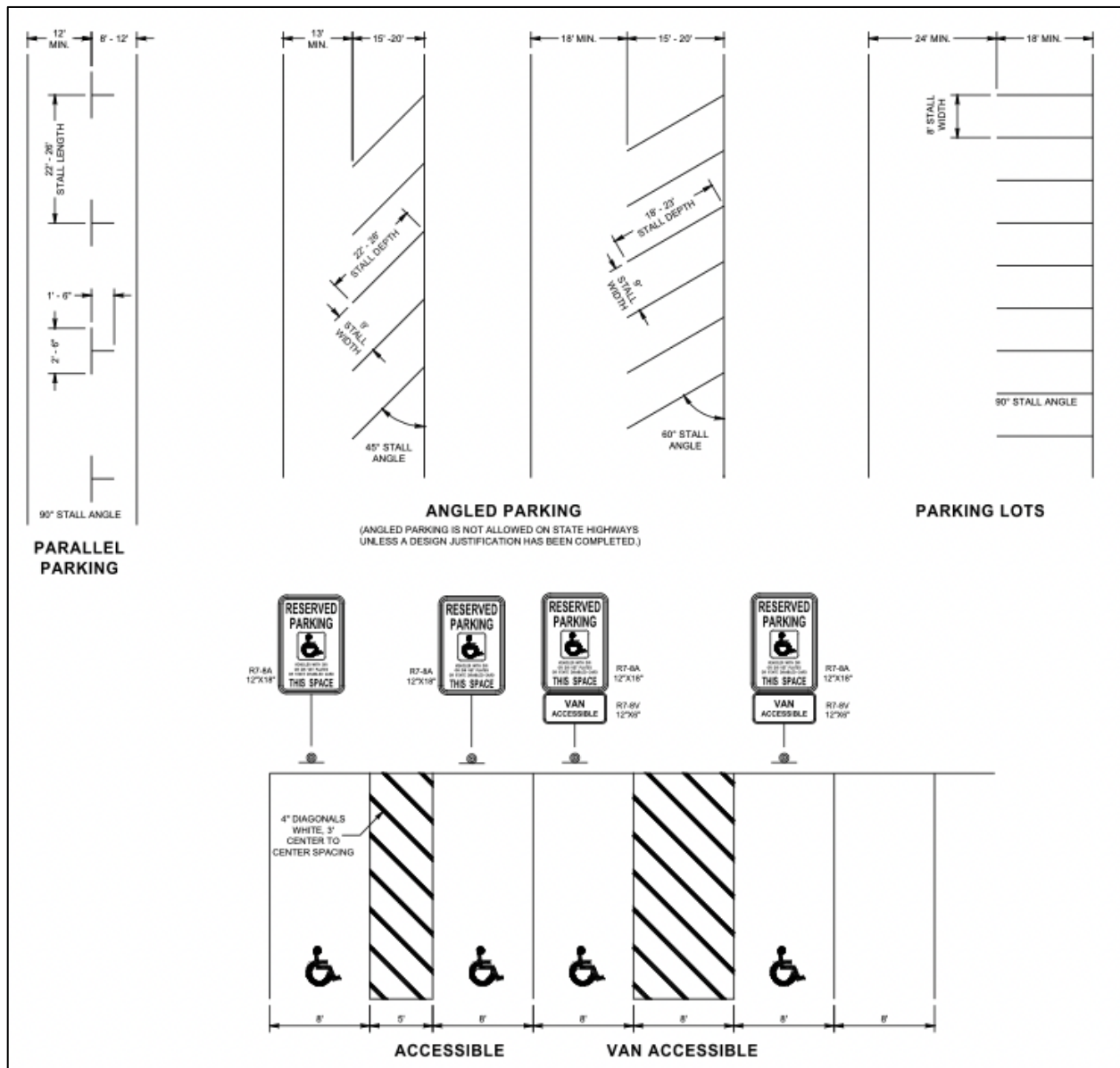
- A. The design of parking lots and areas in the R-4, R-5, B-1, B-2, B-3, IN, I-1, and I-2 Zoning Districts shall be subject to site plan approval. Off-street parking for R-1, R-2, R-3, and RD-1 Districts is not subject to site plan approval.
- B. All parking spaces required to serve buildings or uses erected or established after the effective date of this Article shall conform to the requirements within.
- C. Any application for a building permit, or for any certificate of occupancy, where no building permit is required, shall include therewith a site plan, drawn to scale and fully dimensional, showing any off-street parking or loading facilities to be provided in compliance with this Article.
- D. All off-street parking facilities shall be designed with appropriate direct vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- E. Existing parking and loading facilities shall not be reduced below the requirements of a similar new use or, if less than the requirements for a similar new use, they shall not be reduced further.
- F. When the use of a building or site is changed or the intensity of use is increased through the addition of dwelling units, gross floor area, capacity, or other unit of measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such change or intensification of use as specified in this Chapter
- G. The Plan Commission shall determine the minimum and maximum parking requirement for any uses that are not specified in in this Chapter.
- H. When a structure or structures have multiple uses, the minimum standards shall apply to each use.

- I. The minimum number of required off-street parking spaces shall be reduced by the number of on-street parking spaces abutting the property lines of the parcel(s).
- J. Required parking and loading spaces and the driveways providing access to them shall not be used for storage, display, sales, rental, or repair of motor vehicles or other goods.
- K. Required parking and loading spaces and the driveways providing access to them shall not be used for the storage of inoperable vehicles or snow.
- L. No commercial vehicle with a registered gross vehicle weight exceeding 10,000 pounds shall park in a lot zoned R-1, R-2, R-3, R-4, or R-5 for more than 12 consecutive hours in a twenty-four-hour period.
- M. No commercial vehicle with a registered gross vehicle weight exceeding 10,000 pounds in a lot zoned R-1, R-2, R-3, R-4, or R-5 shall idle for more than a one-hour period.
- N. All commercial vehicles with a registered gross vehicle weight exceeding 10,000 pounds parked in a lot zoned R-1, R-2, R-3, R-4, or R-5 shall be parked behind the street yard line at all times.

315-123 Parking standards.

- A. Parking stalls shall conform to the requirements of WisDOT SDD 15C36 Parking Stall Marking as shown in Section 315-123.A(1) below and as updated from time to time.

(1) Dimensional Standards for Parking Stalls



- B. Any lighting used to illuminate off-street parking areas shall be directed downward and away from residential properties and public streets in such a way as not to create a nuisance.
- C. All off-street parking lots shall adhere to Wisconsin Statutes as to requiring disabled parking.
- D. All driveways are means by which vehicles travel between the street and the approved parking spaces and are not to be considered for approved parking spaces.
- E. Parking areas for lots zoned R-4, B-1, I-1, and I-2 shall be located in the side yard or rear yard.
- F. No parking space or area including driveways shall be permitted within six feet of a property line in a side yard and/or 10 feet of a street right-of-way.

- G. All parking areas and appurtenant passageways and driveways shall be hard surfaced. Blacktopped and concrete parking lots are acceptable. All vehicles shall be parked on these surfaces.
- H. Parking area perimeters shall be provided with wheel guards, bumper guards, or continuous curbing so located that no part of parked vehicles will extend beyond the property line of the parking area.
- I. One wheel stop or similar device shall be placed at the end of each parking space for stalls on the perimeter of the parking area.
- J. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Lighting shall be directed downward to prevent light pollution. Downward directional lighting and adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- K. No building for which off-street parking space is required may be added to, structurally altered, or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- L. Where a building permit has been issued prior to the effective date of this Article, and provided that construction is begun within 12 months of such effective date and diligently pursued to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Article.
- M. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least 50 percent of any existing deficiency in parking or loading facilities.
- N. When determination of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction of $\frac{1}{2}$ (0.5) or greater shall be counted as one parking space. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
- O. None of the off-street parking facilities required in this Article shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this Article shall apply to the enlarged portion of the building or use.
- P. Accessory off-street parking facilities in existence on the effective date of this Article and located on the same lot as the building or use served shall not hereafter be reduced below the requirements for a similar new building or use under the provisions of this Article.
- Q. In any R-4, B-1, B-2, B-3, IN, I-1, or I-2 District wherever a lot abuts upon a public or private alley or street, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business or industrial use so that the alley or street shall at all times be free and unobstructed to the passage of traffic.

- R. In any R-4, B-1, B-2, B-3, IN, I-1, or I-2 District wherever a lot abuts a single-family residential zoning district, areas shall be provided opaque screening.
- S. All parking areas containing five or more parking spaces shall include a turnaround area that is designed and located so that vehicles can enter and exit the parking area without backing onto a public right-of-way.
- T. Parking lots containing 10 or more parking spaces which are located in the R-1, R-2, R-3, or RD-1 District or adjacent to these districts shall be subject to site plan review. These parking lots shall be screened along the side or sides of such lot which abut the lot lines of the listed residential zoning lots by a solid wall, fence, evergreen planting or equivalent capacity or other equally effective means, built or maintained at a minimum height of four feet. If parking lots so located are lighted, the lights shall be so shielded as to prevent undesirable glare or illumination of adjoining residential property.
- U. Parking lots shall provide for safe and accessible pedestrian ways to the Principal Use on the parcel.
- V. Large parking lots containing more than 15 parking spaces shall be bifurcated by landscaped islands and dedicated pedestrian corridors. These islands shall be used for stormwater management purposes.
- W. All parking areas shall be properly graded for drainage and maintained free of weeds, invasive species, dust, trash, and debris.

315-124 Specific requirements for off-street parking.

A. Minimum parking ratios.

- (1) The second column of the tables in this Section establishes the minimum number of parking spaces required for the identified uses. Parking requirements may be met by one or more of the following methods:
 - (a) On-site parking spaces. Only spaces that are designed consistently with the standards of this Article are counted towards the minimum required parking. Spaces at or in queuing lines, gasoline pumps, bay doors, and other related features are not counted. Loading spaces are not counted.
 - (b) Off-site parking with a relegated parking facility. Relegated parking facilities must conform to this Article.

B. Maximum parking ratios.

- (1) The third column of the tables in this Section establishes the maximum number of parking spaces required for the identified uses. If a maximum parking space ratio applies, the number of parking spaces shall not exceed the maximum number permitted.
- (2) The maximum allowed spaces do not include accessible spaces required by the building code.

- C. Uses not listed. For uses not listed, the Zoning Administrator shall determine the appropriate parking standards based on the particular use.

Use or Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Residential building			
Zero lot line/row house/townhouse	One per DU	3 per DU	N/A
Multifamily dwelling	One per DU	3 per DU	0.5 per DU
Assisted living/skilled nursing/CBRF	0.3 per room	One per room	One, plus one per 10 vehicle spaces
Single-room occupancy unit/other structurally converted buildings	0.3 per room	One per room	0.5 per DU
Lodging			
Bed & breakfast, rooming/boarding house	One per guest room plus 2 spaces for owners	N/A	0.5 per room
Hotel, motel	0.8 per room plus One per 800 square feet of public meeting area and restaurant space	One per room plus One per 400 square feet of public meeting area and restaurant space	One, plus one per 20 vehicle spaces
Commercial Building			
Commercial center, department stores, discount stores, general retail stores, shops, grocery stores, markets	One per 100 square feet public sales area	1.5 per 100 square feet gross sales area	One, plus one per 10 vehicle spaces
Restaurant, with alcoholic beverages	One per 75 square feet GFA	One per 50 square feet GFA	One, plus one per 10 vehicle spaces
Gasoline station/auto repair and service structure/gasoline service/car care center/car wash/parts, accessories or tires	One per 500 square feet GFA, including service bays, wash tunnels and retail areas	One per 375 square feet GFA, including service bays, wash tunnels and retail areas	N/A
Car, bus, truck, mobile home, large vehicle, bicycle, motorcycle, all-terrain vehicle, boat or marine craft dealer	One per 375 square feet GFA of sales and service building	1.5 per 375 square feet GFA of sales and service	One, plus one per 10 vehicle spaces
Beer, wine and liquor store (off-premises consumption of alcohol)	One per 300 square feet GFA	One per 200 square feet GFA	One, plus one per 10 vehicle spaces
Convenience store or center	6 per 1,000 square feet GFA	10 per 1,000 square feet GFA	One, plus one per 10 vehicle spaces
Office or bank building (no drive-through)	One per 250 square feet GFA	One per 140 square feet GFA	One, plus one per 10 vehicle spaces
Office or bank building (with drive-through)	One per 1,500 square feet GFA plus required stacking spaces for drive-through	5 per 1,000 square feet GFA	One, plus one per 10 vehicle spaces

Use or Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Office or store building (including with residence or office over storefront), Research and development service (scientific, medical and technology)	One per 1,000 square feet GFA	One per 200 square feet GFA	One, plus one per 10 vehicle spaces
Car, truck, trailer, recreational vehicle, etc., rental and leasing	One per 1,000 square feet GFA	One per 200 square feet GFA	One, plus one per 10 vehicle spaces
Services to buildings and dwellings (pest control, janitorial, landscaping, carpet/upholstery cleaning, parking, and crating)	One per 1,000 square feet GFA	One per 200 square feet GFA	One, plus one per 10 vehicle spaces
Bar, tavern, nightclub	One per 2 seats	One per 1.5 seats	One, plus one per 10 vehicle spaces
Industrial building and structure			
Light industrial structure and facility (not specifically listed)	One per 1,500 square feet GFA	One per 300 square feet GFA	One, plus one per 10 vehicle spaces
Mill, factory, manufacturing plant, laboratory, specialized industrial facility, assembly and construction plant, process plant	One per 1,500 square feet GFA	One per 300 square feet GFA	One, plus one per 10 vehicle spaces
Construction-related business	One per 1,000 square feet GFA	One per 200 square feet GFA	One, plus one per 10 vehicle spaces
Warehouse or storage facility			
Self-service storage facility	4 spaces plus 2 for manager	N/A	One per storage unit
Warehouse (structure, produce, refrigerated or cold storage, distribution or transit, wholesale trade, storage service)	One per 600 square feet GFA	One per 350 square feet GFA	One, plus one per 10 vehicle spaces
Tank farm	One per 600 square feet GFA	One per 350 square feet GFA	N/A
Public assembly structure			
Fitness, recreational sport, gym or athletic club	1.5 per 1,000 square feet GFA	10 per 1,000 square feet GFA	One, plus one per 10 vehicle spaces
Bowling, billiards, pool, etc.	2 per lane	4 per lane	One, plus one per 10 vehicle spaces
Places of worship	One per 8 seats	One per 1.5 seats	One, plus one per 20 vehicle spaces
Institutional or community facility			
Hospital/medical clinic	One per 400 square feet GFA	One per 100 square feet GFA	One, plus one per 20 vehicle spaces
Social assistance, welfare, and charitable services (not specifically listed)	One per 250 square feet GFA	One per 200 square feet GFA	One, plus one per 20 vehicle spaces
Child and youth service/child care institution (basic or specialized)/day-care center	One per 375 square feet GFA	1.5 per 375 square feet GFA	N/A

Use or Activity	Minimum Vehicle Spaces	Maximum Vehicle Spaces	Minimum Bicycle Spaces
Community food service	One per 250 square feet GFA	One per 200 square feet GFA	One, plus one per 20 vehicle spaces
Animal hospital, veterinary clinic	One per employee	N/A	N/A
Grade school or middle school	One per classroom	2 per classroom	One, plus one per 10 vehicle spaces
High school	One per 10 students	One per 8 students	One per 10 students
Library	One per 300 square feet GFA	One per 125 square feet GFA	One, plus one per 20 vehicle spaces
Museum, art gallery, and the like	One per 1,000 square feet GFA	1.5 per 1,000 square feet GFA	2 per 1,000 square feet GFA
Public safety building	One per employee plus One per each 3 volunteer personnel on normal shift plus One per 200 square feet usable office space	N/A	One, plus one per 20 vehicle spaces
Cemetery or mausoleum	N/A	N/A	N/A
Post office	One per employee	N/A	N/A
Club or lodge	One per 3 persons	N/A	One, plus one per 20 vehicle spaces
Utility and other non-building structure			
Communication tower/radio, television or wireless transmitter/weather station or transmitter/environmental monitoring station	One per service employee	N/A	N/A
Park, outdoor recreation	Determined by Plan Commission based upon proposed use	Determined by Plan Commission based upon proposed use	One, plus one per 10 vehicle spaces
Agriculture, forestry, fishing and hunting			
Grain silo and other storage structure for grain and agricultural product	One per 1,500 square feet GFA	One per 300 square feet GFA	N/A
DU = Dwelling unit			
sf = Square feet			
GFA = Gross floor area			
N/A = Not applicable			

315-125 Cooperative parking.

Off-site and off-street shared parking spaces, identified as cooperative parking, may be provided for two or more uses in a development or for two or more individual developments, subject to the following:

- A. The off-site, off-street parking facility is within 300 feet of the property.

- B. The parking demands of the individual uses, as determined by the Zoning Administrator based upon off-street parking requirements, are such that the total parking demand of all uses at any one time is less than the total parking stalls required.
- C. A written and recorded agreement between the owners and lessees is executed for a minimum of 20 years, approved by the Plan Commission as approved in § **315-90D** below. A copy of the recorded document shall be submitted with the project to be kept on file with the Village of Denmark. Should the lease expire or terminate, the use for which the off-site parking was considered shall be considered nonconforming, and any and all approvals, including conditional use approvals, shall be subject to revocation.
- D. An application for approval of a cooperative parking plan shall be filed with the **Village Clerk** by the owners of the entire land area to be included in the cooperative parking plan, the owner or owners of all structures existing on such land area, and all parties having a legal interest in such land area and structures. Sufficient evidence to establish the status of applicants as owners or parties of interest shall be provided. The application shall include plans showing the location of uses or structures for which off-street parking facilities are required, the location of off-street parking facilities, and the schedule of times used by those sharing spaces in common.
- E. Any such plan may be amended or withdrawn if all land and structures remaining under such plan comply with all conditions and limitations of the plan, and all land and structures withdrawn from such plan comply with the regulations of this Article.
- F. Any amendment, revision, termination, or withdrawal shall be submitted to the Village of Denmark for approval.

315-126 Relegated parking.

On-site and off-street shared parking spaces, identified as relegated parking, may be provided for developments that contain a mix of uses on the same parcel in order to reduce the amount of parking using the following table, subject to the following:

- A. The minimum parking requirements shall be determined for each land use in the first column of the following table as if each were a different use.
- B. Each amount is multiplied by the corresponding percentages of each of the five time periods in the second, third, fourth, fifth, and sixth columns of the following table.
- C. Calculate the total for each time period.
- D. The total with the highest value is the required minimum number of parking spaces.

	Weekdays		Weekends		Nighttime
	Daytime	Evening	Daytime	Evening	
Land Use	8:00 a.m. to 5:00 p.m.	5:00 p.m. to 12:00 midnight	8:00 a.m. to 5:00 p.m.	5:00 p.m. to 12:00 midnight	12:00 midnight to 8:00 a.m.
Office	100%	10%	20%	5%	5%
Industrial	100%	10%	20%	5%	5%

	Weekdays		Weekends		
	Daytime	Evening	Daytime	Evening	Nighttime
Land Use	8:00 a.m. to 5:00 p.m.	5:00 p.m. to 12:00 midnight	8:00 a.m. to 5:00 p.m.	5:00 p.m. to 12:00 midnight	12:00 midnight to 8:00 a.m.
Commercial	40%	100%	80%	100%	10%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment	40%	100%	80%	100%	10%

315-127 Off-street loading requirements.

A. General.

- (1) Truck loading facilities are required for structures containing uses devoted to businesses, industry, manufacturing, storage, warehousing, processing, offices, professional buildings, hotels, multifamily dwellings, hospitals, airports, railroad terminals, and any building of a commercial nature.
- (2) If a structure is enlarged, expanded, or changed, the structure shall not be used, occupied, or operated unless the structure has the minimum amount of off-street truck loading facilities that would apply if the increments were a separate structure.
- (3) Maintenance of off-street truck loading facilities shall be the responsibility of the property or the loading area operator and property owner of the land upon which the structure requiring the facilities is located.

B. Size standards.

- (1) There shall be two sizes of off-street loading spaces:
 - (a) Large spaces shall have an overhead clearance of at least 14 feet, shall be at least 12 feet wide, and shall be at least 50 feet long.
 - (b) Small spaces shall have an overhead clearance of at least 10 feet, shall be at least eight feet wide, and shall be at least 20 feet long.
- (2) Access areas, maneuvering areas, platforms, and other appurtenances are excluded from these measurements.

C. Location.

- (1) Off-street loading facilities shall be located on the same lot that the structure requiring the loading area is located.
- (2) Loading facilities that are available in a cooperative arrangement may be located on another site not more than 300 feet from the structure requiring the loading area.
- (3) Service entrances and service yards shall be located only in the rear or side yard.
- (4) Service yards shall be screened from adjacent residential property.

D. Construction and maintenance. Off-street truck loading facilities shall be constructed, maintained, and operated using the following standards:

- (1) Areas shall be properly graded for drainage, surfaced with concrete or asphalt, and maintained free of weeds, invasive species, dust, trash, and debris.
- (2) Areas adjacent to residential structures shall be provided with a vegetative screen.
- (3) Lighting shall be arranged so that the source of the light is concealed from public view and concealed from adjacent residential uses at the lot line.
- (4) Lighting shall be arranged so that the source of light is concealed so that light does not interfere with traffic on adjacent rights-of-way.
- (5) Areas shall be provided with entrances and exits so located as to minimize traffic congestion.

E. Combined facility. Off-street loading facilities for two or more structures may be satisfied by the permanent allocation of the required number of spaces for each use in a combined truck loading facility.

- (1) The total number of spaces in a combined truck loading facility shall be at least the sum of the individual requirements unless the Plan Commission determines that a lesser number of spaces will be adequate.
- (2) In determining the number of revised spaces, the Plan Commission shall consider the frequency of usage of the truck loading facilities by the individual users and the character of the goods.

