

VILLAGE OF HORTONVILLE
PLANNING & ZONING COMMISSION
October 8th, 2026, 6:00 p.m.
Municipal Services Center
531 N. Nash St., Hortonville, WI



AGENDA

1. Call to Order
2. Approval of September 10, 2026, Meeting Minutes
3. Discussion and possible action - CSM to be configured between 137 E Main St, and 131 E Main St with the southwest property line of 137 E Main St, will be moving westerly by 3 feet into 131 E Main St, and the northwest property line of 137 E Main St will be moving westerly by 5 feet into 131 E Main St.

Parcel: 240033400, and 240033300

Requester: Ashley Warning and Nick Frank

4. Public hearing to repeal, replace, or create the ordinance(s) of Article 1 – In General, Article 2 – Zoning Districts, Zoning Map, Rules for Interpretation of District Boundaries, R-1 Conventional Single-Family Residential, R-2 Two Family Residential, R-3 Multifamily Residential, C-1 General Commercial, C-2 Highway Commercial, DT – Downtown, I-1 Light Industrial, I-2 General Industrial, AG – Agricultural, CN – Conservancy, PI – Public Institutional, Article 7 - Signs and Billboards and Article 10 - Administration and Enforcement
5. Close Public Hearing
6. Discussion and possible action to repeal and replace, or create the ordinance(s) of:
Article 1 – In General
7. Discussion and possible action to repeal and replace, or create the ordinance(s) of:
Article 2 -- Zoning Districts, Zoning Map, Rules for Interpretation of District Boundaries, R-1 Conventional Single-Family Residential, R-2 Two Family Residential, R-3 Multifamily Residential, C-1 General Commercial, C-2 Highway Commercial, DT – Downtown, I-1 Light Industrial, I-2 General Industrial, AG – Agricultural, CN – Conservancy, PI – Public Institutional
8. Discussion and possible action to repeal and replace, or create the ordinance(s) of:
Article 7 - Signs and Billboards
9. Discussion and possible action to repeal and replace, or create the ordinance(s) of:
Article 10 - Administration and Enforcement
10. Any topics for future discussion
11. Adjourn

"Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Administration Office at 779-6011 with as much advance notice as possible."

Posted: October 5, 2026
Lauren Prochnow, WCMC
Deputy Clerk-Treasurer

**VILLAGE OF HORTONVILLE
PLANNING & ZONING COMMISSION
SEPTEMBER 10, 2026 MEETING MINUTES**

President Jeanne Bellile called the meeting to order at 6:00 p.m. in the Community Center at 531 N. Nash St., Hortonville, Wisconsin.

Members present: Dave Moe, Barry Hoff, Richard Gruenewald, Mike Bellile, Julie Arendt Vanden Heuvel, Ryan Hansch, and Roger Retzlaff.

Members Excused: Tom Banker

Officials/Staff present: Administrator Nathan Treadwell, and Deputy Clerk-Treasurer Lauren Prochnow

Approval of August 13, 2026, Minutes

Motion [Gruenewald, Arendt Vanden Heuvel] to approve August 13, 2026, minutes. Unanimous voice vote, motion carried.

Public Hearing

Motion [Arendt Vanden Heuvel, Hoff] to open the public hearing regarding to repeal, replace, or create the ordinance(s) of Article 3 - planned unit development overlay district, Article 4 - conditional uses, Article 5 - non-conforming uses, structures, and lots, Article 7 - signs and billboards, Article 8 - satellite earth stations; television or radio antenna towers; wind energy systems, Article 9 - outside storage of firewood, fences and hedges, private recreational facilities, Article 10 - administration and enforcement, and Article 11 – zoning board of appeals. Unanimous voice vote, motion carried.

Close Public Hearing

Motion [Hoff, Hansch] to close the public hearing. Unanimous voice vote; motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 3 - planned unit development overlay district,

Most or some of these are tiny changes like verbiage. I was directed by the attorney to look it over and make sure it's with state law, make changes as needed. It's probably that once you start going through these you see what's wrong with the current ordinance but since we don't currently have one, it's hard to see what may be wrong with it.

Motion [Bellile, Moe] to approve the changes in Article 3 and accept them, making a recommendation to the Village Board. Unanimous voice vote, motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 4 - conditional uses,

I did speak with the attorney on how we wanted it listed. It's bad practice to have all the rules listed under conditional use when you change it, you can miss changing it in different areas. 44.44 would be removed.

Motion [Hoff, Bellile] to approve the conditional use changes of Article 4 and make a recommendation to the board. Unanimous voice vote; motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 5 - non-conforming uses, structures, and lots

Same things, directed by the attorney, there was a to do/not to do, what we're being proposed to do. Q: Somewhere it says we keep track of non-conforming? Answer: We are not. Q: What if someone wants to do something with a non-conforming lot? A: Ideally it would be nice to have staff do it. It's harder to figure out than not. We have to do research. Otherwise, we take every lot and assess if the new code fits to their house. When we know they are non-conforming, that's doable. Most of the time, people don't tell us when they're changing things. That's where we get into these issues.

Discussion ensued. Commission would like staff to start tracking non-conforming, legal and illegal.

Motion [Hansch, Moe] recommendation to approve Article 5, non-conforming uses, structures and lots with the changes that are required. Unanimous voice vote; motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 7 - signs and billboards

This is problematic for staff when they get a call. This is for the downtown district and other districts. There are other areas for the district, including a map the attorney does not have in here yet. If we're talking about signs allowed, might be easier with the downtown district. One thing that came up was the wall signs painted. It's allowed on one wall without windows. 44.227 that's where the table would be inserted for all of the zoning districts.

Trustee Arendt Vanden Heuvel – in regard to sandwich signs, since sidewalks will be wider, are these in compliance with ADA?

Administrator Treadwell - The new one does not talk about that there, but we could keep that section.

Discussion ensued.

Commission would like this to be brought back to the next meeting with table included.

If something isn't allowed in the uses, then it wouldn't be allowed.

We would combine the current ordinances into 1 sign ordinance.

For decals, remove the word "inside"

Page 30, window signs, not to exceed 50% of any wall or 10% of any glass door area. Would you rather have that or 25% per pane? We'd go through and propose what was done.

We'll table this discussion until the next planning-zoning meeting before it goes to board.

Motion[Arendt Vanden Heuvel, Hoff] to table article 7. Unanimous voice vote, motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 8 - satellite earth stations; television or radio antenna towers; wind energy systems

I believe this is a new one. I don't know how this would compare with anything. These can be regulated. We can limit it to 25 feet above the roofline and 50 feet above the ground. These are PSC regulated.

Motion [Arendt Vanden Heuvel, Moe] to recommend approving Article 8 – satellite earth stations; television or radio antenna towers and wind energy stations. Unanimous voice vote, motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 9 - outside storage of firewood, fences and hedges, private recreational facilities.