F. Minimum requirements. The minimum truck loading spaces shall be provided for in all districts using the table in this subSection.

Square Feet of Gross Floor Area in Structure	Required Number of Spaces
0 through 12,500	1 small
12,501 through 25,000	2 small
25,001 through 40,000	1 large
40,001 through 100,000	2 large
For every 80,000 over 100,000	1 extra large

315-128 Bicycle parking.

A. General.

- (1) Bicycle parking shall be required for all lots in the R-4, B-1, B-2, B-3, IN, I-1, or I-2 District.
- (2) The minimum number of required spaces for each use, structure, and facility shall meet or exceed the minimum bicycle spaces required in this Chapter.

B. Design.

- (1) Bicycle spaces may be provided through parking spaces or bicycle storage racks.
- (2) Bicycle parking shall be at least 2.5 feet in length, with a minimum overhead clearance of eight feet.
- (3) Racks and other fixtures used to provide bicycle parking must be securely affixed to the ground and allow bicycles to be locked and chained.
- (4) The design of bicycle racks and fixtures shall be included in final site plans and approved by the Plan Commission.

- (5) Bicycle parking areas shall be clearly marked on site plans.

C. Location.

- (1) Bicycle spaces may be located indoors or outdoors.
- (2) Bicycle spaces shall be located within 50 feet of the primary entrance.
- (3) Bicycle spaces shall not be located behind any wall, shrubbery, or visual obstruction lying between the Principal Structure and the bicycle parking.
- (4) Areas used for required bicycle parking must be paved, drained, well lit, and maintained.
- (5) Spaces used within offices and on balconies that are not accessible to all users shall not be counted toward required parking.

315-129 through 315-49 Reserved

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ARTICLE VII: SITE PLAN DESIGN AND REVIEW

315-150 Purpose.

The purpose of this Section is to promote compatible development; stabilize property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve and enhance the character and quality of the built environment; maintain the integrity of those areas which have a discernible character or are of a special historic significance; protect public investments; and protect the natural environment by reducing storm water runoff, sedimentation and erosion, and the destruction of environmentally sensitive areas.

315-151 Permit Required.

No person shall commence any use or erect any structure, other than those specifically exempted in this Chapter, prior to the issuance of a Site Plan Permit under this Section.

- A. Site Plan Permits issued by Zoning Administrator. The Zoning Administrator shall issue a Site Plan Permit for Residential Development, which shall include: single-family and two-family development and redevelopment occurring on individual lots.
- B. Site Plan Permits Issued by Plan Commission. The Plan Commission shall issue Site Plan Permits for all Nonresidential Development, which shall include all development and redevelopment other than as specified in 'Subsection A.' above.

315-152 Principles.

- A. To implement the purposes set forth in this Section, the Plan Commission and Zoning Administrator shall review the following, as applicable: the site; existing and proposed structures; neighboring uses; utilization of landscaping and open space; parking areas; driveway locations; loading and unloading; street and highway access; traffic generation and circulation; drainage; sewerage and water systems; proposed operations; and, other requirements of this Chapter.
- B. The Plan Commission and Zoning Administrator will approve site plans only after determining that:
 - (1) The proposed use(s) conform(s) to the uses permitted in that zoning district.
 - (2) The dimensional arrangement of buildings and structures conform to the required area, yard, setback, and height restrictions of this Chapter.
 - (3) The relative proportion of the scale and mass of a building to neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
 - (4) The visual continuity of roof shapes, rooflines and their contributing elements (e.g. parapet walls, coping, cornices, and the like) shall be maintained in building development or redevelopment.
 - (5) The proposed use conforms to all use and design provisions and requirements (if any) as found in this Chapter for the specified uses.

- (6) There is a proper relationship between the existing and proposed streets, highways, and sidewalks within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
- (7) The proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, pedestrian movement, stormwater drainage, erosion, grading, lighting and parking as specified by this Chapter and any other codes or laws.
- (8) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare and appearance of the neighborhood.
- (9) Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by appropriate screening, fencing, landscaping or other mitigating measures as provided or required in this Chapter.
- (10) Land, buildings and structures are readily accessible to emergency vehicles and persons with disabilities.
- (11) The site plan is consistent with the intent and purpose of this Chapter.
- (12) The site plan is consistent with the public goals, objectives, principles, standards, policies and design criteria set forth in the Village's adopted comprehensive plan or components thereof.

315-153 Applications for Residential Site Plan Review Requiring Zoning Administrator Approval.

- A. Fees. Fees. The applicant shall submit to the Village all fees based upon the fee schedule adopted by the Village of Denmark Board.
- B. Complete application. An application shall be completed in full. An incomplete application shall not be accepted by the Village.
- C. Submittal requirements. In order for an application to be considered complete, the applicant shall submit to the Village Clerk:
 - (1) One paper copy of the application packet.
 - (2) One digital copy of the application packet, in PDF format or other format pre-approved by the Village.
- D. Application packet requirements.
 - (1) Developed lots.
 - (a) Owner's name and address.
 - (b) Date of plan submittal.
 - (c) Lot size.
 - (d) Site plan drawing showing:
 1. Distance from all existing and proposed principal and Accessory Structures to applicable property lines and rights-of-way.
 2. Distance from existing or proposed Principal Structure to existing and proposed Accessory Structures.
 3. Existing and proposed rights-of-way and widths.

4. Existing and proposed easements for and locations of all utility lines, including sanitary sewers, water mains, storm sewers, other drainage facilities and features, communications lines, electrical lines, natural gas lines and other utilities present on and around the site, as applicable.
- (e) The type, size, height, location, and use of all existing and proposed structures with all building dimensions shown.
- (f) Scaled architectural plans illustrating the design and character of proposed structures.
- (g) Other information as may be required by the Zoning Administrator.
- (2) Undeveloped Lots. In addition to the requirements above, plan data for development on previously undeveloped lots shall include:
 - (a) Site plan drawn on a Plat of Survey to a recognized engineering scale, scale of drawing, north arrow, and site size information (area in acres or square feet).
 - (b) Architect, developer, and/or engineer's name and address, as applicable.

315-154 Applications for Nonresidential Site Plan Review Requiring Plan Commission Approval.

- A. Fees. The applicant shall submit to the Village all fees based upon the fee schedule adopted by the Village of Denmark Board.
- B. Pre-submittal meeting. Prior to the submittal of a site plan, the developer shall meet with the Zoning Administrator and other appropriate Village staff to discuss zoning district, site plan, time lines, infrastructure and utilities, and other Village requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Village.
- C. Complete application. An application shall be completed in full. An incomplete application shall not be accepted by the Village.
- D. Submittal requirements.
 - (1) The petitioner shall apply to the Village of Denmark for the scheduling of an appearance before the Plan Commission no less than two weeks prior to the regularly scheduled Plan Commission meeting. The appearance before the Plan Commission shall not be scheduled unless the application is complete. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said application is complete per all the applicable requirements. The item may be placed on an agenda as a discussion-only item, without an application.
 - (2) In order for an application to be considered complete and forwarded to the Plan Commission for review, the applicant shall submit to the Village Clerk:
 - (a) No fewer than six copies of all site plans. All plans shall be drawn to an engineering scale no greater than one inch equals 100 feet plus one complete set of such plans reduced in size to 11 inches by 17 inches.
 - (b) One digital copy of all site plans, in PDF format, or other format pre-approved by the Village.

315-155 Application packet requirements.

A site plan submitted to the Village of Denmark for review shall contain the following information, as applicable:

- A. Name of project/development.
- B. Location of project/development by street address and/or tax parcel number.
- C. Name and mailing address of developer/owner.
- D. Name and mailing address of engineer/architect.
- E. North arrow.
- F. Scale.
- G. Boundary lines of property, with dimensions.
- H. Two-foot contours on the subject property and extending from the subject property a minimum distance of 25 feet in all directions.
- I. Location, identification, and dimensions of existing and proposed:
 - (1) Adjacent streets and street rights-of-way.
 - (2) Private streets and public street rights-of-way.
 - (3) Utility and any other easements, including but not limited to:
 - (a) Electric.
 - (b) Natural gas.
 - (c) Propane.
 - (d) Telephone.
 - (e) Water.
 - (f) Sewer (sanitary and storm).
 - (g) Fiber optic lines.
 - (h) Ingress/egress.
 - (4) All existing and proposed buildings and structures (including numbers of units within each proposed building and/or structure).
 - (5) Parking facilities.
 - (6) Water bodies, wetlands, and floodplains.
 - (7) Stormwater ponds, drainage ditches, and drainage patterns.
 - (8) Sidewalks and walkways.
 - (9) Bicycle facilities.
 - (10) Driveway access locations.
 - (11) Off-street loading areas and docks.
 - (12) Fences and retaining walls.
 - (13) All exterior signs.
 - (14) Exterior refuse collection areas.
 - (15) Exterior lighting.
 - (16) Traffic flow entering, within, and exiting site.
 - (17) Site statistics, including:
 - (a) Site square footage.

- (b) Percent site coverage.
- (c) Percent open space.
- (d) Floor area ratio.
- (18) Location and dimensions of proposed outdoor display areas.
- (19) Color architectural renderings of the proposed structures, buildings, and signage, including:
 - (a) All dimensions.
 - (b) Gross square footage of existing and proposed buildings and structures.
 - (c) Description of all exterior finish materials.
- (20) Grading and erosion control plans.
- (21) Landscaping plans
- (22) A staging plan for any projects involving more than one phase or construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates.
- (23) Other information considered pertinent by the Plan Commission, Zoning Administrator, or other Village staff.

315-156 Review by Plan Commission.

- A. The Plan Commission, in its consideration of the submitted complete application, shall take into account the purpose and intent of this Chapter and criteria for review. The Plan Commission, in reviewing the application, may require such additional measures and/or modifications as it deems necessary to accomplish these objectives.
- B. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of a site plan until a revision depicting such additional measures and/or modifications is submitted to the satisfaction of the Plan Commission, or may conditionally approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of Village staff.
- C. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
- D. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

315-157 Criteria for review.

In reviewing site plan applications, the Plan Commission shall utilize the following criteria as a basis to determine whether the submitted site plan shall be approved, approved with conditions, or denied. The purpose of these criteria is to identify site plan and design features that affect the physical aspect of the Village's environment. These criteria are not intended to restrict imagination, innovation, or variety, but rather to set minimum standards and assist in focusing on site plan and design principles that can result in creative solutions that will develop satisfactory visual appearance within the Village, preserve taxable values, and promote the public health, safety, and welfare.

- A. All standards of this Chapter and other applicable Village regulations are met.
- B. Adequate public facilities and utilities are provided.
- C. Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns and vegetative cover is minimized insofar as is practical.
- D. Appropriate traffic control, parking, ingress/egress, and pedestrian ways are provided.
 - (1) All parking lots and/or driving areas are paved with concrete or asphalt.
 - (2) Landscaped islands, trellises, raised sidewalks or similar techniques are employed to break up the expanse of a parking lot and provide safe pedestrian access.
 - (3) Parking lots are located to the side or rear of the building, whenever possible.
- E. A minimum of 10 percent of the gross lot area is landscaped and/or open space areas. Stormwater management areas may be included in the calculation.
- F. Exterior lighting is contained on the lot to the extent practicable.
- G. Outside refuse bins are located behind the Principal Structure and screened from view by use of solid screening or opaque fencing material. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- H. A minimum ten-foot vegetative buffering or opaque fencing is provided adjacent to any R-1, R-2, R-3, R-4, R-5, or RD zoned lots. Plastic or wooden slats through cyclone fencing shall not be deemed sufficient.
- I. The appearance of buildings maintains a consistency of design, materials, colors, and arrangement.
 - (1) Buildings shall have an articulated front facade and/or varied rooflines and in the B-1, B-2, B-3, I-1, I-2, and IN Districts, multifamily housing and boarding or lodging houses in the R-4 District, and nonresidential buildings in the R-1, R-2, R-3, R-4, R-5, and RD Districts, large walls shall contain windows or other treatments to break up the mass.
 - (2) A minimum of 30 percent of a façade facing an existing or future street shall be finished with brick, wood, fieldstone, decorative masonry material, decorative glass panels, or decorative precast concrete panels, except where the building style requires a different material.
 - (3) Attractive aluminum or vinyl siding which has the appearance of wood siding, a “brushed” surface, or other compatible attractive material may, however, be permitted.
 - (4) Such finished material shall extend for a distance of at least 20 ft. along the sides of the structure.
 - (5) No plain concrete block building or metal-faced building, except those with an attractive finished surface mentioned above shall be permitted.
 - (6) Digital samples of all materials shall be furnished to the Plan Commission for review and approval.
 - (7) All mechanical equipment is enclosed or screened. Rooftop equipment is integrated into the design of the structure, enclosed, or screened from ground-level view to the extent practicable.

- (8) Loading docks, loading areas, and overhead doors are located on the side or rear of the building(s).

J. Appropriate building orientation is maintained to complement and enhance neighborhood development character.

- (1) All buildings shall have their primary facade oriented parallel to the street.
- (2) Alternatively, a building may be oriented to another geopolitical feature such as a rear lot line or other specified natural feature provided that a direct pedestrian walkway is provided between the building entrance and the street.

315-158 Initiation of land use or development activity.

Absolutely no land use or development activity, including site clearing, grubbing, or grading, shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.

315-159 Maintenance.

The exterior walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, free of cracks, dents, punctures, breakage or other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged, or otherwise deteriorated shall be replaced, refinished, repaired, or repainted in accordance with the reasonable determination and order of the Zoning Administrator in consultation with the Building Inspector.

315-160 Modification of approved site plan.

Any development activities deemed by the Plan Commission to constitute a substantive deviation from the approved site plan shall be in violation of this Chapter.

315-161 Expiration.

All site plan approvals by the Plan Commission shall expire if the proposed project has not started construction within 12 months of the date of approval and finished construction within 24 months of the date of approval, unless otherwise agreed upon.

315-162 through 315-169 Reserved

ARTICLE VIII: LANDSCAPING

315-170 Purpose.

The purpose of requiring landscaping as an integral element of urban development is to:

- A. Provide vegetation to visually soften paved areas and buildings.
- B. Establish positive environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, storm water runoff retardation, improved water quality, noise, glare and heat abatement, and protection from the forces of erosion.
- C. Buffer uncomplimentary land uses, lessen the impact of high intensity uses, and generally enhance the quality and appearance over the entire site of the project.
- D. Provide habitat for beneficial animals and insects.
- E. Improve quality of life for the residents of, and visitors to, the Village of Denmark.

315-171 Principles.

Individual lots and conditions will afford distinctive and varied opportunities for landscape treatment. A landscape plan shall consider the preservation of existing, desired vegetation. Mature tree species that provide a substantial canopy shall be retained if possible. Installation of additional plant materials shall augment existing vegetation.

315-172 Administration.

- A. Site Plans. All nonresidential site plans submitted in accordance with this Chapter shall include a landscape plan. All landscape plans shall be prepared by a qualified person and shall contain the following information:
 - (1) North Arrow and scale.
 - (2) Topographic information based upon U.S. Government datum, and final grading adequate to identify and properly specify planting for areas needing slope protection.
 - (3) The location, size, and surface materials of all structures and parking areas.
 - (4) The location, type, size, quantity and botanical name and common name of all proposed landscape materials.
 - (5) The location, size, and common name of all existing plant materials to be retained on the site.
 - (6) Plant materials shall be drawn to a scale to reflect mature sizes.
- B. Application. Applications shall be submitted to the Village Clerk for proper distribution.
- C. Review and Approval.
 - (1) The Zoning Administrator shall review all site plans submitted under this Section and make a recommendation to the Plan Commission to approve, conditionally approve, or deny the landscape plan.

- (2) The Plan Commission shall approve, conditionally approve, or deny the proposed landscape plan.

315-173 Design Criteria.

A. General Requirements.

- (1) Relationship to existing vegetation.
 - (a) The addition of new plant materials shall augment existing vegetation.
 - (b) Existing healthy and non-invasive species of trees, shrubs, or woodlands shall be incorporated in a landscape plan, and contribute toward any quantity requirement.
 - (c) Diversity of vegetation species is required, although the selection of a plant palette shall consider new flora that is compatible with the growing and environmental requirements of existing vegetation.
- (2) Placement and Setting.
 - (a) The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
 - (b) Plants shall be spaced to provide optimum growing conditions and resemble a natural setting. Evenly spaced “picket fence” style plantings shall be avoided.
- (3) Street Adjacent Planting. Trees or shrubs that are planted immediately adjacent to street and road rights-of-way shall be moderately tolerant of both salt spray and salt absorbed into the soil.
- (4) Size.
 - (a) Canopy trees that are newly installed shall reach a minimum height and spread of 30 feet at maturity (10 years growth) as determined by the American Association of Nurserymen (AAN) Standards. New canopy trees shall have a minimum caliper of two inches at planting.
 - (b) Ornamental trees that are newly installed shall reach a typical minimum height of 15 feet at maturity, based on AAN Standards. Ornamental trees shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, bark, or growth habit. New ornamental trees shall have a minimum caliper of 1.5 inches.
- (5) Ground Cover. All areas not covered by buildings or paving shall be covered with landscaping.

315-174 Plant Material Types and Quantities.

- A. Hardiness. All plants shall be selected based upon compatibility with United States Department of Agriculture (USDA) hardiness zone for the Village of Denmark (at this time, Hardiness Zones 5a and 5b).
- B. Plant Standards. All plants shall meet the minimum standards for health, form, and root condition as outlined in the AAN Standards.
- C. Species Variation.

- (1) Native or naturalized plant species shall be the dominant elements of a landscaping plan unless the applicant can provide information explaining to the satisfaction of the Plan Commission and Zoning Administrator why such requirements are not applicable.
- (2) No single species shall exceed 35 percent of the proposed landscape plan.
- (3) The majority of plant species included in the landscape plan shall be natives.

315-175 District-Specific Design Criteria

A. R-4 District.

- (1) Preservation and visual blending of the existing natural landscape features shall be a priority in landscape planning.
- (2) Landscape buffer areas.
 - (a) Landscape buffers shall be established and maintained within the street yard outside of any right-of-way and in rear and side yards with the plant quantities and general plant types as indicated in the table below.
 - (b) Such buffers shall be established and maintained so as to frame the view of existing structures from the roadway and adjoining parcels.

(3) Required Plantings

Area	Minimum Requirement
Street Yard – for each 50 feet of street/road frontage	• Two canopy trees or one evergreen • One ornamental tree • Five medium-to-tall shrubs • Five low shrubs
Rear Yard – for each 50 feet of property line.	• One canopy tree or one evergreen • One ornamental tree • Five medium-to-tall shrubs
Side Yards – for each 50 feet of property line.	• Five medium-to-tall shrubs • Five low shrubs
Native Species: No less than 50% of all proposed canopy trees, evergreens, ornamentals, and shrubs shall be native species.	

B. B-2 and B-3 Districts.

- (1) Preservation and visual blending of the existing natural landscape features shall be a priority in landscape planning.
- (2) Landscape buffer areas.
 - (a) Landscape buffers shall be established and maintained within the street yard outside of any right-of-way and in rear and side yards with the plant quantities and general plant types as indicated in the table below.
 - (b) Such buffers shall be established and maintained so as to frame the view of existing structures from the roadway and adjoining parcels.

(3) Required Plantings

Area	Minimum Requirement
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Street Yard – for each 50 feet of street/road frontage	• Two canopy trees and one evergreen • One ornamental tree • Five medium-to-tall shrubs
Rear Yard – for each 50 feet of property line.	• One canopy tree or one evergreen • Five medium-to-tall shrubs • Five low shrubs
Side Yards – for each 50 feet of property line.	• Five medium-to-tall shrubs • Five low shrubs
Native Species: No less than 50% of all proposed canopy trees, evergreens, ornamentals, and shrubs shall be native species.	

C. I-1 and I-2 Districts.

- (1) Preservation and visual blending of the existing natural landscape features shall be a priority in landscape planning.
- (2) Landscape buffer areas.
 - (a) Landscape buffers shall be established and maintained within the street yard outside of any right-of-way and in rear and side yards with the plant quantities and general plant types as indicated in the table below.
 - (b) Such buffers shall be established and maintained so as to frame the view of existing structures from the roadway and diminish the view of said structures from abutting non-industrial parcels.

(3) Required Plantings

Area	Minimum Requirement
Street Yard – for each 50 feet of street/road frontage	• Three canopy trees • Two evergreens • Five medium-to-tall shrubs
Rear Yard – for each 50 feet of property line.	• One canopy tree or one evergreen • Five medium-to-tall shrubs • Ten low shrubs
Side Yards – for each 50 feet of property line.	• Five medium-to-tall shrubs • Ten low shrubs
Rear and Side Yards when abutting non-industrial parcels.	A buffer installed the full length of the property line comprised of fencing and vegetation, the latter of which shall comprise no less than 30% of the property line associated with each yard. Vegetated buffer shall be a minimum of four feet in height at time of planting and may be comprised of any combination of canopy trees, evergreens, and/or shrubs.
Native Species: No less than 50% of all proposed canopy trees, evergreens, ornamentals, and shrubs shall be native species.	

D. IN District.

- (1) Preservation and visual blending of the existing natural landscape features shall be a priority in landscape planning.
- (2) Landscape buffer areas.

- (a) Landscape buffers shall be established and maintained within the street yard outside of any right-of-way and in rear and side yards with the plant quantities and general plant types as indicated in the table below.
- (b) Such buffers shall be established and maintained so as to diminish and frame the view of existing structures from the roadway.