Starting on page 45, outside storage of firewood, should be under nuisances, the one in nuisance could be altered, kept in nuisances and linked to this ordinance. It's easier to keep it under a nuisance, vs. a zoning violation.

Fences and hedges – portions of this were re-written a few years ago, most of this should be similar to what the ordinances and fencing currently are.

Private recreational facilities – this is fairly new.

Trustee Arendt Vanden Heuvel – Question on a swimming pool – it's maybe 15 feet from the road instead of 50 feet. A: Corner lots are different.

If we added in a 3rd option where you have to have a fenced in yard, we would need to follow the accessory guidelines.

Motion[Arendt Vanden Heuvel, Moe] to accept Article 9, outside storage of firewood, fences and hedges, private recreational facilities.

Unanimous Voice Vote, Motion Carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of: Article 10 - administration and enforcement.

This area lays out my role, and calls out the Zoning Administrator, site plan review process.

Highlighted areas – stuff they wanted to keep in. I may have to bring these back to them. We kind of have that area taken care of. With this I can talk over with the attorney and bring it back. Most of the stuff is general processes.

Motion [Retzlaff, Hoff] to table and bring back. Unanimous voice vote, motion carried.

Discussion and possible action to repeal and replace, or create the ordinance(s) of Article 11 – zoning board of appeals

Administrator Treadwell stated that this is pretty much through the attorney, due to what's legal and up to date. The highlighted areas are mine and I don't know if we have a form that's an appeal.

Board of appeals is used when citizens disagree with the Village. Board of appeals is appointed by the president, and they have the final say. It's made to be judicially fair. Variances go through board of appeals, which deals with the interpretation of the law. If it doesn't meet the criteria of requirements, they can't go forward.

Motion [Moe, Bellile] to accept article 11, zoning board of appeals. Unanimous voice vote, motion carried.

Any other topics for future discussion

We'll bring back those 2 and definitions and districts and after the October meeting, in November we'll bring back everything and do a repeal and replace of everything.

Adjourn

Motion [Bellile, Retzlaff] to adjourn. Unanimous voice vote, motion carried. The Commission meeting adjourned at 7:45 p.m.

Minutes submitted by,

Lauren Prochnow, WCMC
Deputy Clerk-Treasurer

VILLAGE OF HORTONVILLE
OUTAGAMIE COUNTY
NOTICE OF DISCUSSION CSM
Thursday, October 8, 2026
6:00 p.m.

Notice is hereby given that a discussion will be held by the Hortonville Village Planning & Zoning Commission in the Community Center at 531 N Nash Street, Hortonville, Wisconsin at 6:00 p.m. on Thursday, October 8, 2026, or as soon thereafter as the matter can be heard, to solicit comments on the following parcels for a Certified Survey Map to be reconfigured; the southwest property line of 137 E Main St, will be moving westerly by 3 feet into 131 E Main St, and the northwest property line of 137 E Main St will be moving westerly by 5 feet into 131 E Main St .

Parcels: 240033400, 240033300

Address: 137 E Main St, 131 E Main St

Requestor: Nick Frank, Ashley Warning

All persons interested are invited to attend this hearing and be heard.

For specific information, reference can be made to documents on file in the Village Administration Office, 531 N. Nash St., Hortonville, Wisconsin. Telephone (920) 779-6011.

Any interested person may address the Village Board by letter or appear in person or agent and be heard.

Dated this 2nd day of October, 2026.

Lauren Prochnow, WCMC
Deputy Village Clerk-Treasurer

Original

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Title; effective date; citation.

These ordinances shall be known as the "Code of Ordinances, Village of Hortonville, Wisconsin," and shall take effect from and after passage and publication as provided in Wis. Stats. § 62.11. This Code may also be referred to by the shortened title, "Hortonville Code." All references thereto shall be cited by section number.

(Code 1989, § 25.07)

State law reference(s)—Code of ordinances authorized, Wis. Stats. § 66.0103.

Sec. 1-2. Definitions and rules of construction.

The following rules and meanings shall be applied in the construction and interpretation of this Code and village ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances encompassed herein:

Acts by agents. When this Code or village ordinance requires an act done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.

Code. The term "Code," when used in any section of this Code, refers to this compilation of ordinances unless the context of the section clearly indicates otherwise.

County. The term "county" means Outagamie County, Wisconsin.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the village to do some act or perform some duty, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty unless the terms of the provision designate otherwise.

Department, board, agency. The name or title of the terms "department," "board" or "agency," unless otherwise specifically stated otherwise, shall be read as though the term "of the Village of Hortonville, Wisconsin," were added thereto.

Fee schedule. The term "fee schedule" means the official consolidated list of rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the village board, on file in the village clerk-treasurer's office.

Fine. The term "fine" means the equivalent of the term "forfeiture," and vice versa.

Gender. Use has been made of masculine pronouns in this Code solely for the sake of brevity. Unless specifically stated to the contrary, this Code is gender neutral and words in this Code referring to the masculine gender are also be construed to apply to females.

Interpretation generally. All words and phrases in this Code, except as specifically set forth in this or other definitions sections, shall be construed according to their plain meaning in usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if that is the intent of this Code.

Joint authority. All words purporting to give a joint authority to three or more village officers or employees shall be construed as giving such authority to a majority of such officers or other persons.

Law. The term "law" means and denotes applicable federal law, the state constitution and statutes, this Code, ordinances and resolutions of the county, and, when appropriate, any and all rules and regulations that may be promulgated thereunder.

May. The term "may" is to be construed as being permissive.

Number. Every word in this Code referring to the singular number only shall also be construed to apply to several persons or things, and every word in this Code referring to a plural number shall also be construed to apply to one person or thing.

Ordinance. The term "ordinance" means a legislative act of the village board of a general and permanent nature.

Person. The term "person" means any of the following entities: natural persons, corporations, partnerships, associations, bodies politic or any other entity of any kind which is capable of being sued.

Public place. The term "public place" means any place subject to the primary control of any public agency, including, but not limited to, any park, street, public way, cemetery, schoolyard or adjacent open space and any lake or stream.

Resolution. The term "resolution" means a legislative act of the village board of a special or temporary character.

Shall. The term "shall" is mandatory.

State. The term "the state" or "this state" means the State of Wisconsin.

Statute. The term "statute," unless otherwise specifically stated, refers to the indicated portion of the Wisconsin Statutes, as amended.

Tense. The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.

Village. The term "village" means the Village of Hortonville, Outagamie County, Wisconsin.

Village board of trustees. The term "village board" or "board" means the village board of trustees of Hortonville, Wisconsin.

Wis. Admin. Code. The abbreviation "Wis. Admin. Code" means the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

Wis. Stats. The abbreviation "Wis. Stats." means Wisconsin Statutes as amended or renumbered from time to time.

(Code 1989, § 25.01)

Sec. 1-3. Catchlines, notes and references.

- (a) The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, not as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.
- (b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are intended merely to indicate the source of matter contained in the section.

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- (c) Editor's notes and state law references that appear after sections or subsections of this Code or which otherwise appear in footnote or other form, and preliminary and introductory pages of this Code appearing before the first Code chapter, are provided for the convenience of the user of this Code and have no legal effect.
 - (d) All references to chapters, articles, divisions, subdivisions, or sections are to chapters, articles, divisions, subdivisions, or sections of this Code, unless otherwise specified.

Sec. 1-4. Conflict and separability.

- (a) *Conflict of provisions.* If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
- (b) *Separability of Code provisions.* If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The village board hereby declares that it would have passed this Code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

(Code 1989, § 25.02)

Sec. 1-5. Clerk-treasurer to file documents incorporated by reference.

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the clerk-treasurer shall file, deposit and keep in his office a copy of this Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the clerk-treasurer's office hours, subject to such orders or regulations which the clerk-treasurer may prescribe for their preservation.

(Code 1989, § 25.03)

Sec. 1-6. Certain ordinances not affected by Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- (1) The issuance of corporate bonds and notes of the village of whatever name or description.
- (2) The establishment of grades, curblines and widths of sidewalks in the public streets and alleys.
- (3) The fixing of salaries of public officials and employees.
- (4) Rights, licenses or franchises or the creation of any contract with the village.
- (5) The lighting of streets and alleys.
- (6) The annexation of territory to the village.
- (7) The naming and changing of names of streets, alleys, public grounds and parks.
- (8) The letting of contracts without bids.
- (9) The establishment of wards, ward boundaries and election precincts.

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- (10) Tax and special assessment levies.
 - (11) Releases of persons, firms or corporations from liability.
 - (12) Construction of public works.
 - (13) Water, sewer and electric rates, rules and regulations and sewer and water main construction.
 - (14) Budget ordinances, resolutions and actions.

(Code 1989, § 25.05)

Sec. 1-7. Effect of repeals.

The repeal or amendment of any section or provision of this Code or of any other ordinance or resolution of the board shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the village.
- (3) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

(Code 1989, § 25.06)

Sec. 1-8. Procedure for amending Code.

- (a) All ordinances passed subsequent to the adoption of this Code that amend, repeal, or in any way affect this Code shall be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the village board.
- (b) Amendments to any of the provisions of this Code shall be made by amending such provisions by specific reference to the section number of this Code in the following language: "Section ____ of the Code of Ordinances, Village of Hortonville, Wisconsin, is hereby amended to read as follows:...." The new provisions shall then be set out in full as desired.
- (c) In the event a new section not previously existing in this Code is to be added, the following language shall be used: "The Code of Ordinances, Village of Hortonville, Wisconsin, is hereby amended by adding a section to be numbered ____, to read as follows:...." The new section shall then be set out in full as desired.

State law reference(s)—Adoption of municipal ordinances, Wis. Stats. § 62.11.

Sec. 1-9. Keeping Code current; supplementation of Code.

- (a) By contract or by village personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the village board. A supplement to this Code shall include all substantive permanent and general parts of ordinances passed by the board during the period covered by the supplement and all changes made in this Code. The pages of a supplement shall be so numbered that they will fit properly into this Code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be so prepared that, when they have been inserted, this Code will be current through the date of the adoption of the latest ordinance included in the supplement.
- (b) In preparing a supplement to this Code, all portions of this Code that have been repealed shall be excluded from this Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make nonsubstantive changes in ordinances and parts of ordinances included in the supplement insofar as it is necessary to embody the provisions into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of this Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in this Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ through _____" (inserting section numbers to indicate the sections of this Code which embody the substantive sections of the ordinance incorporated into this Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into this Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in this Code.

(Code 1989, § 25.08)

Sec. 1-10. Altering Code.

It shall be unlawful for any person in the village to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the village to be misrepresented thereby.

State law reference(s)—Tampering with public documents, Wis. Stats. § 946.72.

Sec. 1-11. General penalties.

- (a) *Penalties for first and second offense.* Except as otherwise provided, any person who shall violate any provision of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (1) *First offense.* Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 or more than \$1,000.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
 - (2) *Second offense.* Any person found guilty of violating any ordinance or provision of this Code who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$50.00 or more than \$1,000.00 for each such offense, together with the costs of prosecution, and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.

Provided, however, that no fine for violation of a village ordinance shall exceed the maximum fine permitted by state law.

- (b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the village from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (c) *Other remedies.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the village, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

(Code 1989, § 25.04(1)–(3))

State law reference(s)—Penalties under county and municipal ordinances, Wis. Stats. § 66.0109; classification of and penalties for violation of misdemeanors, Wis. Stats. § 939.51.

Sec. 1-12. Citation method of enforcement.

Pursuant to Wis. Stats. § 66.0113, which is incorporated and made a part of this section, the village elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists. Citations shall contain the following:

- (1) Name and address of the alleged violator.
- (2) Factual allegations describing the alleged violation.
- (3) Time and place of the offense.
- (4) Number and section of the ordinance violated.
- (5) A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
- (6) Time and date in which the violator may appear in court.
- (7) A statement which informs the violator:
 - a. That a cash deposit based on the established schedule may be delivered or mailed to the municipal court of the village prior to the time of the scheduled court appearance.

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- b. That if a deposit is made no appearance in court is necessary unless he is subsequently summoned.
 - c. That if a cash deposit is made and the alleged violator does not appear in court at the specified time, an action may be commenced to collect the forfeiture.
 - d. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the required statement has been read. Such statement shall be sent or brought with the cash deposit.
- (8) Deposits shall be made in cash, money order or certified check to the municipal court of the village which shall provide a receipt therefor.

(Code 1989, § 25.04(4))

State law reference(s)—Similar provisions, Wis. Stats. § 66.0113.

Sec. 1-13. Failure of officers to perform duties.

The failure of any officer or employee of the village to perform an official duty imposed by this Code shall not subject such officer or employee to the penalty imposed for violation of this Code unless otherwise specifically provided in this Code.

Sec. 1-14. Code does not affect prior offenses, acts, penalties or rights.

Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

ARTICLE III. DISTRICTS AND DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Sec. 44-62. Districts.

Thirteen zoning districts (11 regular and two overlay) are provided in the village as follows:

- (1) *Regular districts.*
 - a. Single-family residence (R1).
 - b. Two-family residence (R2).
 - c. Multiple-family residence (R3).
 - d. General commercial (C1).
 - e. Highway commercial (C2).
 - f. Light industrial (I1).

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- g. General industrial (I2).
 - h. Agricultural district (A).
 - i. Conservancy district (W).
 - j. Downtown zoning district (D).
 - k. Public institutional district (PI).

(2) *Overlay districts.*

- a. Planned unit development district (PD).
- b. Groundwater protection district (GW).

(Code 1989, § 17.15; Ord. No. O-2-21, 10-7-2021)

Sec. 44-63. Official map.