(3) Required Plantings

Area	Minimum Requirement
Street Yard – for each 50 feet of street/road frontage	• Three canopy trees or two evergreens • One ornamental tree • Five medium-to-tall shrubs
Rear Yard – for each 50 feet of property line.	• One canopy tree or one evergreen • One ornamental tree • Five medium-to-tall shrubs • Ten low shrubs
Side Yards – for each 50 feet of property line.	• Five medium-to-tall shrubs • Ten low shrubs
Native Species: No less than 50% of all proposed canopy trees, evergreens, ornamentals, and shrubs shall be native species.	

- E. PDD District. Landscape requirements in the PDD District shall be determined on a case-by-case basis based upon the following factors:

- (1) The zoning district and use of abutting parcels.
- (2) The intensity of uses on the parcel(s) in question.
- (3) Existing vegetation on parcel(s) in question and abutting parcels.

315-176 Recommended Species.

Canopy Trees – 30 to 45 Feet in Height at Maturity		
Latin Name	Common Name and Description	Code
<i>Acer truncatum</i>	Shantung maple Attractive fall foliage, disease and insect pests are seldom serious.	O
<i>Tilia cordata</i> 'Halka' <i>Summer Sprite</i>	Littleleaf linden Leaf color shifts from light green to glossy dark green to yellow throughout the seasons. Offers great shade due to a dense canopy. Yields nutlike fruit ¼" in diameter. Grows in a pyramidal to oval shape. (dwarf linden grows to height of 15 feet)	
Canopy Trees – Over 45 Feet in Height at Maturity		
Latin Name	Common Name and Description	Code
<i>Acer x freemanii</i> 'Celzam'	Celebration Freeman maple Broadly ovate, has a compact upright crown with strong crotch angles; adaptable over a wide range of climate and soils, from wet to dry but neutral or acid soil preferred; disease resistant foliage and less prone to storm damage; long lasting, dependable colorful autumn foliage.	

<i>Acer x freemanii</i> 'Armstrong'	Armstrong Freeman maple Upright narrow, has a dense crown with ascending branches and a central leader; grows best in full sun well-drained soils, tolerant of temporary wet conditions, 5-lobed leaves have a silvery underside, fall color is an orange-red, depending upon the season. Height: 50-70', Spread: 15-20', Habit/Form: Upright Narrow, Growth Rate: Fast, Zone: 3-6.	
<i>Acer Rubrum</i>	Red maple The colorful red maple (<i>Acer rubrum</i>) not only decorates the landscape of Wisconsin with brilliant displays of scarlet and burgundy during the fall months, it also produces beautiful red-and-orange flowers during April and May. The red maple is a medium-sized tree that reaches heights between 40 and 70 feet tall. Summer foliage is medium-green and leaves are 2 to 4 inches long. Red maples thrive in full sun, but will tolerate partial shade. Although they adapt well to most soil conditions, the red maple will flourish in moist, acidic soils.	N, O
<i>Acer Saccharum</i>	Sugar maple One of Wisconsin's finest native trees, but needs good growing conditions and plenty of room for its roots.	N, X
<i>Celtis occidentalis</i> 'Prairie Pride'	Common hackberry Crown broadly globose and compact, ascending branches with yellow fall foliage; bark develops attractive corky warts; tolerates drought and alkaline soils, wet to dry sites, soil compaction, salt, and pollution; susceptible to nipple gall on leaves; recovers slowly from transplant.	
<i>Celtis occidentalis</i> 'Prairie Sentinel'	Common hackberry A. columnar form of hackberry, grows to about 45 feet tall but only gets 12 feet wide. This tree has the characteristic toughness of the species trees and is narrow enough to be used in tough urban landscapes or areas where there isn't much room but a tree is needed. "Prairie Sentinel" has yellow fall color and bears fruits that attract wildlife. It is drought tolerant and hardy in zones 4 to 9.	
<i>Corylus colurna</i>	Turkish Filbert Conical, symmetrical crown; withstands a range of adverse conditions; no serious diseases or pests; little maintenance required; leave no particularly attractive in the fall, does produce nuts which can be a problem in the fall.	
<i>Gleditsia triacanthos</i> var. <i>inermis</i> 'Skyline' or 'Street Keeper'	Thornless honeylocust Broadly ovate to irregularly vase-shaped with a lacy texture; adaptable to a wide range of soils; tolerates salt, heat, drought, compaction and other adverse urban conditions; the most common problems include nectria canker, thyronectria canker, honeylocust plant bug, honeylocust leaf hopper, prone to produce surface roots and basal suckers, sunscald on trunk, transplants readily; lacy crown allows more light to reach surrounding turf. 'Street Keeper' is a more upright form.	
<i>Gymnocladus dioica</i> 'Espresso'	Espresso Kentucky coffeetree Native, no pest problems, the male tree bears no fruit, colorful autumn foliage; irregularly ovate canopy; provides open, light shade in summer; slow recovery after transplanting then medium to fast growth rate; adaptable to urban conditions including alkaline soils, salt and drought; no pest problems; colorful autumn foliage.	O

<i>Quercus x bebbiana</i> <i>Schneid.</i>	Bebb oak A naturally occurring hybrid of white oak and bur oak; native, disease seldom serious, massive tree with stout branches, bark and branches are attractive; slow grower; ovate becoming broadly globose with age; durable tree that tolerates urban stresses and a wide range of soils; does produce acorns; transplant in spring.	
<i>Quercus bicolor</i>	Swamp white oak Broadly ovate to globose; native to moist or swampy sites, tolerates imperfect drainage after establishment; tolerates drought, salt and soil compaction in urban environments; partial to full sun; chlorotic on alkaline soil and susceptible to some diseases and pests which seldom cause serious problems, less susceptible to oak wilt than red/black oaks; acorns can be a litter problem during mass fruitings; transplant in spring.	
<i>Quercus macrocarpa</i>	Bur oak Native; massive tree with stout branches, bark and branches are attractive; slow grower; ovate becoming broadly globose with age; durable tree that tolerates urban stresses and a wide range of soils, from moist to dry and acid to alkaline although it is naturally occurring on alkaline soils; diseases and insects seldom cause serious problems; does produce acorns; transplant in spring.	N
<i>Quercus x 'Pyramich'</i> <i>'Skymaster'</i>	Hybrid oak Narrowly ovate crown, disease seldom serious, does produce acorns; transplant in spring.	
<i>Quercus muehlenbergii</i>	Chinquapin oak Native, disease seldom serious, does produce acorns; transplant B&B in spring.	N
<i>Quercus robur x Quercus bicolor</i> 'Long'	'Regal Prince' hybrid oak Disease seldom serious, does produce acorns; transplant in spring.	
<i>Quercus rubra</i>	Northern red oak Native; broadly ovate, somewhat open canopy; slow growth initially after transplanting then becomes fast; native to moist sites but prefers well drained, acid soils and partial to full sun; tolerates urban stresses -- salt, compacted soil and pollutants; susceptible to some diseases and pests which seldom cause serious problems; acorns can be a litter problem during mass fruitings; transplant in spring.	N
<i>Quercus x schuettei</i>	Schuettei oak Naturally occurring hybrid of swamp white oak and bur oak; native, disease seldom serious, massive tree with stout branches, bark and branches are attractive; slow grower; ovate becoming broadly globose with age; durable tree that tolerates urban stresses and a wide range of soils; does produce acorns; transplant in spring.	
<i>Tilia Americana</i>	Basswood In addition to being a majestic tree in the landscape, basswood is a soft, light wood and prized for hand carvings and making baskets. The tree makes an excellent landscape plant with some	

	tolerance to urban conditions depending on the cultivar. It is a perfect shade tree and can be used as a residential street tree.	
<i>Ulmus x 'Frontier'</i>	Frontier elm Released in 1990 by the USDA; high degree of resistance to DED, moderate resistance to elm leaf beetle, and high tolerance to the phytoplasma-caused elm yellows. Emerging leaves in spring are red, gradually changing to yellow-green in summer, finally turning red-purple in autumn; pyramidal instead of vase-shaped as it matures; sustained some low-temperature injury in Minnesota, reliably hardy only through USDA zone 5.	
Evergreen Trees		
<i>Abies Concolor</i>	White Fir Native to the United States; gray-green foliage; moderate growth rate, broadly conical; height up to about 70'; tolerates dry soil, heat; no serious pests; a good alternative to Colorado Blue Spruce.	
<i>Juniperus Virginiani</i>	Eastern red cedar An evergreen tree that may grow 30 to 40 feet tall. The tree has scale-like, closely oppressed, glandular leaves. The bark is red-brown in color, exfoliating in long, fibrous strips, often ashy gray where exposed. Small, light blue-green clusters of flowers mature in late winter or early spring.	
<i>Picea Glauca</i>	White spruce A large tree with a narrow crown, it can grow to 40 metres tall and 1 metre in diameter when mature. Needles are four-sided, sharp, and stiff, and are arranged spirally on the twigs; whitish-green and foul smelling when young, they become pleasant smelling with age.	N
<i>Pinus Nigra</i>	Austrian pine Features dark green needles grown in bundles of two that sometimes curve or twist slightly. They are 3–6" long and persist for 4–8 years, giving the tree its dense crown. Produces somewhat oval, light brown cones that are 2–4" in length. Each scale is tipped with a small prickle.	
<i>Pinus Strobus</i>	Eastern white pine Eastern White Pine is an evergreen gymnosperm tree that may grow 50 to 80 feet tall. The tree has 3- to 5-inch slender needles in clusters of 5. The needle clusters are deciduous. The bark is green with some lighter patches in young trees.	N
<i>Thuja Occidentalis</i>	American arborvitae (also Northern white cedar) American Arborvitae (<i>Thuja occidentalis</i>) is a fast-growing evergreen hedge with feathery foliage. Emerald Green Arborvitae (<i>Thuja occidentalis</i> 'Smaragd') is a dense, columnar evergreen that is very popular for privacy hedges due to its consistent green color, natural thickness, and low-maintenance habit.	N
<i>Thuja Occidentalis - Techny</i>	Techny American arborvitae Techny is a compact, broad-based, upright, conical-pyramidal, dwarf cultivar that typically matures to 10-15' tall. It is noted for its rich dark green foliage that does not yellow in winter. Foliage is scale-like and appears in flat, fan-shaped clusters.	
<i>Tsuga Canadensis</i>	Canadian hemlock	N

	Features soft, feathery deep green needles that form flat, horizontal sprays on the twigs. Yields an abundance of small brown cones ½ –1" long that hang from the branches like ornaments. May be sheared to any height or shape.	
Ornamental Trees – Under 30 Feet in Height at Maturity		
Latin Name	Common Name and Description	Code
<i>Amelanchier x grandiflora</i> 'Robin Hill'	Robin Hill apple serviceberry White flowers in the spring and purple fruit in the fall, colorful fall foliage, bark and branches are attractive, neutral or acid soils preferred, low tolerance for compacted, poorly drained soils, medium tolerance to salt.	N, O, X
<i>Cercis Canadensis</i>	Eastern redbud Reddish purple buds open to rosy pink before leaves appear, picturesque small tree, approx. 20 ft at age 30, neutral or acid soils preferred, look for Columbus, WI strain to assure hardiness.	O
<i>Crataegus viridis</i> 'Winter King' –	Winter King hawthorn White flowers, red fruit, attractive fall foliage, crown width at maturity will be equal to or greater than the height.	N,O
<i>Malus spp</i>	Flowering crabapple. The most common problems include apple scab, fireblight, cedar apple rust, frog-eye leaf spot, eastern tent caterpillar, spider mites, Japanese beetles, gypsy moth, prone to basal suckers and watersprouts, poor form, fruit mess, rabbit or vole injury susceptible. Select disease resistant cultivars.	O
<i>Syringa reticulata</i> 'Ivory Silk'	Ivory Silk Japanese tree lilac White flowers in the spring, bark and branches are attractive, neutral or acid soils preferred, low tolerance for compacted, poorly drained soils, medium tolerance to salt.	O
Ornamental Trees – 30 to 35 Feet in Height at Maturity		
<i>Betula nigra</i> 'Heritage'	River birch Native; tree form: grows rapidly when established; salmon-white peeling bark; leaves are glossy dark green; briefly yellow in fall; susceptible to leaf miner and chlorosis (yellowing of leaves) if pH is too high; prefers moist but well drained acid soils.	O, X
<i>Pyrus calleryana</i> 'Autumn Blaze' 'Chanticleer'	Autumn Blaze callery pear White flowers in spring, attractive fall foliage.	O
Ornamental Trees – Over 45 Feet in Height at Maturity		
Latin Name	Common Name and Description	Code
<i>Ginkgo biloba</i> 'Autumn Gold' or 'Princeton Sentry'	Ginkgo, male cultivars Variable and irregular, large spreading branches; slow growth for about 15 years then medium; tolerates wide range of soils, salt and pollutants; very disease resistant and low maintenance; partial to full sun: colorful autumn foliage, leaves are distinctive.	Oamerican filbert
Tall Shrubs		
<i>Amelanchier spp</i>	Serviceberry, juneberry or salmonberry Upright, clump or bush form. Partial shade, alkaline soil, white flowers in spring, edible purple fruits in fall. Smooth gray bark; yellow to orange fall foliage.	O
<i>Cornus racemosa</i>	Gray dogwood Erect small tree. Dry or wet soil, prefer shade; woods edges. White flowers, purple fruits (birds like them), purple fall foliage.	O

<i>Cornus stolonifera</i>	Redosier dogwood Spreading bush form. Wet, moist soil; tolerates poor drainage. White flowers, white fruits, red twigs.	O
<i>Cornus stolonifera</i>	Common witchhazel Spreading bush form. Prefers shade. Yellow flowers in October; yellow fall foliage.	N, O
<i>Euonymus atropurpurea</i>	Eastern wahoo	N
<i>Physocarpus opulifolius</i>	Common (or Eastern) ninebark Vase shaped bush form. Prefers dry soil in partial shade. White flowers, red capsular fruits; shredded bark.	N, O
<i>Viburnum dentatum</i>	Arrowwood viburnum Vase shaped shrub. Prefers moist soil and shade. White flowers in June, blue fruits and maroon fall foliage.	O
<i>Viburnum lentago</i>	Nannyberry viburnum	N
<i>Viburnum trilobum</i>	American cranberrybush viburnum Upright shrub that prefers moist soil. Lacy appearance, white flowers and persistent, edible red fruits.	O
Medium Deciduous Shrubs		
<i>Aronia arbutifolia</i>	Red Chokeberry Red chokeberry is a tall, multi-stemmed native shrub with abundant white flowers, red glossy berries, and outstanding red fall color.	O
<i>Corylus Americana</i>	American Filbert (also American Hazelnut) American hazelnut is a thicket-forming, spreading shrub to 10 feet high. The leaves can be very colorful in autumn, varying from orange to brick red or purplish red, or with combinations of rose, orange, yellow, and pale green.	N, O
<i>Ilex verticillata</i>	Winterberry This slow-growing, multi-stemmed shrub typically develops an upright to rounded habit and grows between 5 and 15 feet tall. The leaves are typically two to three inches long, elliptic, toothed, and dark green. In the fall, the foliage turns yellow or, in some cases, maroon. The berries provide significant color and interest in the winter landscape.	N, O
<i>Viburnum cassinoides</i>	Withrod Viburnum Withrod viburnum grows to 5-6 feet in height and is typically found in wetter conditions such as swamps and marshes, moist fields, and woods. This native North American shrub offers visual interest during all four seasons with white flowers in the spring, beautiful red-orange leaves in the fall, and fruit that changes colors as it matures throughout the growing season.	N, O
Medium Evergreen Shrubs		
<i>Juniper chinensis</i> 'Pfitzerana'	Pfitzer Juniper (also Golden Pfitzer) Golden Pfitzer Juniper is a fast-growing evergreen conifer shrub that can reach 3'-5' in height with a width of 10' or more. It has main branches which emerge at a 45 degree angle to the ground. Branch tips often droop.	O
<i>Junipers communis depressa</i>	Oldfield Common Juniper Oldfield Common Juniper is a Wisconsin native groundcover evergreen. It's a cold hardy, shrubby evergreen which inhabits the sandy hills of the Kettle Moraine and the clay bluffs along Lake Michigan.	N

<i>Thuja occidentalis</i> 'Woodwardii'	Woodward Globe Arborvitae Woodward globe arborvitae is a compact to medium-sized shrub that naturally maintains its broadly rounded shape. The fine-textured, lacy foliage is a rich green, turning shades of green and brown in winter.	
Low Deciduous Shrubs		
<i>Amelanchier stolonifera</i>	Running Serviceberry Serviceberry is a small deciduous tree or shrub with attractive white spring blossoms, that provides year-round interest in the landscape, as well as producing edible fruits.	N
<i>Aronia melanocarpa</i>	Black Chokeberry Black chokeberry is a multi-stemmed, deciduous, eastern North American shrub which reaches 4-8 feet in height. Its ornamental attributes include three seasons of interest: white flowers in spring, lustrous green foliage in summer and black fruits in late summer, and bright yellow-orange-red foliage in autumn.	N, O
<i>Juniper horizontalis</i>	Creeping Juniper Creeping juniper is a ground-hugging shrub native to North America that is often used as ground cover in gardens and landscapes.	N
<i>Ribes alpinum</i>	Alpine Currant Alpine currant is a hardy, low mounded shrub commonly used as a hedge. Plants are tolerant of full sun to full shade. Very low-maintenance with little ornamental appeal other than its dense green foliage.	
<i>Viburnum acerifolium</i>	Mapleleaf Viburnum Maple-leaf arrow-wood is a low, densely branched shrub, 4-6 ft. tall and 3-4 ft. wide. Flat-topped clusters of white flowers are followed by berries turning from red to blue-black. Bright- to dark-green, deciduous foliage, maple-like in shape, is very colorful in fall. A shrub with maple-like leaves and small, white flowers or uniform size in flat topped clusters.	N
<i>Viburnum opulus</i> 'Nanum'	Dwarf European Cranberrybush A dense, rigidly upright-growing small shrub with good fall color; does not have the flowers or fruit of the species; hardy and adaptable; makes an excellent low hedge or garden background shrub, excellent in groupings	
Codes: N – Species native to Wisconsin O – Also an ornamental X – Not permissible as street tree		

315-177 Prohibited Landscape Species.

A. The following species are prohibited for use in all landscaping plans in the Village of Denmark.

(1) Trees.

- (a) Amur maple – Non-native; invades open grasslands, prairies and forests; outcompetes native vegetation reducing overall biodiversity.
- (b) Ash – Emerald ash borers.
- (c) Black locust – Invade forests, prairies, old fields and roadsides; vegetative reproduction forms groves of clones excluding native vegetation; vigorous sprouting,

root suckering and lateral spread caused by damage to roots or stems making it difficult to control.

- (d) Boxelder – Weak wood and branch attachments are subject to storm damage; trees can be high maintenance due to drooping branches and poor growth form; attract Box Elder bugs which can be a nuisance.
 - (e) Callery pear, Bradford – This cultivar of callery pear should be avoided due to poor branching structure. The narrow crotches make this tree susceptible to storm damage.
 - (f) Cottonwood – Susceptible to storm damage due to shallow root system and weak wood and branch attachments; female cottonwoods produce large numbers of cottony seeds which litter the landscape.
 - (g) Gingko, female – Fruit has pungent odor.
 - (h) Macho corktree – Non-native; allelopathic, exuding chemicals from the roots which impact soil microorganisms and surrounding vegetation; tolerates a wide variety of soil and soil conditions; prolific seed producers and stump sprouters.
 - (i) Norway maple – Non-native, has escaped urban environment and now poses a threat to native maple species; aggressive roots frequently result in self-girdling; shallow, fibrous root system prevents grass from growing under the tree and is susceptible to being blown over in windy, wet environments.
 - (j) Poplar or Aspen – Poplar/aspen trees are subject to canker and prone to branch failure in cold snowy climates like Wisconsin; trees are very short lived and have a poor growth form.
 - (k) Red oak – Oak wilt.
 - (l) Siberian Elm. Non-native; tolerates a wide variety of growing/site conditions; seeds develop and germinate quickly allowing dense stands to form rapidly and outcompete native vegetation; reduces forage for native fauna.
 - (m) Silver maple – Subject to branch breakage following ice storms; aggressive roots can clog drains and buckle sidewalks; susceptible to wood and root decay; trees can be high maintenance due to poor growth form
 - (n) Willows – Willow trees are extremely fast-growing and quickly expand beyond their growing space; roots can interfere with water and sewer lines; weak wood is subject to storm damage and branch failure in high winds and heavy snow loads.
- (2) Shrubs.
- (a) Autumn olive – Non-native, introduced from Asia; invades open and forested areas; produces numerous fruits in high light conditions; alters nutrient cycling by adding nitrogen to the soil.
 - (b) Buckthorn – common, glossy – Non-natives; tolerate a wide variety of site conditions; leaf-out early and retain leaves late into season allowing for a longer growing season than native vegetation; shades out regeneration of native tree and shrub species; can quickly take over the understory of woodlots.
 - (c) Burning Bush. Non-native, introduced from Asia in the 1860's as an ornamental; tolerates a wide variety of site and soil conditions; produces large amounts of seed; non-palatable to deer, giving it a competitive advantage over native vegetation.
 - (d) Honeysuckle – Non-native species include Japanese honeysuckle, Morrow's honeysuckle, Tatarian honeysuckle, Bell's honeysuckle and Amur honeysuckle; outcompete native vegetation; will take over prairies, forests, fields and roadsides.
 - (e) Japanese barberry. Non-native ornamental; tolerates a wide variety of site and environmental conditions; spines deter deer browse giving it an advantage over native vegetation; spreading horizontal branches will root freely when they touch the

ground leading to dense thickets; research has shown higher rates of Lyme disease carrying ticks in forests infested with this plant.