The official zoning map, as amended from time to time, is an integral part of this chapter. The single official copy of this map, entitled "Hortonville, Wisconsin, Official Zoning Map," together with a copy of this chapter, shall be kept at the office of the village clerk-treasurer and shall be certified by the village president and attested by the village clerk-treasurer. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a certified and attested certificate describing the change is filed with the map.

(Code 1989, § 17.16)

Sec. 44-64. District boundaries.

- (a) The district boundaries are either streets or alleys, unless otherwise shown, and where the designation on the map indicates that the various districts are approximately bounded by a street or alley line, such street or alley line shall be construed to be the district boundary line.
- (b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the map are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of the street.
- (c) In un-subdivided property, the district boundary shown on the map shall be determined by the use of the scale shown on such map.

(Code 1989, § 17.17)

Sec. 44-65. Single-Family Residence District (R1).

- (a) *Intent.* The R1 district is intended to provide a quiet, pleasant, and relatively spacious living area protected from traffic hazards and intrusion of incompatible land uses.
- (b) *Permitted uses.* The following uses of land are permitted in the R1 district:
 - (1) Single-family dwellings.
 - (2) Churches and all affiliated uses, all schools, libraries, and hospitals, water storage facilities, cemeteries and related structures.
 - (3) Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
 - (4) Public parks, playgrounds and recreational and community center buildings and grounds.

(5) Telephone buildings, exchanges, and lines, and transformer stations, excepting service garages, storage yards and microwave radio relay structures, unless their location is approved by the planning and zoning commission.

(6) Unlighted signs and bulletin boards of up to four square feet for advertisements for a lease or sale of the premises and 24 square feet (lighted or unlighted) for public or religious announcements or for premises identification for churches, schools, libraries, hospitals, water storage facilities, cemeteries, professional offices and related structures, provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest sidewalk or street. There shall be a height limit of no more than five feet for any sign of such square footage and there is, further, a limit of one such sign per property; if a church, school, library, hospital, water storage facility, cemetery, professional office or other related structure shows a need for additional signage, each sign must total no more than up to four square feet.

(7) One detached private garage or accessory building.

(8) Uses customarily incidental to any of the uses in this subsection (b), provided that no such use generates traffic or noise that would create a public or private nuisance.

- (c) *Conditional uses.* Conditional uses in the R1 district are customary home occupations, multiple-family residences, and hospitals and clinics.
- (d) *Area, height, yard, and parking requirements.*

R1 District Area, Height, Yard and Parking Requirements

Maximum building height	35 feet
Minimum side yard:	
Principal buildings	8 feet minimum each side
Accessory buildings	5 feet on each side
Impervious Surface Setback	5 feet
Minimum front yard setback	25 feet
Minimum rear yard setback:	
Principal buildings	20 feet
Accessory buildings	5 feet
Minimum lot area	9,000 square feet
Minimum lot width (measured at rear of front yard)	75 feet
Minimum living space:	
One- and two-bedroom dwellings	1,050 square feet
Each additional bedroom	120 square feet
Garage (required for all new homes)	400 square feet minimum
Parking, off-street, in addition to garage:	

Residential	2 spaces
Public gathering	1 space for each 5 seats

(Code 1989, § 17.18; Ord. No. O-1-23, 1-12-2023; Ord. No O-4-23, 6-1-2023)

Sec. 44-66. Two-Family Residence District (R2).

- (a) *Intent.* The R2 district is intended to provide a pleasant, suitable location for duplex residences.
- (b) *Permitted uses.* Any use permitted in the R1 district and two-family dwellings are permitted uses in the R2 district.
- (c) *Area, height, yard, and parking requirements.*

R2 District Area, Height, Yard and Parking Requirements

Maximum building height	35 feet
Minimum side yard:	
Principal buildings	8 feet on one side, 20 feet total
Accessory buildings	5 feet on each side
Minimum front yard setback	25 feet
Minimum rear yard setback:	
Principal buildings	25 feet
Accessory buildings	5 feet
Minimum lot area per family	6,000 square feet
Minimum lot width	80 feet
Minimum floor area per family	700 square feet
Parking:	
Off-street residential	1 per family and 1 per boarders or guests
Public gathering	1 space for each 10 seats

(Code 1989, § 17.19)

Sec. 44-67. Multiple-Family Residence District (R3).

- (a) *Intent.* The R3 district is intended to provide a living area that is pleasant, but not as spacious as the R1 or R2 districts.
- (b) *Permitted uses.* The following uses of land are permitted:
 - (1) Any use permitted in the R2 district.

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- (2) Multifamily dwellings.
 - (3) Charitable institutions, rest homes, and private, nonprofit clubs and lodges.
 - (4) Storage garages provided they are at least 75 feet from the front lot line and 30 feet from the side lot lines and provided that the property includes at least 2,000 square feet of lot area for each vehicle stored.
 - (c) *Area, height, yard, and parking requirements.*

R3 District Area, Height, Yard and Parking Requirements

Maximum building height	45 feet
Minimum side yard:	
Principal buildings	10 feet on each side
Accessory buildings	5 feet
Minimum front yard setback	30 feet
Minimum rear yard setback:	
Principal buildings	25 feet
Accessory buildings	5 feet
Minimum lot area per family:	
One-family	8,500 square feet
Two-family	6,000 square feet
Multifamily	3,500 square feet
Minimum lot width	80 feet
Minimum floor area per family:	
Three-bedroom apartments	800 square feet
Two-bedroom apartments	700 square feet
One-bedroom apartments	500 square feet
Parking:	
Off-street residential	1 per family plus 1 for every 2 boarders or guests
Public gathering	1 per 10 seats

(Code 1989, § 17.20)

Sec. 44-68. General Commercial District (C1).

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- (a) *Intent*. The C1 district is intended to provide an area for the business and commercial needs of the community.
 - (b) *Permitted uses*. The following uses are permitted in the C1 district:
 - (1) Appliance dealers.
 - (2) Art, gift, jewelry, and notion shops.
 - (3) Bakeries (retail) and candy, confectionery, and ice cream stores.
 - (4) Barbershops, beauty parlors and other personal, business, or repair services (non-automotive).
 - (5) Banks and other financial institutions.
 - (6) Offices, including clinics (medical) and other professional offices, real estate, insurance, utilities, telephone and telegraph offices and post offices.
 - (7) Clothing and dry goods stores.
 - (8) Drugstores and pharmacies.
 - (9) Florist shops.
 - (10) Retail fruit, vegetable, meat and fish markets, grocery stores, delicatessens, and supermarkets.
 - (11) Furniture, hardware, and department stores.
 - (12) Lunchrooms and cafes.
 - (13) Liquor stores.
 - (14) Music, radio, and television stores.
 - (15) Newsstands and soda fountains.
 - (16) Parking lots.
 - (17) Photography studios.
 - (18) Residences as long as they are not to the front of the structure on street level, are not visible to anyone entering into the storefront area and the residence makes up less than 50 percent of the total square footage of the structure.
 - (19) Sport shops.
 - (20) Temporary structures.
 - (21) Variety stores.
 - (22) Clubs, fraternal organizations, and lodges operated for a profit.
 - (23) Other uses similar to or customarily incidental to any of the uses listed in this subsection (b).
 - (c) *Conditional uses*. Conditional uses in the C1 district include automotive sales and service, farm implement sales and service, and adult establishments defined in section 44-2.
 - (d) *Area, height, yard, and parking requirements*.