- (f) Multiflora rose – Non-native; produces up to 500,000 seeds/year that remain viable in the soil for 10 to 20 years; tolerates a wide variety of site conditions; can form dense thickets that exclude native vegetation.
 - (g) Russian olive – Non-native; invades open areas, including wet areas; can dry up riparian areas as it uses more water than native species; alters nutrient cycling by adding nitrogen to the soil.
 - (h) Smooth sumac – Sumac growth can block rain and sunlight and begin to change the ecosystem's soil chemistry, temperature, and light levels. This can cause existing plants and small shrubs in the area to wither. By blocking the sunlight, sumac trees may also prevent new plants and vegetation from growing.
 - (i) White mulberry – Produces abundant pollen debris which may cause allergic reactions in some people.
- (3) Vines.
 - (a) American bittersweet
 - (b) Oriental bittersweet
 - (4) Ground covers.
 - (a) Birds-foot trefoil
 - (b) Crown vetch
 - (5) Flowers.
 - (a) Dames rocket
 - (b) Multiflora rose
 - (c) Purple loosestrife
 - (d) Yellow iris
 - (6) Grasses.
 - (a) Maiden grass
 - (b) Reed canary grass
 - (7) Aquatic.
 - (a) Flowering rush
 - (b) Water hyacinth
 - (c) Water lettuce
 - (d) Yellow floating heart

315-178 Preservation of Landscaping.

- A. Maintenance. All landscaped areas shall be maintained and preserved in accordance with the approved landscape plan.
- B. Responsibility for Maintenance.
 - (1) Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property.
 - (2) The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds.
- C. Plant Replacement. Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two years after installation shall be replaced with plant

material(s) of the same or like species of equal size within the next planting season, but in any event, within six months of the plant's demise.

315-179 through 315-189 Reserved

DRAFT

ARTICLE IX: SIGN REGULATIONS

315-190 Purpose.

- A. The purpose of this Section is to create the legal framework to regulate, administer and enforce signs. These regulations recognize the need to protect the safety and welfare of the public, and the need for well-maintained and attractive sign displays within the community, and are accomplished by:
1. Ensuring Constitutionally-protected speech.
 2. Reducing distractions and obstructions from signs that would adversely affect traffic safety and alleviating hazards caused by signs projecting over or encroaching upon the public right-of-way.
 3. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public.
 4. Preserving or enhancing the natural beauty and unique physical characteristics of the Village of Denmark by requiring new and replacement signage which is harmonious with the buildings to which signs relate, surrounding neighborhood aesthetics, and other signs in the area and is complementary to the Village's suburban architectural character and unobtrusive commercial developments.
 5. Promoting a healthy and properly designed business environment.
 6. Protecting property values within the Village.
 7. Ensuring safe construction of signage.
- B. Signs not expressly permitted as being allowed by right or by permit under this Chapter, by specific requirements in another portion of the Village of Denmark Code of Ordinances, or other applicable law, are prohibited.
- C. The regulations included in this Section are not intended to and do not apply to signs erected, maintained, or otherwise posted, owned, leased by, on behalf of, or as specifically directed or order by, federal, state, local governments and government agencies, in the furtherance of authorized government operations or activities within the public right-of-way.
- D. This Section shall establish reasonable time, place, and manner restrictions and shall not establish or enforce content-based restrictions. Sign regulations shall be based solely on size, brightness, zoning district, spacing, location, and the like.

315-191 Substitution Clause.

Signs containing noncommercial speech are permitted anywhere that signs containing commercial speech are permitted, subject to the same regulations applicable to such signs.

315-192 Authorization.

These regulations authorize the use of signs visible from public rights-of-way, provided the signs are:

- A. Compliant with this Chapter.

- B. Designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety.**
- C. Legible, readable, and visible in the circumstances in which they are used.**

315-193 Interpretation.

The requirements and restrictions of this Section are in addition to, and not in lieu of, other provisions of this Chapter. This Section shall be strictly construed to limit signs in the Village. Upon submission of sufficient documentation demonstrating the need to modify the size, design or number of signs necessary to identify a development, the Plan Commission may modify the sign restrictions within this Section to overcome constraints only when such constraints are due to poor site visibility, excessive setbacks, or other physical or topographic constraints.

315-194 Sign Permit.

- A. Permit Required. It shall be unlawful for any person to install, attach, erect, affix, place, attach, paint, draw, construct, or in any other way bring into being or establish; or enlarge, or structurally modify a sign or cause the same to be done in the Village of Denmark, without first obtaining a sign permit for each sign from the Zoning Administrator as required by this article. Permits shall not be required for the following:**
 - 1. The repainting, cleaning, and other normal maintenance and repair of the sign and sign structure.**
 - 2. Those specific signs identified in this Chapter as not requiring a sign permit.**
- B. Application. Application for a Sign Permit and Application Fee shall be filed with the Village Clerk upon forms provided by the Village and shall contain the following information:**
 - 1. The name, address, and telephone number of the sign owner, the property owner, where the sign is or will be located, and the sign contractor of the proposed sign.**
 - 2. Clear and legible color drawings with description of the proposed sign, the construction, size, dimensions, and kind of materials to be used in such structure.**
 - 3. Site Plan drawing showing:**
 - a. Location and ground floor area of all buildings and structures on the property.**
 - b. Location of all existing signs.**
 - c. Location of proposed sign(s).**
 - d. Distance from proposed signs to all structures (as applicable), street right-of-way, and all property lines (as applicable).**
 - 4. Scale drawing of sign(s) indicating dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction or attachment.**
 - 5. Means by which proposed sign(s) shall be affixed to the ground or attached to structures (as applicable).**
 - 6. Such other information as the Zoning Administrator may require to show full compliance with this and all other applicable laws of the Village.**
 - 7. Signature of the applicant.**

8. All required fees.

C. Permit issuance or denial.

1. The Zoning Administrator shall issue a sign permit upon determination that:
 - a. The permit application is properly made.
 - b. All required fees have been paid
 - c. The sign complies fully with the requirements of this Section and any other applicable laws and regulations.
2. The Zoning Administrator shall notify the Building Inspector upon approval of a sign permit.
3. If the sign permit is denied, the Zoning Administrator shall provide written notice of the denial to the applicant, together with a brief statement of the reasons for the denial.

315-195 Prohibited Signs.

- A. General. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, or be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing.
- B. The following signs are specifically prohibited in all districts:
 1. Signs that disfigure, obstruct, or conceal architectural details, windows and window openings, doors, or other significant structural accoutrements.
 2. Signs that imitate, interfere with, obstruct the view of, or can be confused with any authorized traffic control sign, signal, or other device.
 3. Wall signs on single- and two-family dwellings located in nonresidential zoning districts.
 4. Electronic signs in the RD-1, R-1, R-2, R-3, R-4, and R-5 Districts.
 5. Changeable copy signs in the RD-1, R-1, R-2, and R-3 Districts, except for manual change of copy signs accessory to places of worship, fraternal clubs/lodges, and similar such institutional uses when located on a RD-1, R-1, R-2, or R-3 District lot as a Conditional Use
 6. Animated signs.
 7. Flashing signs, including signs with scintillating, blinking, or traveling lights of more than 15 watts per lamp.
 8. Off-premises signs.
 9. Signs which are painted on, or attached or affixed to, rocks, trees or other living vegetation.
 10. Signs with any light flashing more than 10 times per minute.
 11. Roof signs.
 12. Flags displayed in a manner noncompliant with Section 315-195.D of this Chapter.
 13. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product or direct people

to a business or activity, unless otherwise specifically allowed in this Chapter. This subsection shall not be interpreted to prohibit signs placed on or affixed to vehicles and trailers while the vehicle is parked or used incidentally to the primary use of the vehicle or trailer and are stored during periods of nonuse inconsistent with functional advertising.

14. Signs containing reflective elements which sparkle or twinkle in the sunlight.
15. Off-premises signs, unless otherwise permitted elsewhere in this section.
16. Signs located in rear yards.
17. Signs attached to, erected, or maintained on any standpipe, exterior stairway, fire escape, tower, or balcony so as to interfere with the use thereof.
18. Signs entirely supported by a parapet wall.
19. Neon tubing exposed to view and not covered with an opaque cover of Plexiglas or other similar material.
20. Beacons of any type.
21. Blanketing of existing signs.
22. Any other signs not specifically permitted by this Chapter.

315-196 Restrictions on Posting Signs. No person shall cause to be placed any type of sign, notice, or other item on any traffic sign pole, utility pole, street indicator sign, or any other pole under the jurisdiction of the City.

315-197 Signs Not Requiring a Permit.

Signs not requiring a permit shall comply in all respects with the sign regulations presented in this Chapter. The following signs are allowed without a permit, subject to the following regulations:

A. Sanctioned Event Sign(s), provided, type, size, location, and duration of placement of sign(s) is approved by Plan Commission.

B. In residential districts:

1. No more than four ground signs, subject to the following:
 - a. Face area shall not exceed three square feet.
 - b. Sign shall not be located in any public right-of-way.
 - c. Sign shall not be artificially illuminated.
2. One temporary sign, subject to the following:
 - a. Sign shall not exceed 12 square feet in total face area.
 - b. Sign shall not be located in any public right-of-way.
 - c. Sign shall not be artificially illuminated.
 - d. Sign shall not be erected more than 15 days before, and shall be removed no later than 14 days after, the event, activity, or purpose for which the sign is intended, excepting those signs specifically allowed under Wis. Stat. § 12.04.
3. One wall sign, subject to the following:
 - a. Sign shall not exceed two square feet in face area.
 - b. Sign shall not be artificially illuminated.

C. In nonresidential districts.

1. No more than four ground signs, each with a face area no larger than three square feet.
2. Two temporary signs, subject to the following:
 - a. No sign shall exceed 32 square feet in total face area.
 - b. Signs shall not be located in any public right-of-way or vision corner.
 - c. Signs shall not be artificially illuminated.
 - d. Signs shall not be erected more than 15 days before, and shall be removed no later than five days after, the event, activity, or purpose for which the sign is intended.
 - e. In no cases shall signs be maintained for more than 60 days, other than specifically allowed under Wis. Stat. § 12.04.
 - f. Each sign shall be appropriately secured and constructed consistent with public safety.
3. In the B-2 District, one off-premises, vehicle and/or trailer-mounted sign contingent upon compliance with the requirements of subsection 2 above.
4. Horizontal Banners, subject to the following:
 - a. Size.
 - (1) Banner size is limited to five percent of Primary Façade, up to a maximum of 60 sf.
 - (2) Lettering on banners shall be a minimum of six in. in height.
 - b. Construction. Banners shall be made out of a flexible material and shall have no horizontal stiffeners.
 - c. Duration.
 - (1) Banners shall be displayed only for the duration of the event for which it is associated.
 - (2) Banners shall not be displayed for more than 30 days.
 - d. Number.
 - (1) Individual businesses are limited to 12 banner events per calendar year.
 - (2) Maximum allowable number of banners is one street-facing façade.
 - e. Location.
 - (1) Banner signs shall be affixed to the Principal Structure.
 - (2) Banner signs shall not obstruct or conceal architectural details, windows and window openings, doors, or other significant structural accoutrements.
 - f. Maintenance. Property owner shall maintain appearance of banner and all parts and supports of banner. In the event banner is not properly maintained, removal shall be order by Zoning Administrator.
5. Feather Signs, subject to the following:
 - a. Size.
 - (1) Feather signs shall not exceed 12 ft. in height.
 - (2) Feather signs shall not exceed 30 sf in size.
 - b. Duration.
 - (1) Feather signs shall be displayed only for the duration of the event for which it is associated.
 - (2) Feather signs shall not be displayed for more than 30 days.
 - c. Number. Individual businesses are limited to five feather signs, minus total number banner signs.
 - d. Location.
 - (1) Feather signs shall be placed in the Street Yard.

- (2) Feather signs may be located at the property line; however, no portion of sign shall cross the property line.
- e. Maintenance. Property owner shall maintain appearance of banner and all parts and supports of banner. In the event banner is not properly maintained, removal shall be order by Zoning Administrator.
6. One portable sign, subject to the following:
 - a. Portable signs are limited to the Street Yard and shall comply with all setback requirements.
 - b. Portable signs shall be in place exclusively during the hours of operation of the entity for which the sign is associated.
 - c. Portable signs shall not exceed 24 sf. in face area and four feet in height.
7. Door Signs and Window Signs in the B-1, B-2, B-3, and IN Districts.
 - a. The cumulative area of which shall not exceed 30 percent of area of door or window to which sign is affixed.
 - b. Window/door graphics shall not become unsightly or illegible.
 - c. Chipped or peeling areas shall be removed, repaired, or replaced.
8. Neon Signs.
 - a. Neon signs are allowed in taverns, nightclubs, gas stations, convenience stores, and similar establishments determined to be substantially the same by the Zoning Administrator.
 - b. Only one neon sign is allowed per window.
9. Sandwich Board Signs.
 - a. Sandwich Board Signs are allowable in the B-1, B-2, and IN Districts as an accessory to a Principal Structure.
 - b. Not more than one sandwich board sign shall be allowed on a lot.
 - c. Sandwich board signs shall not exceed 12 sf. in face area and four ft. in height.
 - d. Sandwich boards signs may be placed in the public right-of-way but shall not be placed within a streetway or roadway and shall not disrupt or obstruct pedestrian flow on a sidewalk.
 - e. Sandwich board signs shall be placed exclusively during regular business hours of the business for which it is associated.
10. Outdoor Menu Boards.
 - a. Outdoor menu boards are allowable in the B-1, B-2, and IN Districts as an accessory to a Principal Structure.
 - b. Outdoor menu boards are limited to restaurants, bars, and similar businesses, enterprises, and organizations which sell or serve food, food products, or beverages.
 - c. Outdoor menu boards are limited to sandwich boards or in display windows affixed to the side of the building.
 - d. Outdoor menu boards shall not exceed 12 sf. in face area, except wall-mounted outdoor menu boards in the IN District shall not exceed 32 sf. in face area.
 - e. Not more than one outdoor menu board accessory to a Principal Structure shall be allowable on a B-1 or IN District lot.
 - f. Not more than one outdoor menu board accessory to a Principal Structure shall be allowable per order window or wash bay in the B-2 District.
 - g. Outdoor menu board lettering may not be legible from any distance off the lot for which it is approved.

D. In all districts.

1. Integral signs, not to exceed two per structure.
2. Official and governmental signs, such as traffic control, parking, information, and notices.
3. Signs intended to protect public safety or warn of potential hazards associated with a specific activity. Such signs shall be maintained only so long as the activity for which they are intended is ongoing.
4. Official notices posted by public officers or employers in the performance of their duties.
5. Signs required as specifically authorized for a public purpose by any law, statute, or ordinance.
6. Signs affixed to a truck, bus, trailer or other vehicles, while operating in the normal course of business, which is not primarily the display of signs.
7. A sign carried by a person.
8. House numbers and name plates not exceeding two square feet in area for each residential, commercial or industrial building.
9. Signs internal to a site not intended to be viewed from outside the site.
10. Interior Signs.
11. Festoons.
12. Flags.
13. Athletic field signage including signs, banners, and scoreboards designed for view from spectator areas and displayed on interior walls, fences, or other structures located inside an enclosed athletic field at a school, park, or other public or private athletic complex; except that approval of the Plan Commission shall be required to display a sign, banner, or scoreboard under this paragraph at a Village park. Signs may be illuminated so long as such illumination does not pose a safety risk within or outside the parcels in question. Scoreboards that qualify under this paragraph may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Zoning Administrator. For purposes of this paragraph, a "school" shall mean public schools as defined in Wis. Stat. § 115.01(1), private schools as defined in Wis. Stat. § 115.001(3r), and technical colleges authorized under Wis. Stat. § 38, Athletic field signage may be illuminated and may be temporary.
14. Memorials, grave markers, statuary or other remembrances of persons or events, names of buildings and date of erection, when cut into any masonry surface or when constructed of bronze or other nonreflective, unobtrusive, and incombustible materials.
15. Sanctioned Event Signs. Signs associated with a temporary, Village-sanctioned event.

E. Flags and Flagpoles.

1. RD-1, R-1, R-2, and R-3 District Lots.
 - a. Flags. The flag of the United States of America, the flag of the State of Wisconsin, and no more than two other flags may be displayed on any RD-1, R-1, R-2, or R-3 District lot, provided:
 - (1) In no case shall any flag exceed the size of the flag of the United States of America displayed on the same lot.

- (2) At no time may a flag be secured by any means on more than one side of the flag.

b. Ground-mounted Flagpoles.

- (1) No ground-mounted flag pole shall exceed 25 feet in height.
 (2) No flag other than the flag of the United States of American or the flag of the State of Wisconsin shall be displayed on a flagpole.
 (3) No more than two flags shall be displayed on a flagpole.
 (4) Furcated flagpoles are prohibited.
 (5) Flag size:

Height of Flagpole (feet)	Minimum Flag Size (feet)	Maximum Flag Size (feet)
20	2 x 3	3 x 5
21 to 25	4 x 6	5 x 8

- (6) Setback for ground-mounted flag poles. Flagpoles shall be set back sufficient distance from property lines so as not to create a safety hazard on adjacent property and shall be set back sufficient distance to enable the flag to fly fully open without flying over the property of others.

c. Structure-mounted Flag Poles.

- (1) No more than two structure-mounted flagpoles are permissible on a RD-1, R-1, R-2, or R-3 District lot.
 (2) Structure-mounted flagpoles shall not exceed six feet in length.
 (3) No more than one flag shall be displayed on any structure-mounted flagpole.
 (4) When the flag of the United States of America is displayed on a structure-mounted flagpole it shall be located to the left of any other flag displayed on a structure-mounted flagpole.

2. All other Districts.

- a. Flags.** The flag of the United States of America, the flag of the State of Wisconsin, and no more than two other flags may be displayed on a lot.
 (1) In no case shall any flag exceed the size of the flag of the United States of America displayed on the same lot.
 (2) At no time may a flag be secured by any means on more than one side of the flag.
- b. Ground-mounted Flagpoles.** Ground-mounted flagpoles and flags attached to ground-mounted flagpoles shall comply with the following:
 (1) No more than three flagpoles shall be allowed per lot, one of which shall be no less than 10 feet taller than the other pole(s).
 (2) The flag of the United States of America shall be displayed on the tallest pole.
 (3) No more than three flags may be displayed on any single flagpole.
 (4) Furcated flagpoles are prohibited.
 (5) Flag size:

Height of Flagpole (feet)	Minimum Flag Size (feet)	Maximum Flag Size (feet)
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20	2 x 3	3 x 5
21 to 30	4 x 6	5 x 8
31 to 40	5 x 8	8 x 12
41 to 50	6 x 10	10 x 15
51 to 60	8 x 12	12 x 18
61 to 70	10 x 15	15 x 25
71 to 80	10 x 19	20 x 30

(6) Maximum flagpole height by district:

R-4 (feet)	R-5 (feet)	IN (feet)	B-1 (feet)	B-2 (feet)	B-3 (feet)	I-1 (feet)	I-2 (feet)
25	25	25	25	50	80	50	80

(7) Setback for ground-mounted flag poles. Flagpoles shall be set back sufficient distance from property lines so as not to create a safety hazard on adjacent property and shall be set back sufficient distance to enable the flag to fly fully open without flying over the property of others.

c. Structure-mounted Flag Poles. Structure-mounted flagpoles are permissible in the B-1 District and shall comply with the following:

- (1) No more than two structure-mounted flagpoles are permissible on B-1 a lot.**
- (2) Structure-mounted flagpoles shall not exceed six feet in length.**
- (3) No more than one flag shall be displayed on any structure-mounted flagpole.**
- (4) When the flag of the United States of America is displayed on a structure-mounted flagpole it shall be located to the left of any other flag displayed on a structure-mounted flagpole.**

315-198 Signs Requiring a Sign Permit.

A. RD-1, R-1, R-2, and R-3 Districts

- 1. Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the RD-1, R-1, R-2, and R-3 Districts:**

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	One	16 sf.	Six ft.	Five ft. from right-of-way, 10 ft. from vision corner.	Eight ft. from lot line.

- 2. Signs Accessory to places of worship, fraternal clubs/lodges, and similar such institutional uses when located on a RD-1, R-1, R-2, or R-3 District lot as a Conditional Use:**

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	One per accessible street frontage	36 sf.	Six ft.	Five ft. from right-of-way, 10 ft. from vision corner.	Eight ft. from lot line.
Wall [1]	Two [2]	Primary façade: 100 sf.	Eight ft. [3] [4]	n/a	n/a
		Other façade: 50 sf.			
		Cumulative total: 150 sf.			
[1] Shall not project more than 13 in. from wall to which it is attached. [2] Maximum number of wall signs per unit on a multi-tenant structure is one. [3] Top of sign shall not exceed 20 ft. from base of building to which it is attached or affixed. [4] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.					

a. **Changeable Copy Sign.** In addition to the above, one changeable copy sign accessory to a specific conditional use, which may be ground- or wall-mounted, is permitted compliant with the following:

- (1) The face area of said sign shall not exceed 24 sf. in area.
- (2) No more than 33 percent of the total sign area may consist of changeable copy.

3. **Subdivision Signs.** Residential subdivision signs shall be permitted compliant with the following:

- a. Subdivision signs shall be ground signs.
- b. There shall not be more than one subdivision identification sign for each point of vehicular access to the subdivision.
- c. Subdivision signs shall not exceed 36 square feet in area per sign.
- d. Subdivision signs shall not be located closer than 10 feet to any property line, right-of-way, or driveway, and shall be subject to the vision setback regulations established in this Chapter.
- e. Subdivision signs shall not exceed six feet in height.
- f. No electronic signs shall be permitted.