C1 District Area, Height, Yard and Parking Requirements

Maximum building height	45 feet
Minimum side yard:	

Principal buildings:	10 feet on each side
Fireproof construction	None
Non-fireproof construction	9 feet
Accessory buildings	5 feet
Minimum front yard setback	None
Minimum rear yard setback:	
Principal buildings	25 feet
Accessory buildings	5 feet
Minimum lot width:	80 feet
Fireproof construction	25 feet
Non-fireproof construction	45 feet
*Parking:	
Off-street residential	1 space for every 200 square feet of floor area
Public gathering	1 per 5 seats
Truck unloading area	Sufficient space so that no streets or alleys need be blocked
*Parking may be provided on site or on an adjacent lot or the equivalent improved space may be donated to the village for a municipal parking lot subject to approval by the village board.	

(Code 1989, § 17.21)

Sec. 44-69. Highway Commercial District (C2).

- (a) *Intent.* The C2 district is intended to provide for the orderly and attractive growth and development of commercial establishments that create an aesthetically pleasing and cohesive design that is tailored to provide for uses that require highway frontage, visual exposure, and serve the needs of vehicle-oriented traffic.
- (b) *Permitted uses.* The following uses are permitted in the C2 district:
 - (1) Department stores.
 - (2) Discount stores.
 - (3) Gift stores.
 - (4) Drive-in restaurants.
 - (5) Motels/hotels.
 - (6) Recreational establishments (drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf, and similar uses).

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- (7) Restaurants.
 - (8) Service stations.
 - (9) Shopping centers.
 - (10) Supermarkets.
 - (11) Tourist information/hospitality centers.
 - (12) Personal services (barbershops, accountants, attorneys, healthcare, insurance, office).
 - (13) Sport shops.
 - (14) Drugstores/pharmacies.

- (c) *Conditional uses.* The following are conditional uses in the C2 district:

- (1) Automotive sales and service.
- (2) Automotive parts sales.
- (3) Lumberyards.
- (4) Greenhouses.
- (5) Feed and seed stores.
- (6) Farm machinery and equipment sales.
- (7) Building supply stores.
- (8) Plant nurseries.

- (d) *Area, height, yard, and parking requirements.*

C2 District Area, Height, Yard and Parking Requirements

Maximum building height	35 feet
Minimum side yard:	
Principal buildings	10 feet on each side
Accessory buildings	5 feet on each side
Minimum front yard setback:	
Without front yard parking	50 feet
Parking permitted in front yard	75 feet
Minimum rear yard setback:	
Principal buildings	50 feet
Accessory buildings	5 feet
Minimum lot width—Measured at rear of front yard	75 feet
Parking:	

Commercial (same as C1)	1 space for every 200 square feet of floor area
Motels	1.5 spaces per unit
Places of public gathering	1 space per each 5 seats
Truck unloading area	Sufficient space so that no streets or alleys need be blocked

(Code 1989, § 17.22; Ord. of 9-5-2016)

Sec. 44-70. Light Industrial District (I1).

- (a) *Intent.* The I1 district is intended to provide for industrial and manufacturing uses in areas separated from other sections of the village.
- (b) *Permitted uses.* The following uses are permitted in the I1 district:
 - (1) Any industrial use may be permitted, except those that are dangerous or generate a high degree of noise, smoke, traffic or air or water pollution that would create a public or private nuisance.
 - (2) Certain specialized activities, including:
 - a. Drive-in establishments serving food or beverages for consumption on the premises.
 - b. Motels, motor lodges, and inns.
 - c. Vehicle sales, service, washing and repair stations and garages. All gasoline pumps are to be at least 30 feet from any existing or proposed street line.
 - d. Recreational establishments, including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses and similar uses.
 - e. Automotive and farm implement sales and service, seed, feed and farm supply sales, lumberyards, warehousing, motor carrier facilities and related operations.
 - f. A dwelling unit for either a caretaker or superintendent if the light industrial use requires constant supervision.
 - g. Uses clearly similar in character or customarily incident to any of the uses listed in this subsection (b).
 - (3) All uses proposed for this district are subject to the provisions of article II of this chapter.
 - (4) All other uses are prohibited.
- (c) *Area, height, yard, and parking requirements.*

I1 District Area, Height, Yard and Parking Requirements

Maximum building height	45 feet
Minimum side yard:	
Principal buildings	20 feet

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Accessory buildings	5 feet
Minimum front yard setback	40 feet
Minimum rear yard setback:	
Principal buildings	25 feet
Accessory buildings	5 feet
Minimum lot width—Measured at rear of front yard	100 feet
Parking—Industrial	1 space per each 2 employees
Truck unloading area	Sufficient space so that no streets or alleys need be blocked

(Code 1989, § 17.23)

Sec. 44-71. General Industrial District (I2).

- (a) *Intent and permitted uses.* The I2 district provides land for all uses permitted in the I1 district plus those industries which normally include the use of heavy machinery and may require outdoor storage areas for raw materials or finished products, provided such storage is enclosed by a suitable screening fence. Residential uses are prohibited, except that a dwelling unit may be provided for a caretaker or superintendent if the industrial use requires constant supervision. All uses proposed for this district are subject to the provisions of article II of this chapter.
- (b) *Area, height, yard, and parking requirements.*

I2 District Area, Height, Yard and Parking Requirements

Maximum building height	45 feet
Minimum side yard:	
Principal buildings	20 feet on each side
Accessory buildings	5 feet on each side
Minimum front yard setback	40 feet
Minimum rear yard setback:	
Principal buildings	25 feet
Accessory buildings	5 feet
Minimum lot width—Measured at rear of front yard	140 feet
Parking—Industrial	1 space per each 2 employees
Truck unloading area	Sufficient space so that no streets or alleys need be blocked

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(Code 1989, § 17.24)

Sec. 44-72. Agricultural District (A).