B. R-4 and R-5 Districts

1. **Type of signs allowed.** In addition to signs not requiring a permit, the following signs are allowed in the R-4 and R-5 Districts:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Ground	One	36 sf.	Six ft.	Five ft. from right-of-way, 10 ft. from	Eight ft. from lot line.

				vision corner.	
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2. **Place Name Signs.** Place name signs shall be permitted compliant with the following:
 - a. Place name signs shall be ground signs.
 - b. There shall not be more than one place name sign for each point of vehicular access to the subdivision.
 - c. Subdivision signs shall not exceed 36 square feet in area per sign.
 - d. Subdivision signs shall not be located closer than 10 feet to any property line, right-of-way, or driveway, and shall be subject to the vision setback regulations established in this Chapter.
 - e. Subdivision signs shall not exceed six feet in height.
 - f. No electronic signs shall be permitted.

C. B-1 District

1. **Type of signs allowed.** In addition to signs not requiring a permit, the following signs are allowed in the B-1 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Awning [1]	One per street facing, first floor door/window	50 sf.	[2]	[3]	n/a
Canopy/ Marquee [4]	One per street facing first floor entrance/exit.	50 ft.	One foot from top of canopy or marquee [2] [5]	Lesser of two ft. from curb or seven ft. from wall to which it is attached.	n/a
Ground [6]	One per accessible street frontage.	100 sf.	Six ft.	None	Three ft.
Hanging	One	Four sf.	[2]	n/a	n/a
Ingress/ Egress	Two	Eight sf.	Five ft.	None [7]	Three ft.
Projecting	One	Nine sf.	None	Two ft. from curb [3]	n/a [8]
Wall [9]	Two [10]	Primary façade: 150 sf.	Eight ft. [11] [12]	n/a	n/a
		Other façade: 50 sf.			
		Cumulative total: 150 sf.			
[1] Shall be securely attached to and supported by the building and shall be without posts or columns.					
[2] Shall maintain a minimum clearance between bottom of canopy/sign and the finished surface of public sidewalk or other nonvehicular public thoroughfare of eight ft.					

- [3] Shall extend no more than four ft. from structure to which it is attached.
- [4] Shall project a minimum of four ft. from structure to which it is attached.
- [5] Shall be constructed and erected so that lowest portion thereof is at least 12 feet above the level of a public or private drive.
- [6] Shall contain address number of the structure with which it is associated.
- [7] Shall be located no farther than 10 ft. from direct access to Village street.
- [8] Not allowed at the intersection of streets except at right angles to a building front.
- [9] Shall not project more than 13 in. from the wall to which it is attached or affixed.
- [10] Maximum number of wall signs per unit on a multi-tenant structure is one.
- [11] Top of sign shall not exceed 20 ft. from base of building to which it is attached or affixed.
- [12] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

D. B-2 and IN Districts.

1. Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the B-2 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side Yard Setback
Awning [1]	One per street facing, first floor door/window	50 sf.	[2]	[3]	n/a
Canopy/ Marquee [4]	One per street facing first floor entrance/exit.	50 ft.	One foot from top of canopy or marquee [2] [5]	Lesser of two ft. from curb or seven ft. from wall to which it is attached.	n/a
Ground [6]	One per accessible street frontage.	100 sf.	Eight ft.	10 ft. from right-of-way	Three ft.
Ingress/ Egress	Two	Eight sf.	Five ft.	None [7]	Three ft.
Pole	One	50 sf.	35 ft.	None [8]	10 ft. [8]
Projecting	One	Nine sf.	None	None [3]	n/a [9]
Wall [10]	Two [11]	Primary façade: 150 sf.	Eight ft. [12] [13] [14]	n/a	n/a
		Other façade: 50 sf.			
		Cumulative total: 150 sf.			
[1] Shall be securely attached to and supported by the building and shall be without posts or columns.					
[2] Shall maintain a minimum clearance between bottom of canopy/sign and the finished surface of public sidewalk or other nonvehicular public thoroughfare of eight ft.					
[3] Shall extend no more than four ft. from structure to which it is attached.					
[4] Shall project a minimum of four ft. from structure to which it is attached.					

- [5] Shall be constructed and erected so that lowest portion thereof is at least 12 feet above the level of a public or private drive.
- [6] Shall contain address number of the structure with which it is associated.
- [7] Shall be located no farther than 10 ft. from direct access to Village street.
- [8] No portion of sign shall cross the property line or extend over a sidewalk or other public right-of-way.
- [9] Not allowed at the intersection of streets except at right angles to a building front.
- [10] Shall not project more than 13 in. from the wall to which it is attached or affixed.
- [11] Maximum number of wall signs per unit on a multi-tenant structure is one.
- [12] Total height of a wall sign, from the top of the sign to the bottom of the sign, shall not exceed eight ft.
- [13] Top of sign shall not exceed 20 ft. from base of building to which it is attached or affixed.
- [14] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

E. B-3 District.

1. **Type of signs allowed.** In addition to signs not requiring a permit, the following signs are allowed in the B-3 District:

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side and Rear Yard Setback
Canopy/ Marquee [1]	One per street facing first floor entrance/exit.	50 ft.	One foot from top of canopy or marquee [2] [3]	Lesser of two ft. from curb or 12 ft. from wall to which it is attached.	n/a
Ground [4]	One per accessible street frontage.	120 sf.	Ten ft.	10 ft. from right-of-way	Three ft.
Ingress/ Egress	Two	Eight sf.	Five ft.	None [5]	Three ft.
Pole	One	100 sf.	[6] [7] [8]	[9]	10 ft. [10]
Projecting	One	Nine sf.	None	None [3]	n/a [9]
Wall [11]	Two [12]	Primary façade: 150 sf. Other façade: 50 sf. Cumulative total: 150 sf.	Eight ft. [13] [14] [15]	n/a	n/a
[1] Shall project a minimum of four ft. from structure to which it is attached. [2] Shall maintain a minimum clearance between bottom of canopy/sign and the finished surface of public sidewalk or other nonvehicular public thoroughfare of eight ft. [3] Shall be constructed and erected so that lowest portion thereof is at least 12 feet above the level of a public or private drive. [4] Shall contain address number of the structure with which it is associated. [5] Shall be located no farther than 10 ft. from direct access to Village street. [6] 85 ft. for lots located within 1,000 ft o l-43.					

- [7] 50 ft. for all other lots located west of CTH R.
- [8] The lowest level of the sign atop a pole sign shall not be less than 15 ft. above the natural grade for sidewalks, parking lots, driveways, and other areas used by motor vehicles.
- [9] Pole signs are specifically prohibited in the Street Yard.
- [10] No portion of sign shall cross the property line or extend over a sidewalk or other public right-of-way.
- [11] Shall not project more than 13 in. from the wall to which it is attached or affixed.
- [12] Maximum number of wall signs per unit on a multi-tenant structure is one.
- [13] Total height of a wall sign, from the top of the sign to the bottom of the sign, shall not exceed eight ft.
- [14] Top of sign shall not exceed 20 ft. from base of building to which it is attached or affixed.
- [15] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.

F. I-1 and I-2 Districts.

- 1. Type of signs allowed. In addition to signs not requiring a permit, the following signs are allowed in the I-1 and I-2 Districts:**

Sign Type	Maximum Number	Maximum Face Area	Maximum Height	Minimum Street Yard Setback	Minimum Side and Rear Yard Setback
Ground [1]	One per accessible street frontage.	120 sf.	Ten ft.	10 ft. from right-of-way	Three ft.
Ingress/Egress	Two	Eight sf.	Five ft.	None [2]	Three ft.
Wall [3]	Two [4]	Primary façade: 200 sf.	Eight ft. [5] [6] [7]	n/a	n/a
		Other façade: 50 sf.			
		Cumulative total: 200 sf.			
[1] Shall contain address number of the structure with which it is associated. [2] Shall be located no farther than 10 ft. from direct access to Village street. [3] Shall not project more than 13 in. from the wall to which it is attached or affixed. [4] Maximum number of wall signs per unit on a multi-tenant structure is one. [5] Total height of a wall sign, from the top of the sign to the bottom of the sign, shall not exceed eight ft. [6] Top of sign shall not exceed 20 ft. from base of building to which it is attached or affixed. [7] Shall not project higher than the parapet line of the wall to which sign is to be attached or affixed.					

- G. PDD District. The type, number, total sign area, location, and height of signage in any PDD shall be established according to an approved signage plan reviewed in conjunction with the approval of the PDD and shall generally conform to the requirements of the zoning district most similar to the PDD or its various elements, areas, and neighborhoods. Amendments to the sign plan reviewed and approved by the Plan Commission consistent with other amendments to the PDD.**

H. Gas Canopy Signs. Gas canopy signs shall be permitted for all gas stations, service stations, and convenience stores with fuel pumps, provided:

1. One gas canopy sign may be placed on each side of the canopy which directly abuts and faces a Village street the right-of-way.
2. The maximum face area for gas canopy signs shall be limited to 25 sf. in total for all sides of the canopy.
3. Gas canopy signs shall not project more than 13 in. from canopy to which it is affixed.
4. Decorative striping shall not be placed on the canopy's vertical fascia.
5. Gas canopy signs may be unilluminated, internally illuminated, or backlit.

I. Changeable Copy and Electronic Signs.

1. Unless otherwise specified by this Chapter, any sign herein allowed may use manual or automatic changeable copy or may be an electronic sign.

J. Electronic Signs. Where allowed, electronic signs shall comply with the following:

1. Transition time on electronic signs shall not exceed two seconds. No black space is allowed in between message changes.
2. Each electronic sign shall have a lighting sensing device that will adjust the brightness of the display as the natural ambient light conditions change.
3. No electronic signs shall be permitted within 200 feet of any railroad crossing.
4. Electronic signs shall not project more than 18 inches from a building space or the face of the sign.
5. Electronic signs shall contain a default design that will freeze the design in one position if a malfunction occurs.

K. Historic Wall Signs and Ghost Signs in B-1 District.

1. **Purpose.** Historic signs are a distinctive feature of Denmark and provide a visual link to the community's past.
2. **Preservation.**
 - a. Historic wall signs and ghost signs add to the character of historic buildings and the downtown and shall be treated as significant features of the property.
 - b. Historic wall signs and ghost signs are a characteristic of Village's past and shall be preserved when deemed practicable by the Plan Commission upon recommendation of the Zoning Administrator.
3. **Maintenance.** When preserved, historic wall signs and ghost signs shall be maintained but shall not be repainted.
4. **Maximum Area Wall Signs.** The Village desires to preserve existing, historic wall signs by allowing building owners to install new wall signs without existing, historic wall signs factoring into maximum dimensional standards associated with all other wall signs.

L. Multi-Tenant Signs.

1. **Districts Allowed.** Multi-tenant signs are permitted in B-1, B-2, B-3, IN, I-1, and I-2 Districts, and for places of worship, fraternal clubs/lodges, and similar such institutional uses when located in the RD-1, R-1, R-2, or R-3 District as a Conditional Use.
2. **General Standards.**
 - a. Multi-tenant signs may be utilized whenever a development consists of several, separate units having appurtenant shared facilities, including but not limited to driveways, parking, common walls or structures, and pedestrian walkways.
 - b. Entities represented on a multi-tenant sign shall not also erect or display additional ground signs or freestanding signs.
3. **Number.**
 - a. The maximum number of multi-tenant signs allowable in a single development is one.
 - b. The maximum number of tenant panels on a multi-tenant sign shall be one associated with, and limited to, each business, entity, or tenant located in the development.
 - c. A tenant panel shall consist of no more than two sign faces.
4. **Face Area.**
 - a. **Multi-tenant Sign.**
 - (1) The anchor panel of a multi-tenant sign shall comply with the maximum face area for a ground sign in the applicable zoning district.
 - (2) The cumulative face area for all panels displayed on a multi-tenant sign shall comply with the maximum face area for a ground sign in the applicable zoning district.
5. **Height.** The height of a multi-tenant sign shall comply with the maximum height for a ground sign in the applicable zoning district.
6. **Setbacks.** Multi-tenant signs shall comply with the setback requirements for a ground sign in the applicable zoning district.
7. **Design Standards.** Multi-tenant signs shall comply with design standards ground signs.

315-199 Sign Standards.

- A. **Height standards.** The height of ground signs, pole signs, and other signs placed into or upon the ground shall be measured from the pre-construction/installation grade at the base of the sign.
- B. **Construction standards.**
 1. Signs shall comply in all respects with applicable Sections of Village of Denmark Building Code.
 2. All ground signs shall be self-supporting structures and permanently attached to sufficient foundations.
 3. All signs, except those attached flat against the wall of a building and those signs of which no portion exceeds a height of three feet and are no greater than nine square feet in area shall be constructed to withstand wind loads as follows, with correct engineering adjustments for the height of the sign above grade:
 - a. For solid signs, 30 pounds per square foot of the sign and structure.

- b. For skeleton signs, 30 pounds per square foot on the total face cover of the letters and other sign surfaces or 10 pounds per square foot of the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
4. Supports and braces shall be an integral part of the sign design. Angle irons, chain or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
5. All signs in which electrical wiring or connections are used shall be subject to all applicable provisions of State code. No person may erect any sign with exposed electrical cords or wires. Electrical service to ground signs shall be concealed wherever possible.

C. Maintenance standards.

1. Every sign shall be maintained in a safe, presentable, and structurally sound condition at all times. This includes restoring, repainting, or replacing a worn or damaged sign to its original condition. This also includes maintaining the premises on which the sign is erected in a clean and sanitary condition, free and clear of noxious substances.
2. All signs shall be maintained in a legible condition (except when a weathered or natural surface is intended). Painted signs shall be repainted at such times as the deterioration of the paint results in illegibility or disfiguration.
3. The Zoning Administrator and Building Inspector shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated.

D. Measurement standards.

1. **Signable Area.** The signable area of a building is designated as the area of the facade of the building up to the roofline, which is free of windows and doors or major architectural detail on which signs may be displayed.
2. **Measuring Sign Face.** In calculating the area of a sign to determine whether it meets the requirement of this Chapter, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation. The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
3. **Measuring Sign Height.** The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

E. Illumination standards.

1. **All Signs.**
 - a. Except as otherwise prohibited in this Chapter, signs may be internally or externally illuminated.

- b. The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited.
 - c. All sign lighting shall be designed, located, shielded, and hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
 - d. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 footcandles when measured with a standard light meter held perpendicular to the sign face at a distance of 10 inches.
- 2. **Awning, Canopy, and Marquee Signs.**
 - a. Downward directional lighting shall be used on the underside of the awning, canopy, or marquee..
 - b. All lighting required to externally illuminate the top surface must be constructed in a manner that architecturally complements the building and must be directed entirely at the awning, canopy, or marquee.
- F. **Design Standards for Signs.** The base of ground signs and pole signs, and the support structure of projecting signs and wall signs, shall be constructed with materials that are complementary in color and architectural theme to the Principal Structure.
- G. **Landscape Standards for Signs.**
 - 1. All ground signs and pole signs for which a permit is required shall be set in a landscaped base of appropriate size to provide shrubs and base plantings that will enhance and compliment the sign.
 - 2. Where any sign is proposed to be externally illuminated using ground-mounted fixtures, landscape plantings shall be installed in such a manner as will entirely shield the light source from the surrounding view.
 - 3. Landscape species shall be consistent with the requirements of the Landscaping section of this Chapter and shall be of a type as will ensure effective year-long screening.

315-200 Nonconforming Signs.

- A. **Nonconforming signs.** Nonconforming signs may be continued although the use, size, number, or location does not conform to the provisions of this Chapter.
- B. **Nonconforming status.** A sign loses its legal, nonconforming status if one of the following occurs:
 - 1. The sign is structurally altered in any way other than normal maintenance and repair that makes the sign less compliant with the requirements of this Chapter than it was before the alteration.
 - 2. The sign is relocated.
 - 3. The sign is abandoned.
 - 4. The permitted or conditional use associated with the sign changes.

- C. Reconstruction.** A non-conforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

315-201 Insurance Requirement.

Every sign installer shall file with the Village Clerk a Certificate of Insurance to indemnify the Village against any form of liability to a minimum of \$300,000 (per occurrence and aggregate with regard to bodily injury and property damage). Such insurance shall not be canceled or reduced without the insured first giving thirty days' notice in writing to the Village of such cancellation or reduction.

315-202 Removal and Disposition of Signs.

- A. Abandoned signs.** All abandoned signs shall be removed within six months by the owner or lessee of the premises upon which an on-premise sign is located when the entity for which the sign is associated is no longer present or in operation. If the owner or lessee fails to remove the sign(s), the Zoning Administrator shall give the owner or lessee 30 days written notice to remove said sign(s). Upon failure to comply with this notice, the Village may cause removal to be executed, the expenses of which will be assessed to the tax roll of the property on which the abandoned sign is located.
- B. Deteriorated dilapidated signs.** The Zoning Administrator shall cause to be removed any deteriorated or dilapidated signs under the provisions of Wis. Stat. § 66.0413(1).
- C. Unlawful signs.** The Zoning Administrator, following consultation with the Building Inspector, may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, dilapidation, or abandonment. Any such declaration shall be in writing and shall state the reasons of the Zoning Administrator as to why any sign owned, kept, displayed, or maintained by any person within the Village is in violation of this Chapter.

315-203 through 315-209 Reserved

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ARTICLE X: NONCONFORMITIES

315-210 Purpose.

The purpose of this Article is to provide for the regulation of nonconforming structures, uses, and lots and to specify those circumstances and conditions under which such nonconforming structures, uses, and lots shall be permitted to continue.

315-211 Nonconforming Uses.

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of Chapter 17 may be continued although the use does not conform with the provisions of this Chapter; however:

- A. Only That Portion of the land, water, or structure in actual use may be so continued and the nonconforming use may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.
- B. Total Lifetime Structural Repair or alterations to a structure containing a nonconforming use shall not exceed 50 percent of the Village's assessed value of the structure unless it is permanently changed to conform to the use provisions of this Chapter. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; and the repair or replacement of doors, windows, utilities, and sewage treatment and water supply systems.
- C. Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform fully to the provisions of this Chapter.
- D. Abolishment or Destruction. When a Nonconforming Use or a structure with a nonconforming use is damaged by violent wind, fire, flood, ice, snow, mold or other calamity to the extent of more than 50 percent of its assessed value, it shall not be restored except so as to comply with the provisions of this Chapter.

315-212 Nonconforming Structures.

- A. A Nonconforming Structure with a conforming use lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the structure's size or location does not conform to the development regulations of this Chapter.
- B. Nonconforming Structures with a conforming use may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements. No prohibition or limits based on cost may be imposed on the repair, maintenance, renovation, or remodeling of such structures.
- C. Additions and Enlargements to existing nonconforming structures with a conforming use are permitted and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Chapter. Existing buildings and their additions shall not be permitted to encroach further upon established yard/setback and height requirements than the existing

encroachment. The provisions of this SubSection with respect to additions or enlargements are applicable only if the lot is served by public sanitary sewer or, if relevant, conforms to existing sanitary code requirements for private onsite sewage treatment systems (POWTS).

- D. Existing Nonconforming Structures may be moved and shall conform to the established yard/setback, height, parking, loading, and access provisions of this Ordinance.
- E. A Nonconforming Structure with a Conforming Use that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements. No limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements. Any reconstruction shall conform to the Development Regulations of this Ordinance, to the extent practicable, and existing sanitary code requirements, and shall commence within 24 months of the date of damage or destruction, unless an extension is granted by the government agency having authority.
- F. Once a nonconforming use or structure has been changed to conform with the provisions of Chapter 17, it shall not revert back to a nonconforming use or structure.

315-213 Conforming Structures on Nonconforming Lots

- A. The conforming use of a conforming structure existing at the time of the adoption or amendment of may be continued although the lot area or lot width does not conform to the requirements of this Chapter.
- B. Additions or Enlargements to such structures are permitted provided they conform to all development regulations of this Chapter other than lot area and lot width.
- C. Existing Conforming Structures on Nonconforming Lots which are damaged or destroyed by violent wind, vandalism, fire, flood, snow, mold infestation, or other calamity may be reconstructed provided they conform to the use provisions, access provisions, and all development regulations of this Chapter other than lot area and lot width.

315-214 Substandard lots.

In any residential district, a one-family detached dwelling and its Accessory Structures may be erected on any legal lot or parcel, provided such lot or parcel was recorded in the Brown County Register of Deeds before the effective date of this Chapter.

315-215 through 315-219 Reserved

ARTICLE XI: CONDITIONAL USES

315-220 Purpose.

This Chapter divides the Village into zoning districts where the design, use, bulk, and location of buildings and structures are compatible. However, conditional uses have unique characteristics that require a higher degree of scrutiny and, therefore, cannot be properly allowed as unrestricted permitted uses. The Village requires consideration, in each case, of their impact on neighboring land or public facilities, and of the public need for the particular use at a particular location. These uses may be necessary or desirable in a particular district if sufficient consideration is given to their location, development and operation.

315-221 General.

A. Conditional Uses

- (1) Only those Conditional Uses presented in Chapter 315-52 are allowable upon issuance of a Conditional Use Permit.
- (2) When an existing use or structure is classified as a Conditional use at the date of adoption of this Chapter, it shall be considered a legal use without further action of the Plan Commission unless such use is noncompliant with this Section.
- (3) Changes to or substitution of Conditional uses shall be subject to review and approval by the Plan Commission in accordance with this Chapter.

B. Conditions Imposed. The conditions imposed on a Conditional Use Permit shall be:

- (1) Related to the purpose of this Chapter.
- (2) Based upon substantial evidence. For the purposes of this Section, substantial evidence shall include facts and information, other than merely personal preference or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion.
- (3) Reasonable and, to the extent practicable, measurable.

C. Standards. A Conditional Use shall comply fully with the dimensional standards, design standards, site standards, and all other applicable standards of the District within which such use is authorized.

315-222 Basis for Approval.