- (a) *Intent.* The intent of the A district is to allow the development of small-scale farming activities characterized by the mixed crop of the traditional "family farm" along with residential growth. This district can be located in those areas where the occurrence of scattered urban uses are likely to occur. However, farming is to be recognized as the dominant activity of the area.
- (b) *Permitted uses.* The following uses are permitted in the I2 district:
 - (1) Farming and dairying, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or commercial district.
 - (2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables and truck farming.
 - (3) In-season roadside stands for the sale of farm products produced on the premises and up to two unlighted signs not larger than eight square feet, each advertising such sale.
 - (4) Fur farms, kennels, insect breeding facilities, greenhouses and other agricultural uses that may cause noxious odors or noise or create health or sanitation hazards are permitted, but only with written permission of the village board on the recommendation of the planning and zoning commission, pursuant to the procedures prescribed for zoning amendments by Wis. Stats. § 62.23.
 - (5) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
 - (6) Uses customarily incidental to any of the uses listed in this subsection (b), including residential use.
- (c) *Conditional uses.* The following are conditional uses in the I2 district:
 - (1) Churches, schools, cemeteries, community parks and recreation areas, public and semi-public buildings, communications towers, water storage and sewage disposal facilities and power stations, provided they are enclosed by an eight-foot or more protective, screened fence.
 - (2) Single-family residences, provided they are located on five-acre or more tracts and that soils analysis indicates a suitability for private sewer and water systems.
 - (3) Sanitary landfill and related operations, provided sufficient setback, screening and protective fencing are provided.
- (d) *Area, height, and yard requirements.*

I2 District Area, Height and Yard Requirements

Maximum building height:	
Residential structures	40 feet
Other structures except communications towers	None
Minimum side yard:	
Principal buildings	20 feet on each side
Accessory buildings	5 feet on each side
Minimum front yard setback	50 feet
Minimum rear yard setback:	

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Principal buildings	50 feet
Accessory buildings	5 feet
Minimum lot area per family— Residential	5 acres
Minimum lot width— Measured at rear of front yard	300 feet

(Code 1989, § 17.25)

Sec. 44-73. Agri-Business District (A1).

- (a) *Intent.* The intent of the A1 district is to identify and to establish those areas suited to the economics of large-scale agricultural uses. In turn, the value of this land is to be maintained by protecting these areas from the intrusion of urban uses. The location of this district should encompass sufficient acreage where soil characteristics or existing operations will facilitate extensive production of crops; forest products; livestock, poultry, and their products; and dairy products. The intent of the A1 district is to help conserve farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services, such as sewer and water lines.
- (b) *Permitted uses.* The following uses are permitted in the A1 district:
 - (1) Dairying, forestry, livestock raising, pasturage for grazing, fur farms, beekeeping, fish farms and hatcheries, orchards, greenhouses, plant nurseries, floriculture, sod farming, paddocks, poultry raising, stables, truck farming and viticulture.
 - (2) In-season roadside stands for the sale of farm products produced on the premises and up to two unlighted signs not larger than eight square feet, each advertising such sale.
 - (3) Fur farms, kennels, insect breeding facilities, greenhouses and other agricultural uses that may cause noxious odors or noise or create health or sanitation hazards are permitted, but only with written permission of the village board on the recommendation of the planning and zoning commission pursuant to the procedures prescribed for zoning amendments by Wis. Stats. § 62.23.
 - (4) Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
 - (5) Uses customarily incidental to any of the uses of this subsection (b), including residential use.
- (c) *Conditional uses.* The following are conditional uses in the A1 district:
 - (1) Churches, schools, cemeteries, community parks and recreation areas, public and semi-public buildings, communications towers, water storage and sewage disposal facilities and power stations, provided they are enclosed by an eight-foot or more protective, screened fence.
 - (2) Single-family residences, provided they are located on 35-acre or more tracts and that soils analysis indicates suitability for private sewer and water systems.
- (d) *Area, height, and yard requirements.*

A1 District Area, Height and Yard Requirements

Maximum building height:

Residential structures	40 feet
Other structures except communications towers	None
Minimum side yard:	
Principal buildings	20 feet on each side
Accessory buildings	5 feet on each side
Minimum front yard setback	50 feet
Minimum rear yard setback:	
Principal buildings	50 feet
Accessory buildings	5 feet
Minimum lot area per family	35 acres
Minimum lot width—Measured at rear of front yard	300 feet

(Code 1989, § 17.25A; Ord. of 2-15-2001)

Sec. 44-74. Conservancy District (W).

- (a) *Intent.* The W district is intended to preserve the natural state of scenic areas in the community; to prevent uncontrolled, uneconomical spread of residential development; and to help discourage intensive development of marginal lands so as to prevent potential hazards to public and private property.
- (b) *Permitted uses.* The following uses are permitted in the W district:
 - (1) Management of forestry, wildlife, and fish.
 - (2) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
 - (3) Hunting, fishing, and trapping.
 - (4) Dams, power stations and transmission lines and water storage facilities.
 - (5) Gravel or sand pits and quarries, including the washing and grading of products.
 - (6) Parks and general recreational areas.
 - (7) Uses similar and customarily incidental to any of the uses listed in this subsection (b).
- (c) *Conditional uses.* The following are conditional uses in the W district:
 - (1) Sewage disposal plants.
 - (2) Water storage and pumping facilities.
 - (3) Golf courses.
 - (4) Seasonal, public camping grounds.
- (d) *Setback, lot size, etc.* The minimum side and rear yard setback for accessory buildings is five feet.

(Code 1989, § 17.26)

Sec. 44-75. Reserved.

Sec. 44-76. Public institutional district (PI).

- (a) *Purpose.* The P-I district is intended to provide for public and institutional uses and buildings, utilized by the community, and to provide open space standards where necessary for the protection of adjacent residential properties.
- (b) *Principal permitted uses.* The following principal uses are permitted as of right in the P-I district:

Public and semi-public uses

- Educational institution; business, technical or vocational school
- Educational institution; college or university
- Educational institution; elementary school, junior high school, or high school
- Governmental facility
- Hospital
- Non-profit/religious institution
- Public parks or playgrounds
- Recreation facility, non-profit
- Day care, group, when located and operated in an educational institution, place of worship or semi-public building
- (c) *Accessory uses.* Accessory uses in the P-I district may include:
 - (1) The accessory uses, buildings and structures are permitted conditional use as of right in the P-I district.
 - (2) Fences and walls are to be six feet in height and subject to conditional use permit/appeal for higher height. Fences and walls are also allowed to be placed on the lot line.
- (d) *Temporary uses and structures.* Temporary uses and structures specified in ordinance may be permitted in the P-I district.
- (e) *Site plan.* Prior to obtaining a building permit on any land in the P-I district, a site plan shall be required. Site plan review and approval.
- (f) *Signs.* All new sign permits will go through the conditional use process.
- (g) *Parking and landscape standards.* Off-street parking and loading requirements are set forth in off-street parking and loading standards (one space for every 200 square feet of floor area). Landscaping requirements are set forth in landscaping and screening standards.
- (h) *Development standards.* The space limits applicable in the P-I district are as follows:
 - (1) Minimum lot area: None.
 - (2) Maximum lot coverage: Seventy percent.
 - (3) Minimum lot width: None.
 - (4) Minimum front yard: Five feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.
 - (5) Minimum rear yard: Five feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.