The Plan Commission and Village Board shall consider the effect of granting a Conditional Use Permit upon the health, general welfare, safety and economic prosperity of the Village and of the immediate area in which such use would be located, including such considerations as the effect on the established character and quality of the area; its physical attractiveness; the movement of traffic; the demand for related services; the possible hazardous, harmful, noxious, offensive or nuisance effects resulting from noise, dust, smoke or odor and other factors; and the Village of Denmark Comprehensive Plan or components thereof, unless such considerations are in conflict with this Section.

315-223 Procedure.

- A. A request for Conditional Use Permit shall be submitted in writing to the Village Clerk on a form provided by the Village. The Village Clerk shall promptly refer such petition to the Zoning Administrator, Plan Commission, and Village Board for review and determination. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request including the following:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
 - (3) Building, site and operation plans of the proposed use shall be submitted for approval of 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 location of the building or buildings on the lot; the satisfactory provision for parking and circulation needs, for drainage and sewage disposal for adequate planting screen where necessary, and for operational control devices where necessary to eliminate noise, dust, odor, smoke, or other objectionable operating condition; and the general compatibility of the proposed use with the area in which it is located.
 - (4) For areas designated floodland or floodplain, such description shall also include information that is necessary for the Plan Commission and Village Board to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 - (5) A Plat of Survey prepared by a registered land surveyor showing all of the information required under Wis. Stats. ch. § 236, the mean and historic high water lines and floodlands on or within 40 feet of the subject premises and existing structures, paving, and landscaping.
 - (6) Additional information as may be required by the Village Board, Plan Commission, or Zoning Administrator.
- B. Review and Recommendation. The Zoning Administrator shall review the Application and prepare staff report for the Plan Commission containing a recommendation to approve, conditionally approve, or deny the Conditional Use Permit. Such report shall be submitted as written testimony at the public hearing.

315-224 Hearing.

The public hearing shall be held before the Plan Commission as soon as practical pursuant to the requirements of this Chapter. The Plan Commission shall make a recommendation regarding the petition to the Village Board.

- A. The Village Board may approve, conditionally approve or deny the application and it shall report its decision within 90 days after the filing of the application. The Village Board's decision shall be in writing and shall include an accurate description of the use permitted, of the property on which it is permitted and any and all conditions made applicable thereto.
- B. Upon approval of a conditional use by the Village Board, the Zoning Administrator shall issue a Conditional Use Permit.

315-225 Recording.

When a Conditional use is approved, an appropriate record shall be made of the land use and building permits and such decision shall be applicable solely to the structures, use and property so described.

315-226 Compliance.

Where a use does not comply with the conditions of the permit, the Conditional Use Permit shall be revoked and the use shall be considered a violation of this Chapter.

315-227 through 315-229 Reserved

ARTICLE XII: ADMINISTRATION AND ENFORCEMENT

315-230 Purpose.

- A. This Article shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this Chapter.
- B. This Article shall provide for the position of Zoning Administrator, Plan Commission, and Zoning Board of Appeals.

315-231 General Administrative System.

The Zoning Administrator shall administer this Chapter. Certain considerations, particularly with regard to granting of Conditional Uses, issuance of site plan permits for all nonresidential development, changes in zoning districts and the zoning map, and amending the text of this Chapter shall require review and approval by the Plan Commission and Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

315-232 Zoning Administrator

The duty of the Zoning Administrator shall be to interpret, administer, and enforce this Chapter and to issue all permits required by this Chapter.

- A. Responsibilities. The Zoning Administrator shall further:
 - (1) Maintain records of all reports prepared, permits issued, work approved, and other official actions.
 - (2) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, and any other purported violations of this Chapter.
 - (3) In case of any finding of a violation of a provision of this Chapter, notify in writing, the owner of the property on which the violation has taken place indicating the nature of the violation and the action necessary to correct it.
 - (4) Prohibit the issuance of any permit until any required zoning approvals have been issued.
 - (5) Request assistance and cooperation from the Department of Public Works Director, Building Inspector, Village Attorney, Brown County Sheriff Department, and other applicable parties as deemed necessary.
 - (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.
- B. Authority. In the enforcement of this Chapter The Zoning Administrator shall have the power and authority for the following:
 - (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.
 - (2) Upon reasonable cause or question as to proper compliance, to revoke any zoning permits and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Chapter; or take any other action as directed by the Village Board to ensure compliance with or to prevent violation of its provisions.

- (3) In the name of the Village, in consultation with the Village Attorney, and with authorization of the Village Board commence any legal proceedings necessary to enforce the provisions of this Chapter, including the collection of forfeitures provided for herein.

315-233 Plan Commission.

- A. Duties. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. The Plan Commission, its members and staff, in the performance of its functions, may enter upon any land and make examinations and surveys.
- B. Powers. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to guidelines set forth in this Chapter as to various matters, and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

315-234 Board of Appeals.

- A. Establishment. A Board of Appeals is hereby established.
 - (1) The Board of Appeals shall consist of five members appointed by the Village President, subject to confirmation by the Village Board, for three-year terms.
 - (2) Official Oaths shall be taken by all members in accordance with Wis. Stat. § 19.01 within 10 days of receiving notice of their appointment.
 - (3) The members shall serve without compensation and shall be removable by the Village President for cause upon written charges and after public hearing.
 - (4) The Village President shall designate one of the members as Chair.
 - (5) The Village President shall appoint two alternate members for three-year terms who shall act with full power only when a member of the Board of Appeals is absent or refuses to vote because of interest.
 - (6) Vacancies shall be filled for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a Village Clerk and other employees.
- B. Meetings. Meetings of the Board of Appeals shall be held at the call of the Chair and at such other times as the Board of Appeals may determine. Such Chair, or in his/her absence the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The 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 action, all of which shall be immediately filed in the office of the Board of Appeals and shall be public record.
 - (1) The Zoning Administrator shall attend all meetings to summarize any report of recommendations prepared by the Zoning Administrator and for the purpose of providing technical assistance when requested by the Board of Appeals.

C. Powers. The Board of Appeals shall have the following powers:

- (1) Appeals. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by any administrative official.
- (2) Variances. To authorize, upon appeal in specific cases, such variances from the terms of this Chapter as shall not be contrary to the public interest where, owing to special conditions, a literal enforcement shall result in unnecessary hardship so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. The burden of proof for the unnecessary hardship shall rest entirely upon the applicant. Use variances shall not be granted. In every case where a variance from these regulations has been granted, the minutes of the Board of Appeals meeting shall affirmatively show that an unnecessary hardship exists, and the records of the Board of Appeals shall clearly show in what particular and specific respects an unnecessary hardship is created.
- (3) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- (4) Permits. The Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issuance of a permit.
- (5) Assistance. The Board of Appeals may request assistance from other Village officers, departments, commissions and boards.
- (6) Oaths. The Chair may administer oaths and compel the attendance of witnesses.

D. Appeals and Applications. Appeals from the decision of any administrative official concerning the literal enforcement of this Chapter may be made by any person aggrieved or by an officer, department, board, or bureau of the Village.

- (1) Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his/her opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a Court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (2) Deadline for Application. Such appeals shall be filed with the Village Clerk within 30 days after the date of written notice of the decision or order of the administrative official. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Village Clerk on a form provided by the Village. Such appeals and applications shall include the following:
 - (a) Name and Address. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 - (b) Information. All information required for a zoning permit.
 - (c) Additional Information. Additional information as may be required by the Board of Appeals.
 - (d) Payment of Fee in accordance with this Chapter.

- E. Prohibited Uses. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.
- F. Public Hearings. The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class 1 public notice thereof as specified in Wis. Stat. ch. § 985, and shall give due notice to the parties of interest, the adjacent property owners, the Zoning Administrator, and the Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- G. Findings. No variance to the provisions of this Chapter shall be granted by the Board of Appeals unless it finds that all the following facts and conditions exist and so indicated such in the minutes of its proceedings.
 - (1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, Accessory Use, or Conditional use in that particular district.
 - (2) Special or Unique Condition. There shall be a special or unique condition applying to the lot or parcel that does not apply generally to other properties in the same district, and the granting of the variance shall not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (3) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. The special or unique condition on the lot or parcel must cause an unnecessary hardship. However, no variance shall be granted solely on the basis of economic gain or loss and self-imposed hardships shall not be considered as grounds for the granting of a variance.
 - (4) Public Interest: No variance shall be granted that will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- H. Decision. The Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of its decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
 - (1) Required Vote. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Chapter, or to effect any variation therefrom. The grounds of every such determination shall be stated.
 - (2) Conditions may be placed upon any building permit ordered or authorized by the Board.
 - (3) Variances, Substitutions, or Permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.
- I. Review by Court of Record. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

315-235 Public Hearings.

- A. Notice. Notice of the proposed zoning map, text amendment, or conditional use permit shall require a Class II notice. Hearing thereon shall be given by publication in the official paper, and in cases of petitions requesting changes in the zoning district classification of any property, granting of Conditional uses, or of planned developments, the Village Clerk shall mail notice of the public hearing to the owners of all lands within 250 feet of any part of the land included in such proposed change or Conditional use at least five days before such public hearing. The failure of such notice to reach any property owner provided such failure not be intentional, shall not invalidate any amending ordinance, or grant of conditional use of planned development. Such mailed notice shall not be required where the Village Board determines that the change is of such comprehensive nature that such notice would involve excessive administrative effort and expense and is not necessary for reasonable notification of affected property owners. At least five days prior written notice of changes in the district plan shall also be given to the Village Clerk of any municipality whose boundaries are within 1,000 feet of the land to be affected by the proposed change. Failure to give such notice shall not invalidate any such change.
- B. Information. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held, and shall include, in the case of map changes a description of the area involved and in the case of text changes a description of the proposed change, in sufficient detail for general public identification. Reference shall also be made to the fact that detailed descriptions are available for public inspection at the Village Clerk's Office.
- C. Petitions Not Involving Zoning Change. Where such hearing is required by the provisions of this Chapter as a result of a request for other than a zoning change or appearance before the Board of Appeals, such request shall be presented to the Village Clerk in writing, and shall be accompanied by a map or description clearly identifying the property involved and by a fee payable to the Village, as from time to time established by Resolution of the Village Board, to defray the cost of notification and holding of a public hearing.

315-236 Time Restriction for Plan Commission Approvals.

Plan Commission approvals granted for uses or structures in which the petitioner has not taken action in the furtherance of said approval within 24 months of the date of approval, said approval will expire and reapplication will be required. A reapplication shall be limited solely to reasonable compliance with current design, locational, and operational requirements. A reapplication shall not involve the basic permissibility of the use where such use is permitted by right at the time of reapplication. The Plan Commission may grant one six-month extension if requested 30 days prior to the pending expiration date provided that the applicant demonstrates a valid cause. This Section shall be in force and effect for all applications filed after the date of adoption and publication.

315-237 Fees.

- A. Application Fees. The application fee charged for a permit issued under this Chapter shall be in an amount as indicated in the most recently Village Board adopted Fee Schedule. No application shall be accepted unless accompanied by the established application fee.
- B. Reapplication Fee. A reapplication fee shall be paid with the submission of any revised or amended application for a permit issued under this Chapter which contains substantial changes from the original submittal. Such reapplication fee shall be 50 percent of the application fee as

cited above. If the submittal is so different as to constitute a new application, the full review fee shall be paid.

- C. **Consultant Fees.** The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of a proposal coming before the Plan Commission and/or Village Board. 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. The Village may apply the charges for these services to the petitioner. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the petitioner pays such fees. Review fees which are applied to a petitioner, but which are not paid, may be assigned by the Village as a special assessment to the subject property. The Petitioner shall be required to provide the Village with an executed copy of a professional services reimbursement form as a prerequisite to the processing of the development application.
- D. **Fees Doubled.** Fees shall be doubled if the work, use, or activity is commenced prior to the issuance of a permit required under this Chapter.

315-238 Penalty.

Any person who violates any provision of this Chapter shall be subject to a penalty as provided in the Village of Denmark Code of Ordinances.

315-239 Enforcement.

Any building or structure hereafter erected, moved, or structurally altered or any use hereafter established in violation of any of the provisions of this Chapter shall be deemed an unlawful building, structure, or use. The Zoning Administrator shall promptly report all such violations to the Village Attorney, who shall bring action to enjoin the erection, moving, or structural alteration of such building or the establishment of such use or to cause such building, structure, or use to be vacated or removed.

315-240 through 315-249 Reserved

ARTICLE XIII: CHANGES AND AMENDMENTS

315-250 Authority.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Council may, by ordinance, change the District boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

315-251 Initiation.

A change or amendment may be initiated by the Village Board or Plan Commission or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

315-252 Petitions.

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, specify the proposed use, and have attached the following:

- A. Plot Plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent Zoning Districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.**
- B. Owners Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.**
- C. Additional Information as may be required by the Zoning Administrator, Plan Commission, or Council.**

315-253 Review and Recommendations.

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

315-254 Hearings.

The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in this Chapter, listing the time, place, and the changes of amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

315-255 Village Board Action.

As soon as possible after such public hearing, and after careful consideration of the Plan Commission's recommendations, the Village Board shall act on the petition either approving, modifying and approving, or disapproving of the same.

315-256 Protest.

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 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 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 3/4 of the full Village Board membership.

315-257 Through 315-299 Reserved.

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ARTICLE XIV: DEFINITIONS

315-300 Definitions.

A. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.

- (1) Words used in the present tense in this Chapter include the future.
- (2) The word "person" includes a firm, association, partnership, trust, company or corporation as well as an individual.
- (3) The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.

B. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

C. Words Defined.

- (1) **Accessory Dwelling Unit.** A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.
- (2) **Accessory Use or Structure.** A use or detached structure subordinate to the Principal Use of a structure or land, and located on the same lot or parcel serving a purpose incidental to the Principal Use or the Principal Structure. Accessory Structures include detached garages and accessory dwelling units.
- (3) **Adjacent (also, Adjoining).** Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (4) **Agricultural (also Agricultural Use).** Any of the following:
 - (a) Any of the following activities conducted for the purpose of producing an income or livelihood:
 1. Crop or forage production.
 2. Keeping livestock.
 3. Beekeeping.
 4. Nursery, sod, or Christmas tree production.
 5. Floriculture.
 6. Aquaculture.
 7. Fur farming.
 8. Forest management.
 9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (b) Any other use the Wisconsin Department of Agriculture, Trade, and Consumer Protection, by rule, identifies as an agricultural use.
- (5) **Alley.** A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- (6) **Animal Boarding.** Any land use which provides short-term and/or long-term boarding for dogs and/or cats as the primary use of the property. Examples include commercial

kennels and pet 'day care' facilities. Outdoor exercise yards, fields, training areas, etc. associated with such land uses are considered accessory to such land uses and do not require separate consideration.

- (7) **Animated Sign.** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.
- (8) ANSI. Refers to the American National Standards Institute.
- (9) **Anchor Sign.** Generally, but not exclusively, the top sign in a multi-tenant ground or pole sign, which identifies the name of the development within which multi-tenant units or structures are located.
- (10) Appeal. A process initiated by an aggrieved person to review a decision made pursuant to this Chapter, or an alleged failure to act as required by this Chapter.
- (11) Applicant. A person that submits an application as required by this Chapter.
- (12) Artificial Lake. A body of water other than a natural body of water, two acres or greater in size, utilized for recreational, aesthetic, or conservation purposes.
- (13) Artisan Shops. A place where handmade craft items or works of art are made on a small-scale and offered for retail sale. Examples of such items include paintings, textiles, photography, sculptures, pottery, leather products, handmade paper, jewelry, hand-blown glass, small wooden items, candles, soaps, and lotions.
- (14) Auto Dealership. The use of land for the display or sale of new or used automobiles, panel trucks or vans, trailers, or recreational vehicles. Auto dealerships must meet all applicable state codes.
- (15) Auto Salvage Yard. Any lot or place that is exposed to the weather and upon which two or more motor vehicles of any kind incapable of being operated or not currently licensed are placed, located, or found. Auto salvage yards must meet all applicable state codes.
- (16) **Awning Sign.** A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.
- (17) **Banner.** A temporary sign made of fabric or any nonrigid material with no enclosing framework.
- (18) Basement. That portion of any structure located partly below the average adjoining lot grade. If a basement is occupied for living purposes it shall be counted as a story for purposes of height measurement. (See Sign Type Illustration)
- (19) Battery charging station. An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- (20) Battery electric vehicle. Means any vehicle that operates exclusively on electrical energy from an off-board source (generally, the electric grid) that is stored in the vehicle's batteries, and produces zero tailpipe emissions or pollution when stationary or operating.
- (21) Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.
- (22) Bed and Breakfast. Any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, as defined in Wisconsin Adm. Code § ATP 73.
- (23) Bees. Honey bees or mason bees raised for honey or pollination.
- (24) Berm. A raised bank of soil and rock, topped by native plants, shrubs, and or trees most often constructed so as to provide a visually appealing barrier between incompatible adjoining land uses.

- (25) Blanketing. The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (26) Block. A parcel, lot, or group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
- (27) Boarding House. A building other than a hotel where meals, or lodging and meals, are furnished for compensation for three or more persons not members of a family.
- (28) Boutique Winery. An establishment operating under Wis. Stat. § 125.53, that manufactures, bottles, and stores wine on premises and which produces less than 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions. Excludes homemade wine, defined under Wis. Stat. § 125.06(3).
- (29) Breezeway. A structure for the principal purpose of providing a roofed passageway connecting the Principal Structure with an Accessory Structure.
- (30) Brewery. A use which manufactures, bottles, and packages a total of more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year on premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.
- (31) Brewpub. See Microbrewery.
- (32) Bufferyard (also, Buffer Strip). A linear strip of undeveloped land, along with landscaping or a fence, that is located between two different uses or zoning districts that have potentially incompatible characteristics. Buffer yards are intended to create separation between the incompatible land uses and eliminate or lessen the impacts (e.g., noise, dust, glare of lights, outdoor activities) of the most intrusive land use on the other.
- (33) Buildable Area. The space remaining on a lot after the minimum open space and setback requirements have been complied with, and excepting any floodway, wetland, or similarly designated environmentally sensitive areas (ESAs).
- (34) Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (35) Building, Height. The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the deckline of a mansard roof, and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.
- (36) Building Setback Line. The distance from the boundaries of a lot within which structure(s) shall not be erected.
- (37) Build-To Line. The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front lot line and is established to create an even (or more or less even) building facade line on a street. The build-to line is considered the front setback.
- (38) Business Incubator. A mechanism used to encourage and support young companies until they become viable comprised of a multi-tenant space, building, or facility dedicated for providing technical, financial, managerial, technological, legal, and other support or assistance to start-up and/or growing businesses.
- (39) **Canopy (also Marquee). A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.**

- (40) **Changeable Copy Sign, Automatic.** A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units.
- (41) **Changeable Copy Sign, Manual.** A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters.
- (42) Charging levels. The standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:
 - (a) Level-1: Voltage from 0 through 120; considered slow charging.
 - (b) Level-2: Voltage from 120 through 240; considered medium charging.
 - (c) Level-3: Voltage greater than 240; considered fast or rapid charging.
- (43) Clinic. An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
- (44) Clinic, Veterinary. An establishment for the care and treatment of the diseases and injuries of animals by a licensed veterinarian and where animals may be boarded during their convalescence.
- (45) Club. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, education or recreational purpose, but not primarily to render a service which is customarily carried on as a business.
- (46) Commercial Communications. Communications used by government and military entities for emergency purposes, licensed amateur radio service, and non-emergency communications used by agricultural, business, government, and military entities including aviation radar, commercial mobile radio service, fixed wireless service, global positioning, line-of-sight, microwave, personal communications service, weather radar, and wireless internet service.
- (47) Community Based Residential Facility. A place where five or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing care per week.
- (48) Community Garden. A privately or publicly owned piece of land for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.
- (49) Community Living Arrangement. The following facilities licensed or operated, or permitted under the authority of Wisconsin State Statutes: child welfare agencies under Wis. Stat. § 48.60, group foster homes for children under Wis. Stat. § 48.02(7)(m), and community-based residential facilities under Wis. Stat. § 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with Wis. Stat. §§ 46.03(22), 59.97(15), 62.23(7)(i) and 62.23(7)(a), and amendments thereto.
- (50) Compost. A humus-like material, produced from composting, that has been stabilized to a degree that is potentially beneficial to plant growth and usable as a soil conditioner, topsoil, growing medium amendment, or other similar uses to buffer the soil pH, improve soil aggregation and tilth, reduce erosion, enhance water infiltration and retention, increase soil porosity and aeration, slow the rate of temperature change in soil, provide for soil microorganisms, or enhance availability of micronutrients in soils.
- (51) Composting (Compost Piles). Processing solid waste (including leaves, grass, manures, and non-meat food production, and wastes received from residential sources, but not including biosolids) in a controlled environment to produce a stable product by microbiologically degrading organic matter under aerobic conditions.

- (52) Conditional Use Permit. A permit issued by the Plan Commission and Village Board authorizing establishment of a conditional use consistent with the provisions of this Chapter.
- (53) Convenience Store. A retail store that sells convenience goods, such as prepackaged food items, beverages, periodicals, and other household goods, and may also sell gasoline. Does not include service stations or repair garages.
- (54) Craft-Distillery. A use which manufactures, bottles and packages a total of not more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials", or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.
- (55) Daycare Center, Group. Any facility operated for the purpose of providing care, protection, and guidance to children and/or adults during only part of a 24-hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full 24-hour period.
- (56) Daycare, Family Or Home. Any state-licensed occupied residence in which the occupant provides day care for persons other than occupant's own family and the children of close relatives. Such care is limited to the care given to eight or fewer persons, including persons living in the home and persons of close relatives cared for in the home.
- (57) Deck. An above ground, unroofed platform extending from a building and intended for outdoor living.
- (58) Decommissioning. The removal of all of the following:
 - (a) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.
 - (b) All below ground facilities, except the following:
 - 1. Underground collector circuit facilities.
 - 2. Those portions of concrete structures 4 feet or more below grade.
- (59) Development. Any 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 substantial alterations to buildings, structures or Accessory Structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
- (60) Distillery. A use which manufactures, bottles and packages a total of more than 100,000 proof gallons of intoxicating liquor under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials" or any other name per calendar year on the premises including storage and distribution of intoxicating liquor that has been manufactured on the premises.
- (61) District. A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and buildings are uniform.
- (62) **Door Sign. A sign that is applied or attached to the exterior of a door.**
- (63) Drive-In Business. An establishment with street access which provides no interior seating or service or an establishment which allows for interior seating or service but the majority of its business is conducted by means of a service window, in-car service, or carry-out counter.
- (64) Driveway - A private route of ingress and egress from any public right-of-way, which provides access to one residential dwelling/ unit, commercial building, or property.

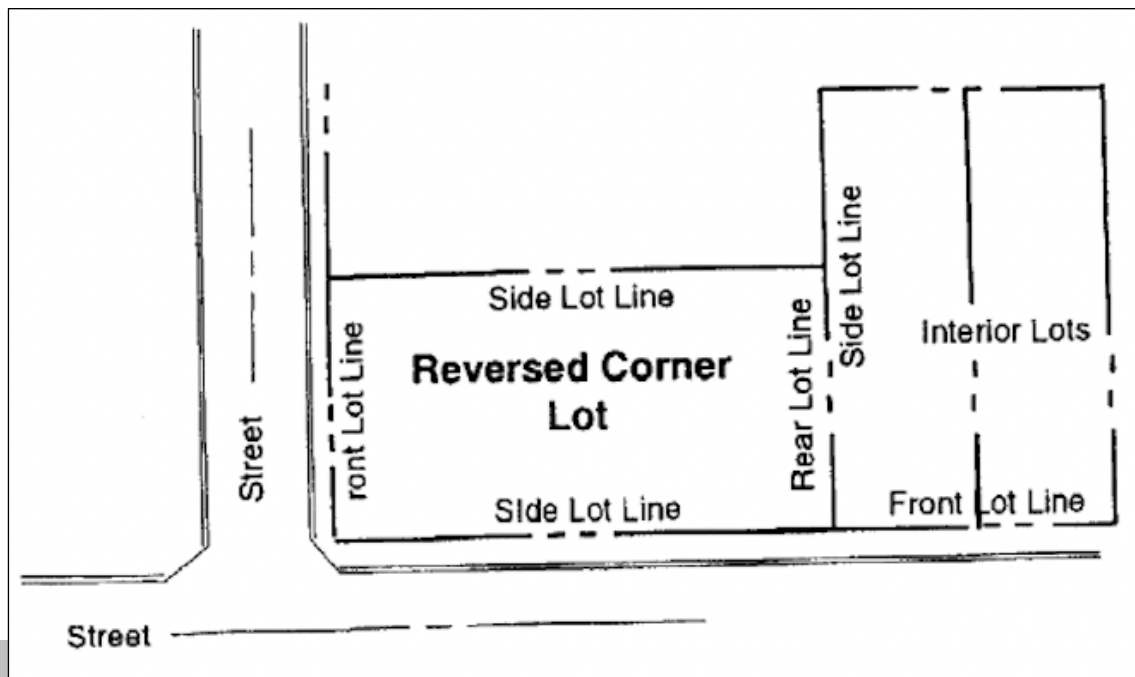
- (65) Dwelling. A building or portion thereof designed or used exclusively for residential occupancy, but not including automobile trailers, hotels, motels or boarding and lodging houses.
- (66) Dwelling Unit. A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations.
- (67) Dwelling, Detached. A dwelling which is completely surrounded by open space on the same lot.
- (68) Dwelling, Multi-Family. A building or portion thereof containing three or more dwelling units.
- (69) Dwelling, Single-Family. An attached or detached structure designed for or occupied exclusively by one family.
- (70) Dwelling, Single-Family Attached. A building containing not more than one dwelling unit attached at the side or sides in a series or group of three or more buildings each containing not more than one dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs.
- (71) Dwelling, Single-Family Detached. A dwelling consisting of one dwelling unit designed for, converted to, and/or occupied by one family and not attached to another dwelling unit.
- (72) Dwelling, Two-Family. A detached or semi-detached building designed for and occupied exclusively by two families.
- (73) Easement – A non-possessory legal interest a person has in the property of another for a specific use. An easement may apply to the entire property or a portion thereof and may be perpetual or temporary, expiring after a period of time or after a certain event occurs. A utility easement, for example, would allow any person with a right to use the easement to install and maintain utilities across, over, or under the subject land. A road easement would likewise allow the installation and maintenance of a driveway or roadway along with ancillary utilities.
- (74) Electric vehicle. Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source (generally, the electric grid, that is stored on-board via a battery for motive purpose. Electric vehicle includes:
 - (a) A battery electric vehicle.
 - (b) A plug-in hybrid electric vehicle.
- (75) Electric vehicle charging station. A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- (76) Electric vehicle charging station-private restricted use. An electric vehicle charging station that is:
 - (a) Privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking); or,
 - (b) Publicly owned and restricted (e.g., fleet parking with no access to the general public).
- (77) Electric vehicle charging station-public use. Means an electric vehicle charging station that is:
 - (a) Publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking); or,
 - (b) Privately owned and available to visitors of the use (e.g., shopping center parking).

- (78) Electric vehicle infrastructure. Means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (79) Electric vehicle parking space. Means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- (80) **Electrical Sign. A sign or sign structure in which electrical wiring, connections, or fixtures are used.**
- (81) **Electronic Sign. A sign, display, or device that changes message copy on the sign by means of light emitting diodes (LED), fiber optics, light bulbs, liquid crystal display, or other illumination devices within the display area.**
- (82) Environmentally Sensitive Areas (ESAs). As regulated by the most current iteration of the Brown County Subdivision Ordinance and/or Brown County Sewage Plan, portions of the landscape including valuable natural resource features that should be protected from intensive development. Environmentally sensitive areas may include lakes, rivers, streams, wetlands, floodways, steep slopes, and other significant and unique natural resource features. Environmentally sensitive areas also include a setback or buffer from those features.
- (83) Essential Services. Services provided by public and private utilities necessary for the exercise of the Principal Use or service of the Principal Structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (84) Existing Use. Any lawful permitted or conditional use in existence at the time of the adoption of the most recent amendment to the Zoning Ordinance.
- (85) Extended Stay Hotel. A hotel intended and designed for extended stays by guests which includes in-room cooking facilities and is not a highway-oriented overnight-stay facility.
- (86) Façade. The entire front or any other face of a building, including the parapet.
- (87) Family. One or more persons, related by blood, adoption or marriage, living and cooking together as a single housekeeping unit, or a number of persons living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage.
- (88) Farm. All land under common ownership that is primarily devoted to agricultural use.
- (89) Farm Structure. Any building or structure used for storing agricultural equipment or farm produce or products, housing livestock or poultry, or processing dairy products. The term "farm structure" shall not include dwellings or manure storage facilities but shall include a barn or feed storage facility, unless otherwise noted in this Chapter.
- (90) **Feather Sign. A temporary sign independently standing or attached to a structure with a vertical banner.**
- (91) Fence. An Accessory Structure providing enclosure or serving as a barrier, such as wooden posts, wire, iron, brick, stone or other manufactured material or combination of materials erected to enclose, screen or separate areas. Structures designed to enclose recreational facilities, such as tennis courts or backstops, shall not be considered fences.
- (92) Fence, Open. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, rail fences, and others as identified in this Chapter.
- (93) Fence, Ornamental. A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a

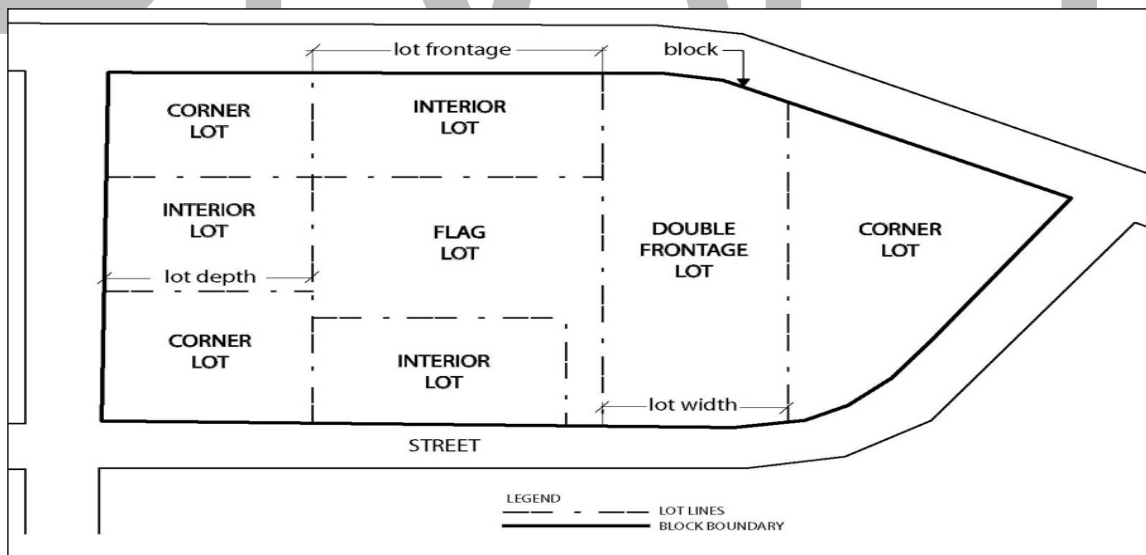
- driveway, walkway, or planting bed. Ornamental fences are those with more than 80 percent of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type and others as identified in this Chapter.
- (94) **Fence, Security.** A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire or as otherwise identified in this.
 - (95) **Fence, Solid.** A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences or as otherwise identified in this Chapter.
 - (96) **Festoon.** A string of balloons, ribbons, tinsel, small flags, or pinwheels.
 - (97) **Flag.** An item made of flexible cloth or cloth-like material, typically oblong or square, attached by one edge to a flagpole.
 - (98) **Flashing Sign.** A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. Does not include changeable copy signs, animated signs, or signs which, through reflection or other means, create an illusion of flashing or intermittent light
 - (99) **Floor Area.** The square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building. It does not include porches, garages or space in a basement or cellar when said basement or cellar space is used for storage or incidental uses.
 - (100) **Frontage.** All the property abutting on one side of a street between two intersecting streets, or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
 - (101) **Garage, Private.** A structure primarily intended and used for the enclosed storage or shelter of the private motor vehicles of the residents upon the premises. Carports are considered garages.
 - (102) **Garage, Public or Commercial.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, public parking of motor vehicles, snowmobiles or other recreational vehicles for hire.
 - (103) **Garage, Storage.** A building or portion thereof, other than a private garage, used exclusively for parking or temporary storage of self-propelled vehicles.
 - (104) **Gas Canopy Sign.** A type of on-building sign mounted on the vertical fascia of a canopy serving a fuel-dispensing facility such as a gas station or a convenience store with fuel pumps.
 - (105) **Geothermal Energy System.** A sealed, watertight loop of pipe buried outside of a building foundation, intended to re-circulate a liquid solution through a heat exchanger. This includes but is not limited to: vertical closed loop, horizontal closed loop and body of water closed loop systems.
 - (106) **Geothermal Energy System, Horizontal.** A geothermal energy system constructed to contain horizontal piping and the installation and grouting of the horizontal piping when such piping does not exceed 20 feet in depth.
 - (107) **Geothermal Energy System, Vertical.** A geothermal energy system constructed to contain vertical piping and the installation and grouting of the vertical piping exceeding 20 feet in depth.

- (108) **Ghost Sign.** A hand-painted wall sign that has been preserved on a building for an extended period of time and kept for its historic significance, nostalgic or cultural appeal, or indifference by the owner.
- (109) **Greenhouse, Commercial (or Retail).** Retail business whose principal activity is the selling of plants grown on the site and having outside storage, growing, or display.
- (110) **Greenhouse, Wholesale.** Business whose principal activity is the growing of plants for resale to a retail outlet within an enclosed building.
- (111) **Gross Floor Area.** The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.
- (112) **Ground-Mounted Solar Energy System.** A solar energy system not attached to another structure and is ground mounted.
- (113) **Ground Sign.** Any sign supported by structures or supports that are placed on, or anchored in, the ground that are independent from any building or other structure.
- (114) **Hard Surfaced.** A driveway or parking lot surfaced with concrete, bituminous paving, or surface deemed substantially the same by the Zoning Administrator.
- (115) **Hazard.** A condition, whether manmade or natural, that presents a tangible danger to the public health, safety, and general welfare.
- (116) **Hazardous Material (also Hazardous Substance).** A material regulated by the Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 1101-11050, as may be amended.
- (117) **Hedge.** A dense row of vegetation forming a boundary, fence, or barrier.
- (118) **Home Occupation.** Any gainful occupation or activity which is clearly incidental and secondary to the use of the premises for dwelling purposes, and which is carried on wholly within a main building or accessory building by a member of the family residing on the premises.
- (119) **Horizontal Banners.** Horizontal banners are flexible, horizontally oriented and aligned temporary signs that are either overhead or ground mounted displays that are considered short-term and are removed once the event has completed.
- (120) **Hotel.** A building in which lodging, or boarding and lodging, are provided and offered to the public for compensation, and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all times. As such, it is open to the public in contradistinction to a boarding house, lodging house, or an apartment, which are herein separately defined.
- (121) **Illuminated Sign.** A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
- (122) **Impervious Surface.** Any artificial or natural surface which does not allow the entrance or passage of water or sediment into the ground surface. These areas seal the ground surface from infiltration of water into the subsurface and prevent recharge of the ground water and increase the amount of stormwater runoff. Runoff from impervious surfaces tends to increase the potential for flooding, and carries sediment and pollutants that are detrimental to the quality of surface waters. New developments typically increase the amount of impervious surface. It is important to manage and minimize the amount of impervious surface in new and existing developments to help protect the surface waters and help recharge natural ground water. Impervious surfaces include, but are not limited to buildings and roof areas, structures, concrete or asphalt surfaces, gravel or traffic bond surfaces, decks with no spaces in between the decking, and bricks or pavers with no spacing between, which are placed on traffic bond.

- (123)Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs, and the like.
- (124)**Ingress/Egress Sign. A type of ground sign associated with, and located no farther than 10 ft. from, an access to a Village street.**
- (125)**Integral Sign. A sign that is embedded, extruded, or carved into the material of a building façade. A sign made of bronze, brushed stainless steel, or aluminum, or similar materials attached to the building façade.**
- (126)**Interior Sign. A sign located within the interior of any building or structure which is not visible from the public right of way. This does not, however, exempt such signs from the structural, electrical or material specifications of this Chapter.**
- (127)Junk Yard (also Salvage yard). Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored for salvage unless such accumulation shall be stored in a completely enclosed building.
- (128)Kennel, Indoor. A soundproof building in which four or more dogs at least three months of age are kept. Outdoor kennels shall not be permitted in the Village.
- (129)Laundromat. An establishment providing home-type washing, drying or ironing machines for use on the premises by the general public.
- (130)Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (131)Loading Area. A completely off-street space or berth on the same lot as the Principal Use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (132)Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than three persons not members of the family.
- (133)Lot. A tract of land, designated by metes and bounds, land survey, minor land division, or plat, and recorded in the office of the county register of deeds.
- (134)Lot, Corner. A lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees. (See Lot Type Illustration).
- (135)Lot, Depth of. The mean horizontal distance between the front and rear lot lines. (See Lot Type Illustration).
- (136)Lot, Flag. A lot containing a narrow strip or panhandle of land providing access from the public street to the remainder of the lot. (See Lot Type Illustration).
- (137)Lot, Interior. A lot other than a corner lot. (See Lot Type Illustration).
- (138)Lot, Reverse Corner. A corner lot which is orientated so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (139)Lot, Reverse Corner Illustration.



- (140) Lot, Substandard (also Lot, Nonconforming). A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter.
- (141) Lot, Through (also, Double Frontage). A lot having a pair of opposite lot lines along, and access to, two more or less parallel public streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. (See Lot Type Illustration).
- (142) Lot Lines. The lines bounding a lot. (See Lot Type Illustration).
- (143) Lot Type Illustration.



- (144) **Lot, Width.** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 25 feet of lot depth immediately in back of the street yard setback line. (See Lot Type Illustration).
- (145) **Manufactured Home.** A residential dwelling for one family as is defined in Wis. Stat. § 101.91(2), fabricated in an off-site facility for installation or assembly at the building site, bearing a HUD label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. Sections 5401 to 5426, and built after June 14, 1976. A manufactured home shall be considered a single-family dwelling for the purposes of this Chapter only where it meets said regulations.
- (146) **Manufactured Home, Class I.** **A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426. For purposes of this section, a manufactured home Class I shall be considered a single-family or two-family home and, therefore, may be located in any district permitting such use.**
- (147) **Manufactured Home, Class II.** **A structure, transportable in one or more sections, built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective July 15, 1976.**
- (148) **Manufactured Home Class II Park.** **Any park, court, campsite, lot, parcel, or tract of land designed, maintained, intended, or used for the purpose of supplying a location or accommodations for two or more manufactured homes Class II and shall include all facilities used or intended for use as part of the equipment thereof. A manufactured home Class II park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale. (Also see "mobile home park" in § 315-8.)**
- (149) **Manufacturing.** The mechanical or chemical transformation of materials or substances into new products, including the assembly of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.
- (150) **Maximum blade tip height.** The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the actual hub height plus the blade length.
- (151) **Microbrewery (also, Brewpub).** A use which manufactures, bottles and packages a total of not more than 10,000 barrels or 310,000 U.S. gallons of fermented malt beverages per calendar year and may or may not operate restaurant on the premises including storage and distribution of fermented malt beverages that have been manufactured on the premises.
- (152) **Mobile Home.** A transportable factory built structure as is defined in Wis. Stat. § 101.91(2k), designed for long-term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. A mobile home is not considered to be a type of single-family dwelling for the purposes of this Chapter.

- (153) Mobile Home Park. A parcel of land or subdivision used for the placement of two or more mobile homes and/or manufactured homes. Manufactured home developments and subdivisions shall not be included under this land use category where all manufactured homes meet the regulations of built in compliance with the Federal Manufactured Housing Construction Standards under 42 U.S.C. §5401 to 5426, and built after June 14, 1976.
- (154) Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (155) Motor Vehicle. A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rails or tracks.
- (156) **Multi-Tenant Sign. A type of ground sign which identifies and advertises businesses, entities, or tenants located within a multi-tenant building, complex, development, or subdivision.**
- (157) Nameplate capacity. The nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.
- (158) Nonconforming Building or Structure. Any building or structure which:
 - (a) Does not comply with all of the regulations of this Chapter or any amendment hereto governing bulk for the zoning district in which such building is located; or,
 - (b) Is designed or intended for a nonconforming use.
- (159) Nonconforming Use. Any Principal Use of land, buildings, or structures which does not comply with all the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located.
- (160) **Nonconforming Sign. Any sign located in the Village as of the date of adoption or amendment of this Chapter, or located within an area annexed to the Village hereafter, that does not conform to the provisions of this Chapter as adopted or amended is a legal, non-conforming sign if the sign was legally constructed prior to the date of adoption or amendment of this Chapter.**
- (161) Non-electric vehicle. Any motor vehicle that does not meet the definition of electric vehicle.
- (162) Nonparticipating property. Real property that is not a participating property.
- (163) Nonparticipating residence. A residence located on nonparticipating property.
- (164) Nursing, Rest, or Convalescent Home. An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who by reason or advanced age, chronic illness, or infirmity, are unable to care for themselves.
- (165) **Off-Premises Sign. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.**
- (166) Office. A room or suite of rooms used for conducting the affairs of a business, profession, service industry, or government.
- (167) Open Space. The areas of a lot which contain permeable surfaces and shall remain unbuilt and shall not be used for parking, storage, access drives, or display. The use of gravel or pavers shall not be considered permeable surface for the calculation of open space. Open space represents many different landscaping elements, including greens, quadrangles, lawns, hedgerows, gardens, pathways/walkways, groves, wooded areas, fields, and natural areas.
- (168) Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of the 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.

- (169) Ordinary Maintenance and Repairs. Ordinary and routine actions necessary to continue or restore the safe and healthy use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, and the repair of the following; exterior windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, walls or the foundation, and internal improvements within the structural envelope without doing a structural alteration.
- (170) Overlay District (also, Overlay). A zoning district that is super-imposed on one or more other zoning districts and imposes additional restrictions on the underlying districts.
- (171) Owner (Wind Energy System).
 - (a) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.
 - (b) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.
- (172) Parapet. The extension of a false front or wall above a roof line.
- (173) **Park Management. The person who owns or has charge, care or control of the manufactured home park.**
- (174) Parking Lot. Any public or private land area designated and used for parking motor vehicles. A parking lot may be at ground level and not be subject to the setback and other yard requirements of a structure; or may be located within a structure which must meet the yard requirements of a specified Zoning District.
- (175) Parking Space. An area permanently reserved and maintained for the parking of one motor vehicle which meets the dimensional standards of this Chapter.
- (176) Participating property. Any of the following:
 - (a) A turbine host property.
 - (b) Real property that is the subject of an agreement that does all of the following:
 - 1. Provides for the payment of monetary compensation to the landowner from the owner regardless of whether any part of a wind energy system is constructed on the property.
 - 2. Specifies in writing any waiver of a requirement or right under this Chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.
- (177) Participating residence. A residence located on participating property.
- (178) Parties in Interest. Includes all abutting property owners, all property owners within 200 feet, and all property owners of opposite frontages.
- (179) Person. An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (180) Personal communications. Includes wireless telecommunications, personal communications service, radio, television, wireless internet service, and other systems used for personal use purposes.