(6) Minimum side yard: Five feet plus an additional one foot for each two feet that the building or structure exceeds 35 feet in height.

(7) Maximum building height: Sixty feet.

(Ord. No. O-2-21, 10-7-2021)

Secs. 44-77—44-91. Reserved.

DIVISION 2. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

Sec. 44-92. Purpose.

The purpose of the planned unit development district is to promote creative and efficient use of the land by providing design flexibility in the application of the provisions of a primary zoning district by providing an overlay district within any of the primary zoning districts. The planned unit development provisions are intended to:

- (1) Protect natural features in private, common, or public open space.
- (2) Improve the efficiency of public streets and utilities.
- (3) Provide transitions in land use in keeping with the character of adjacent land use, or improve the arrangement of structures, facilities, and amenities on a site for both private and public benefit.

(Code 1989, § 17.27(1))

Sec. 44-93. Designation.

All planned unit development districts shall be designated on the official zoning map of the village and in the legal description of the property to be overlaid.

(Code 1989, § 17.27(2))

Sec. 44-94. Uses.

All principal, provisional, conditional, and accessory uses allowed in the primary zoning district are permitted in the planned unit development district subject to the provisions of the primary zoning district and as specified on an approved development plan.

(Code 1989, § 17.27(3))

Sec. 44-95. Applicability.

All applicable primary zoning district provisions, other than use restrictions, are superseded by the approval of a preliminary development plan by the village board. The approved preliminary development plan establishes the provisions. The preliminary or final development plan shall govern and take precedence over primary zoning district provisions. However, no preliminary or final development plan shall be approved by the village board which, for the total land area of the planned development:

- (1) Exceeds maximum coverage area of a lot by more than 30 percent;
- (2) Reduces minimum lot area and lot width by more than 25 percent of the applicable district provision; and
- (3) Reduces minimum setback in an industrial primary zoning district from a property line adjoining a residential primary zoning district. The approval of a final development plan subject to the provisions of the planned unit development district shall satisfy the requirements for final site and building plan approval in all primary and overlay zoning districts.

(Code 1989, § 17.27(5))

Sec. 44-96. Applicable procedure.

Prior to an applicant's request for rezoning, or submission of a preliminary development plan, a pre-PUD application meeting is required between the applicant and village staff. At this time the appropriate application procedures, requirements and applicable Code provisions will be reviewed and explained. Prior to the issuance of any permits for development within a planned unit development district, a rezoning of planned unit development district shall be adopted by the village board, a preliminary development plan shall be approved by the village board, and a final development plan shall be approved by the village board according to the procedure provided in this division.

(Code 1989, § 17.27(6)(intro. ¶))

Sec. 44-97. Preliminary development plan.

- (a) Content.
 - (1) The applicant shall submit preliminary development plans, which include the following:
 - a. A location map which indicates existing and future land uses.
 - b. Maps of existing and proposed site features and uses at a scale specified by the zoning administrator which indicates topography in two-foot contours; building outlines; location of significant vegetation; location of streets, drives, and parking areas; and other significant features.
 - c. Drawings of all proposed structure elevations including signs.
 - d. A preliminary circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access for receiving material and trash removal.
 - e. A preliminary drainage, grading, utility and erosion control plan.
 - f. A written report which indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which have resulted in the planned unit development proposal, and includes a statement of which primary zoning district provisions are being modified by the planned unit development.
 - g. A shift of density or intensity plan, if applicable.
 - h. A wetlands identification plan which identifies all wetlands on the property where development is proposed.
 - i. Any other information deemed necessary by the zoning administrator in order to evaluate plans.
 - (2) Five copies of the information listed in subsection (a)(1) of this section shall be submitted plus one reduced set no larger than 8.5 inches by 11 inches.
- (b) For village-initiated rezoning to planned unit development districts, the preliminary development plan may consist of any information deemed necessary to identify and protect the public interest.
- (c) The purpose of the preliminary development plan is to establish the intent, density, and intensity for a proposed development. The applicant shall submit a preliminary development plan to the zoning administrator together with an application for rezoning to the planned unit development district. The planning and zoning commission shall conduct an informal public hearing, to consider the rezoning request, and to consider a recommendation for approval or disapproval of a preliminary development plan. At this public hearing, the planning and zoning commission shall receive a report from the zoning administrator recommending approval, disapproval, or approval with specified modifications. Upon due consideration the planning and zoning commission shall recommend to the village board, by a two-thirds vote of the entire commission, approval or disapproval of the rezoning, or approval of the preliminary development plan, or disapproval of the preliminary development plan, or approval of the preliminary development plan with specified modification.

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- (d) Following planning and zoning commission recommendation, the village board shall hold a public hearing for consideration of the rezoning request and a public hearing, in accordance with the law, for consideration of a preliminary development plan. At this public hearing, the village board shall receive the recommendation from the planning and zoning commission and a report from the zoning administrator. Upon due consideration, the village board shall, by a two-thirds vote of the entire board, approve or disapprove the rezoning, or approve the preliminary development plan, or disapprove the preliminary development plan, or approve a preliminary development plan with specified modifications. Any preliminary plan approval and rezoning shall be valid for one year from the date of the approval. If the applicant fails to obtain final development approval within that time period, the preliminary plan and rezoning approval shall be automatically deemed null and void.

(Code 1989, § 17.27(6)(a))

Sec. 44-98. Final development plan.

- (a) Content.
 - (1) The applicant shall submit final development plans, which include the following information:
 - a. A location map which indicates existing and future land uses.
 - b. Maps of existing and proposed site features and uses at a scale specified by the zoning administrator which indicate topography in two-foot contours; building outlines; location of significant vegetation; location of streets, drives and parking areas; and other significant features.
 - c. Detailed drawings of all proposed structure elevations, including scaled elevations of all signs. Samples of all proposed materials which will be used on the exterior of structures may be required with the elevation drawings.
 - d. Proposed floor plans for all floor levels.
 - e. A landscape plan indicating tree and shrub species, luminaire location, type and height, and provisions for plant material watering.
 - f. A final circulation plan indicating pedestrian and vehicular movement systems. This plan shall also include service access for receiving and trash removal.
 - g. A final drainage, grading, utility and erosion control plan.
 - h. A written report which indicates covenants or agreements which will influence the use and maintenance of the proposed development, describes the analysis of site conditions and development objectives which have resulted in the planned unit development proposal, and includes a statement of which primary zoning district provisions are being modified by the planned unit development.
 - i. A shift of density or intensity plan, if applicable.
 - j. Any other information deemed necessary by the village board in order to evaluate plans.
 - (2) Five copies of the information listed in subsection (a)(1) of this section shall be submitted, plus one reduced set no larger than 8.5 inches by 11 inches.
- (b) The purpose of the final development plan is to establish a detailed development plan for a proposed development. Following approval of final development plans by the village board, a permit for development within the planned unit development district may be issued. The applicant shall submit a final development plan to the zoning administrator. The planning and zoning commission shall conduct an informal public hearing to consider a recommendation for approval or disapproval of a final development plan. At this public hearing, the planning and zoning commission shall receive a report from the zoning administrator recommending approval, disapproval, or approval with specified modifications. The planning and zoning commission shall determine that the proposed final development plan is in substantial conformance with the

approved preliminary development plan. Upon due consideration, the planning and zoning commission shall recommend to the village board, by a two-thirds vote of the entire commission, approval of the final development plan, or disapproval of the final development plan, or approval of the final development plan with specified modifications.