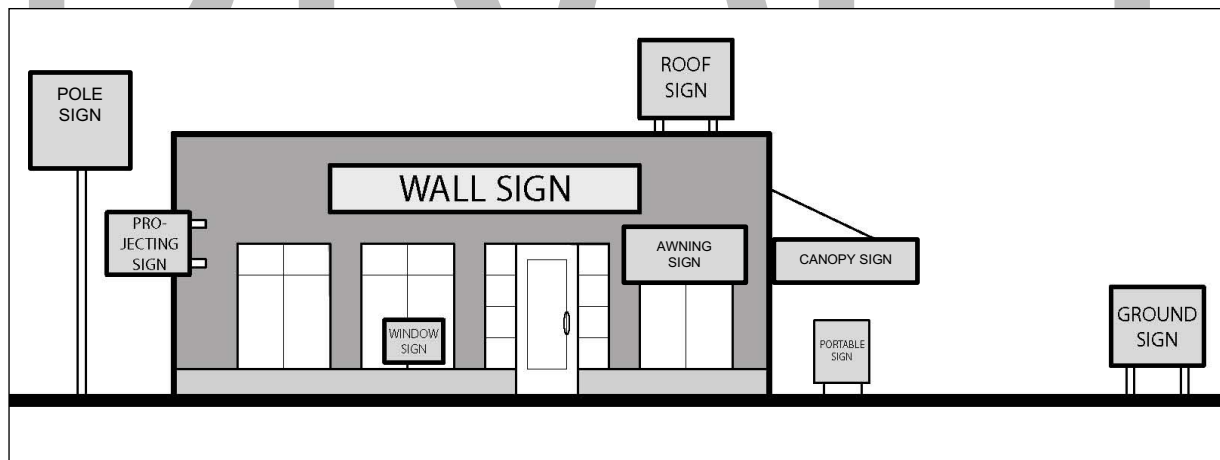
- (181) Personal Services. The performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship.
- (182) Pervious Surface. Any artificial or natural surface which allows the entrance or passage of water or sediment into the ground surface via the porous nature of the material itself. The void areas and the infiltration rates of these materials allow rainwater and surface water to penetrate deep into the soil areas allowing the natural recharge of groundwater.
- (183) Photovoltaic Cell. A semiconductor device that converts solar energy into electricity.
- (184) Plan Commission. An officially constituted Village of Denmark body consisting of elected and appointed members authorized to consider zoning matters and make recommendations to the Village Board.
- (185) Planned Development. A development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
- (186) Plug-in hybrid electric vehicle. An electric vehicle that:
 - (a) Contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor.
 - (b) Charges its battery primarily by connecting to the grid or other off-board electrical source (generally, the electric grid).
 - (c) May additionally be able to sustain battery charge using an on-board internal-combustion-driven generator.
 - (d) Has the ability to travel powered by electricity
- (187) **Pole Sign. A single, multifaced, multitenant sign, or similar such sign, in excess of eight feet in height, supported above the ground by one or more uprights, braces, poles, pylons, or other similar structural components. (See Sign Type Illustration)**
- (188) Pond, Landscape. An artificial water body with a maximum depth of three feet the primary purpose for which is as an aesthetic or functional enhancement to the property upon which it is located, and which is not designed, and shall not be used, for recreational purposes.
- (189) Pond, Swimming. An artificial water body with a maximum depth of 20 feet the primary purpose for which is recreational use. No less than 50percent of the area of a swimming pond shall dedicated to natural plantings.
- (190) Pond, Stormwater. An artificially created pond for the purposes of capturing and retaining stormwater.
- (191) **Portable Sign. Any sign without a permanent foundation or otherwise permanently attached to a fixed location, which can be carried, towed, hauled, or driven and is primarily designed to be moved rather than limited to a fixed location regardless of modifications that limit its movability. (See Sign Type Illustration)**
- (192) Premises. Any lot or parcel of land owned by any person, firm or corporation, public or private, improved with building, whether occupied or unoccupied.
- (193) Primary Façade. The façade of a building or similar such structure facing the public street associated with the mailing address.
- (194) Principal Structure. The primary structure on a parcel of land where the Principal Use occurs.
- (195) Professional Office. Administrative, executive, professional, research, or similar organizations, except health care, having only limited contact with the public, provided that no merchandise or merchandising services are sold on the premises, except such as are incidental or accessory to the principal permissible use.

- (196) Professional Office, Medical. A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.
- (197) **Projecting Sign. A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building. (See Sign Type Illustration)**
- (198) Proof. The ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percentage of ethyl alcohol by volume.
- (199) Proof Gallon. A gallon of liquid at 60 degrees Fahrenheit which contains 50 percent by volume of ethyl alcohol having a specific gravity of 0.7939 at 60 degrees Fahrenheit referred to water at 60 degrees Fahrenheit as unity, or the alcoholic equivalent thereof.
- (200) Public Facilities. Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.
- (201) Redevelopment. Any substantive change to a developed site, its structures, or its uses.
- (202) Relegated Parking. A systematically designed off-street parking method which utilizes site design review principles which create an environment which promotes the use of nonmotorized transportation. Relegated parking combines several techniques, including providing a mixture of on-street and off-street parking options, locating parking lots to the side and rear of Principal Structures, utilizing landscaped islands within parking lots, providing pedestrian walkways through parking lots, and utilizing shared parking between adjacent land uses.
- (203) Repair Garage. A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, painting, or major automotive, small engine, or agricultural implement repair.
- (204) Residence (specific to Wind Energy System). An occupied primary or secondary personal residence including a manufactured home as defined in Wis. Stat. § 101.91(2), a hospital, community-based residential facility, residential care apartment complex or similar facility, or a nursing home. Residence includes a temporarily unoccupied primary or secondary personal residence. Residence does not include any of the following:
 - (a) A recreational vehicle as defined in Wis. Stat. § 340.01(48r), notwithstanding the length of the vehicle.
 - (b) A camping trailer as defined in Wis. Stat. § 340.01 (6m).
 - (c) A permanently abandoned personal residence.
- (205) Restaurant. A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than 70 percent of the gross sales receipts for food and beverages.
- (206) Retail Sales Establishment. Establishments that provide goods directly to the general public for personal or household use, where such goods are available for immediate purchase and removal from the premises by the purchaser, including but not limited to sales of dry goods, prescription drugs, groceries, apparel, print materials, household wares, electronics, and appliances.
- (207) Retail Services Establishment. Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use, including but not limited to eating and drinking places, hotels and motels, finance, real estate and insurance, personal service, motion pictures, amusement, and recreation services.
- (208) Right-of-Way. A strip of land dedicated or acquired for public use.
- (209) Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered, and used solely for the sale of farm products

produced on the premises. Such roadside stand shall be a structure not more than 300 square feet in ground area and limited to 10 feet maximum height.

- (210) **Roof Sign.** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above a point of a building with a flat roof, the eave line of a building with a gambrel, or hip roof, or the deck line of a building with a mansard roof. (See Sign Type Illustration)
- (211) **Sanctioned Event Sign.** A sign associated with a temporary, Village-sanctioned event.
- (212) **Sandwich Board Sign.** A framed sign made of metal wood, chalkboard, whiteboard, or similar such material, oriented to pedestrians, consisting of two faces hinged together at one end and that is self-supporting, easily moved, and not affixed to a building, base structure, or the ground.
- (213) **Satellite Dish (also Satellite Dish Antenna).** A device incorporating a surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations and satellite microwave antennas. For purposes of this Chapter only, the regulations contained herein shall not apply to satellite dish antennas measuring one meter or less in diameter or width.
- (214) **Screen.** A feature, such as a wall, fence, hedge, berm, or similar feature used to shield or obscure elements of a development from adjacent sites.
- (215) **Self-Service Storage Units (also, Mini Warehouses).** Real property containing leased spaces that a lessee is entitled to use for the storage of personal property on a self-service basis pursuant to a rental agreement and that is not rented or provided to the lessee in conjunction with property for residential use by the lessee. A "mini-warehouse" does not include warehouses licensed and regulated under Chapter 99, Wis. Stats. ch. § 99.
- (216) **Service Station.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, and minor repairs are conducted but shall not include establishments where major automotive maintenance activities, such as engine overhauls, vehicle painting, or body work, are conducted.
- (217) **Setback.** The minimum horizontal distance between the line of a building or structure and the property line. Covered porches, whether enclosed or unenclosed, and attached garages shall be considered as part of the Principal Structure and shall not project into the required setback. Where the street line is an arc, the setback shall be measured from the arc.
- (218) **Shadow flicker.** A pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.
- (219) **Shorelands.** Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.
- (220) **Short-term Rental.** A residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

- (221) **Sign (also, signage).** A name, identification, description, display, or illustration, which is affixed to, painted, or represented directly or indirectly upon a building or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, service, place, location, activity, event, person, institution, organization, or business by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.
- (a) Signs located completely within an enclosed building and not exposed to view from a street or road are not considered signs.
 - (b) Each display surface of a sign or sign face is considered a sign.
 - (c) Neither official court or public notices shall be considered a sign under this Chapter.
- (222) **Sign Area.** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure; or, where attached directly to a building wall or surface, the space within the outline enclosing all the characters of the words, numbers or design.
- (223) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part in the erection or maintenance of signs, excluding the business which the sign advertises.
- (224) **Sign Copy.** The wording and/or symbols on a sign surface in either permanent or removable letter form.
- (225) **Sign Face.** The entire display surface area of a sign upon, against, or through which copy is displayed.
- (226) **Sign Height.** The vertical distance measured from the highest point of the sign to the surface grade beneath the sign.
- (227) **Sign Structure.** Any device or material, which supports, has supported or is capable of supporting a sign in a stationary position, including decorative covers.
- (228) **Sign Type Illustration:**



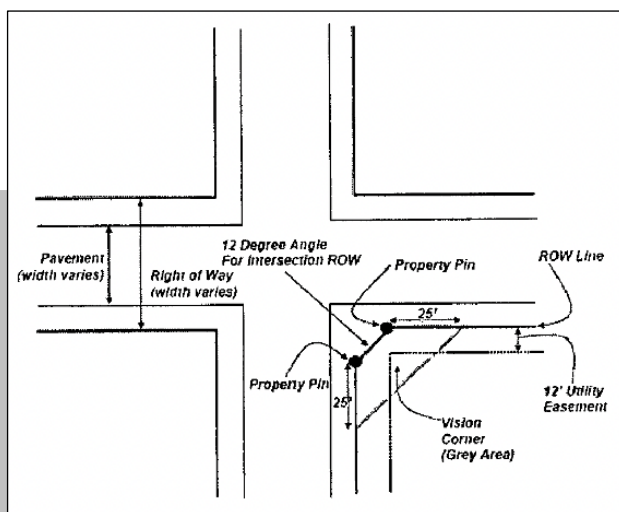
- (229) **Site Plan.** A drawing of a subject property that shows existing and proposed conditions and other features required by this Chapter.
- (230) **Skeleton Sign.** A sign composed of letters, characters, or symbols applied to a background which is not a structural part of the sign.
- (231) **Small wind energy system.** A wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

- (232) Solar Collector. A device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy.
- (233) Solar Glare. The effect produced by light reflecting from a solar panel with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
- (234) Solar Panel. A group of photovoltaic cells are assembled on a panel. Panels are assembled on-site into solar arrays.
- (235) **Solid Sign. Any sign other than a skeleton sign.**
- (236) Spa or Hot Tub. A hydromassage pool or tub for recreational or therapeutic use designed for immersion of users which may or may not have a filter, heater, and motor-driven blower.
- (237) **Space (manufactures and mobile homes). A plat of ground in a manufactured home park designed for the location of only one manufactured home.**
- (238) Stormwater. Water, and the materials it carries, that results from a rainfall event or melting snow or ice.
- (239) Stormwater Management Facility. A natural or manmade feature that collects, conveys, channels, holds, inhibits, or diverts the movement of stormwater.
- (240) Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having $\frac{1}{2}$ or more of its height above grade shall be deemed a story for the purpose of height regulation.
- (241) Story, Half. A space under a sloping roof which has the line of interSection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than $\frac{2}{3}$ of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.
- (242) Street. Includes all accessways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and culs-de-sac, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation, but shall not include those accessways such as easements and rights-of-way intended for solely limited utility purposes such as for electric power lines, gas lines, telephone lines, waterlines, or drainage and sanitary sewers.
- (243) Street Line. A dividing line between a lot, tract, or parcel of land and a contiguous street.
- (244) Structure. Anything constructed or erected, the use of which requires a fixed location on the ground, or attached to something having a fixed location on the ground.
- (245) Structural Alteration. Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
- (246) Subdivision Sign. A ground sign located at the entrance(s) to a residential subdivision.
- (247) Swimming Pool. Any depression in the ground, either temporary or permanent, or container of water, either temporary or permanent, either above ground or below ground, which is used primarily for the purpose of wading or swimming, which shall cause retaining of water over a depth greater than 18 inches and/or having a larger plane surface of water greater than 150 square feet.
- (248) Swimming Pool, Portable. A container of water less than 18 inches in depth that can be readily disassembled for storage and assembled to its original integrity.
- (249) Tasting Room. A facility or portion of a facility supporting a rural craft brewery, distillery, or winery where the public may sample and purchase products produced by the facility and which has ancillary related retail sales. Retail sales shall be limited only to on-site

production and merchandise directly related to the facility. Tasting rooms may include food sales.

- (250) Temporary Building or Structure. A structure without any foundation or footings and that is removed when the designated time period has ceased, or which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- (251) **Temporary Sign. A sign which may be displayed for a limited period of time.**
- (252) Trailer. Any structure which is or may be mounted upon wheels for moving about and is propelled by its own or drawn by other motive power, and which is used as a dwelling or as an accessory building or structure in the conduct of a business trade or occupation, or is used for hauling purposes.
- (253) Transitional Residential Facility. A premises for the temporary placement of two or more unrelated persons who are not considered disabled under the Fair Housing Act and are persons who have been adjudicated juvenile delinquents, current users of illegal controlled substances, persons convicted for the illegal manufacture or distribution of a controlled substance, or convicted sex offenders, all of whom are on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring.
- (254) Transitory Accessory Structure. An Accessory Structure in a Residential District including the following: enclosed structures no larger than 120 sq. ft. in area; pergolas (not including decks); trellises; fences and walls; towers; personal energy systems; children's playhouses, play apparatus, swing sets, sand boxes, and the like; raised bed gardens; bee hives; enclosures for chickens; dog enclosures; swimming or wading pools with a maximum wall height of 24 inches that may be readily disassembled for storage; and other structures deemed to be substantially the same by the Plan Commission.
- (255) Turbine host property. Real property on which at least one wind turbine is located.
- (256) Unnecessary Hardship. That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.
- (257) Use. The use of property is the purpose or activity for which the land or building thereon is occupied or maintained.
- (258) Use, Accessory. A use on the same lot with, and of a nature customarily subordinate to, the Principal Use or structure, and serving the occupants of the Principal Use or structure.
- (259) Use, Conditional. A use allowed under a Conditional Use Permit, special exception, or other special zoning permission, but not including a variance, which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district.
- (260) Use, Incidental. A use that is affiliated with but subordinate to a Principal Use of land or structure.
- (261) Use, Permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of the district in which such use is located.
- (262) Use, Principal. The main use of land or building as distinguished from a subordinate or Accessory Use.
- (263) Use, Temporary. A use that has been allowed to be located and/or to operate for a limited time only.

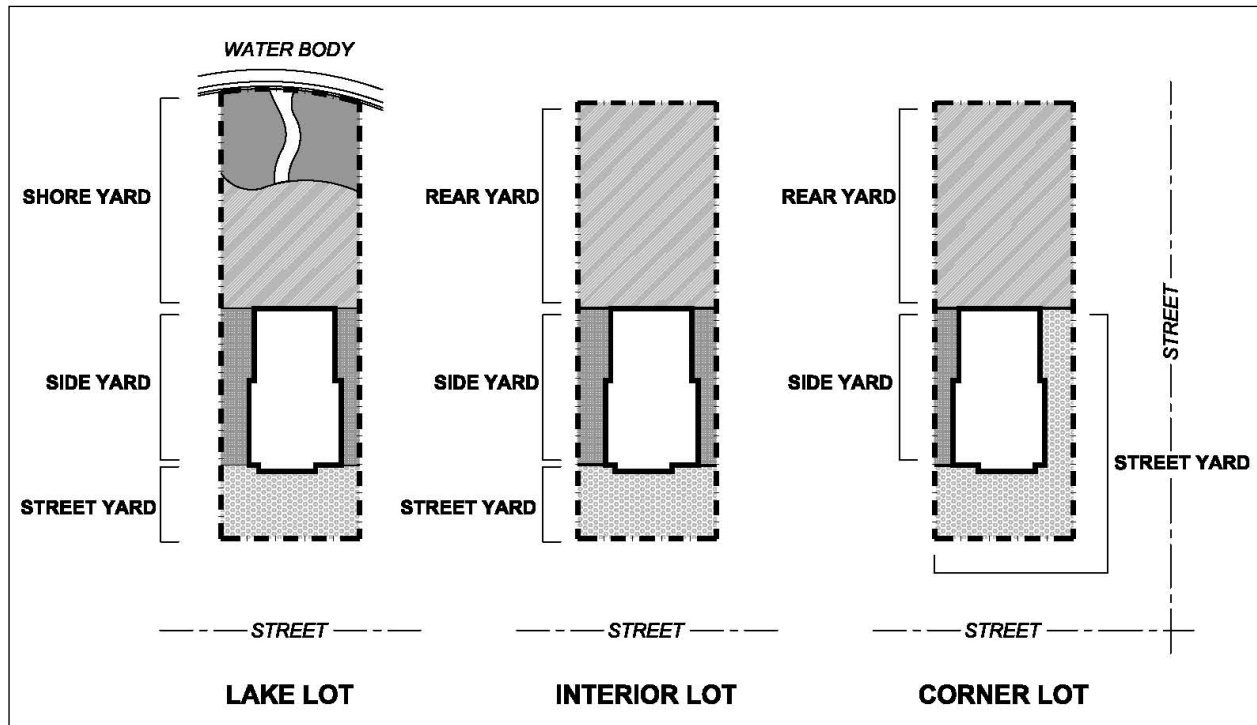
- (264) **Variance.** An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building, structure, or property in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit the use of a property that is otherwise prohibited by the Chapter or allow flood land construction that is not protected to the flood protection elevation.
- (265) **Village.** Village of Denmark, Wisconsin
- (266) **Village Board.** The governing body of the Village of Denmark, Brown County, Wisconsin.
- (267) **Vision Corner.** An established line of sight that does not obstruct or impair the line of sight for motorized or nonmotorized vehicles traveling in an established right-of-way. Vision corners shall extend a minimum of 25 feet from all public right-of-way street intersections. Vision corners shall be a minimum of 30 feet from public right-of-way intersections if a county highway or state trunk highway is involved.
- (268) **Vision Corner Illustration.**



- (269) **Wall Sign.** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for the sign. (See Sign Type Illustration)
- (270) **Wall Sign, Historic.** A Wall Sign located on its original building or structure and predating the year 1970.
- (271) **Wind energy system.** A system as defined in Wis. Stat. § 66.0403(1)(m), used to convert wind energy to electrical energy.
- (272) **Wind energy system emergency.** A condition or situation at a wind energy system that presents a significant threat of physical danger to human life or a significant threat to property or a natural event that causes damage to wind energy system facilities.
- (273) **Wind energy system facility.** Any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.
- (274) **Wind energy system lease.** A written agreement between a landowner and the owner that establishes the terms and conditions associated with the placement, construction or operation of a wind turbine or other wind energy system facility on a landowner's property.
- (275) **Wind Tower.** The monopole, freestanding, or guyed structure that supports a wind turbine generator.

- (276) Window Sign. A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. (See Sign Type Illustration)
- (277) Winery: An establishment operating under Wis. Stat. § 125.53, that manufactures, bottles, and stores wine on premises and which produces at least 100,000 gallons per year. Locally issued licenses/permits may allow wine sales directly to consumers, on premise tasting of wine, and may impose additional restrictions.
- (278) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The Street and Rear Yards extend the full width of the lot.
- (279) Yard, Primary Street. A yard associated with the primary mailing address or fire number for the Principal Structure extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).
- (280) Yard, Rear. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the Principal Structure. This yard shall be opposite the Primary Street Yard on a corner lot. (See Yard Type Illustration).
- (281) Yard, Secondary Street. A yard that abuts an existing or proposed street or highway not otherwise defined as a Primary Street Yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).
- (282) Yard, Side. A yard extending from the Street Yard to the Rear Yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the Principal Structure. (See Yard Type Illustration).
- (283) Yard, Street. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the Principal Structure. Corner lots shall have 2 such yards. The Primary Street Yard on a double frontage lot or corner lot shall be that associated with the mailing address or fire number, as applicable. (See Yard Type Illustration).

(284)Yard Type Illustration.



(285)Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(286)Zero Lot Line Duplex. A two-family dwelling situated so that a common wall is located on the side lot line.

(287)Zoning Board of Appeals. A body consisting of appointed members with a primary role to review and decide case where there is an alleged error in a zoning decision or where a relaxation of the ordinance is sought.

(288)Zoning District, Base. A part or parts of the Village for which the uniform regulations of this Chapter govern the use and location of land and buildings.

(289)Zoning District, Overlay. A zoning district that is super-imposed on one or more base zoning districts and imposes additional restrictions or additional development options on the underlying districts.

(290)Zoning Permit. A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter. Zoning permits include, but are not necessarily limited to: sign permits, site plan permits, and temporary structure/use permits. A Conditional Use Permit is not considered a zoning permit for the purposes of this Chapter.