- (c) Following planning and zoning commission recommendation, the village board shall hold a public hearing in accordance with the law, for consideration of a final development plan. At this public hearing, the village board shall receive the recommendation from the planning and zoning commission and a report from the zoning administrator. Upon due consideration, the village board shall, by a two-thirds vote of the entire board, approve the final development plan, or disapprove the final development plan, or approve the final development plan with specified modifications. If the village board disapproves the final development plan, the preliminary development plan previously considered and approved by the village shall also be considered disapproved by the village board as of the same date.
- (d) The planning and zoning commission and the village board shall find the following by a two-thirds vote of the entire body, prior to the approval of preliminary development plans or final development building plans:
 - (1) The planned unit development is not in conflict with the comprehensive plan.
 - (2) The planned unit development is not in conflict with any adopted district plan.
 - (3) The planned unit development is not in conflict with the intent of the primary zoning district.
 - (4) The planned unit development is not in conflict with other applicable provisions of this Code.
 - (5) The planned unit development or unit thereof is of sufficient size, composition, and arrangement that its construction, marketing, and operation is feasible as a complete unit without dependence upon any subsequent unit.
 - (6) The planned unit development will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which are proposed to serve the planned unit development.
 - (7) The planned unit development will not have an undue and adverse impact on the reasonable enjoyment of the neighborhood property.
 - (8) That any variation from strict application of the primary zoning district provisions in the planned unit development is not in conflict with the intent of the planned unit development district and is justified by the design of the proposed development.

(Code 1989, § 17.27(6)(b))

Sec. 44-99. Administration may approve certain minor changes.

The zoning administrator may approve minor changes to final development plans adopted by the village board, provided that the changes do not involve an increase in floor area of structures or number of dwelling units, a change in exterior building material, or an alteration of any condition attached or modification to the final development plan made by the village board. A major change to a final development plan which is at variance with any standards of this Code or is less restrictive than any conditions of approval for the initial final development plan shall require approval by a two-thirds vote of all members of the village board.

(Code 1989, § 17.27(6)(c); Ord. of 3-2-2000)

Secs. 44-100—44-126. Reserved.

DIVISION 3. GROUNDWATER PROTECTION OVERLAY DISTRICT

Sec. 44-127. Purpose.

- (a) Village residents depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this division is

to institute land use regulations and restrictions to protect the village's municipal water supply, and to promote the health, safety and general welfare of the residents of the village.

- (b) This division institutes land use regulations and restrictions in the groundwater protection overlay district in order to protect the portion of the recharge area for the village wells that lies within the village limits. The recharge area for the village wells is that land area which contributes water to the village wells by infiltration of water into the subsurface and movement with groundwater toward the wells.
- (c) It is further intended that the groundwater protection overlay district shall be operated in conjunction with the regulations governing the underlying zoning districts and other overlay districts in the subject area. Uses permitted by such other districts, but subject to the provisions of this division, may not be undertaken unless they are also permitted by the terms of this division. In the event of conflicting standards between the underlying zoning and this division, the more restrictive will apply. If conditional use permits are required for both this overlay district and the underlying zoning district for a proposed use, the processing of the two permits shall be treated separately under the terms applicable to each district.
- (d) The boundaries of the groundwater protection overlay district are incorporated into and shown on the village zoning map.

(Code 1989, § 17.29(1))

Sec. 44-128. Principal permitted uses.

Uses within the groundwater protection overlay district must be permitted uses in the underlying zoning district as well as in this overlay district. The following are permitted uses within the groundwater protection overlay district provided the separation distances set forth in section 44-131 are maintained. Uses not listed are to be considered prohibited uses.

- (1) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.
- (2) Playgrounds.
- (3) Wildlife, natural and woodland areas.
- (4) Non-motorized trails, such as bike, skiing, nature, and fitness trails.
- (5) Municipally sewered residential development, free of:
 - a. Underground storage tanks containing flammable and combustible liquid; and
 - b. Above-ground storage tanks larger than 20 gallons in size, containing flammable and combustible liquid other than heating oil or propane.
- (6) Municipally sewered business development zoned C-1 or C-2 except for the following uses:
 - a. Above-ground storage tanks larger than 20 gallons in size, containing flammable and combustible liquid other than heating oil or propane.
 - b. Chemical manufacturers (Standard Industrial Classification Major Group 28).
 - c. Dry cleaning and diaper services.
 - d. Equipment, motor vehicle or small engine repair shop/services.
 - e. Farms and construction.
 - f. Fertilizer, herbicide or pesticide dealer, transfer, or storage facilities.
 - g. Gas stations.
 - h. Holding ponds, lagoons, or industrial waste storage areas.

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- i. Mining, including metallic, sand, gravel, aggregate or other.
 - j. Salvage yards or junkyards.
 - k. Stormwater infiltration ponds without pretreatment.
 - l. Underground storage tanks containing flammable and combustible liquid.
 - m. Wells, private, production, injection or other (excluding groundwater monitoring wells).
- (7) Single-family residences with a private on-site sewage treatment system receiving less than 12,000 gallons per day, which meets the county and state health standards for the effluent, and is in conformance with Wis. Admin. Code ch. SPS 383.
- (8) Any other use determined by the village board to be similar in nature to the listed items in this section.
- (9) Agricultural uses in accordance with the county land conservation department's best management practices guidelines.

(Code 1989, § 17.29(3))

Sec. 44-129. Conditional uses.

- (a) In addition to permitted and prohibited uses, this section identifies the requirements for getting approval of certain conditional (or provisional) uses. If an activity is not identified as permitted or prohibited, a conditional use permit may be needed for that activity. This section identifies the requirements for getting approval for a conditional use not otherwise allowed. This section could also be called other permitted uses.
- (b) The uses listed section 44-128(6) are conditional uses. Although they are conditional uses, the presumption is that these uses are disfavored and that a conditional use permit will not be granted unless conditions may be imposed that will ensure to a reasonable degree of certainty to the village's satisfaction that the groundwater will be protected. An application for a conditional use permit shall be processed in accordance with section 44-132.

(Code 1989, § 17.29(4))

Sec. 44-130. Prohibited uses.

All uses not expressly identified as permitted or conditional uses are prohibited within the groundwater protection overlay district. No use variances shall be granted.

(Code 1989, § 17.29(5))

Sec. 44-131. Separation distances from well.

Uses within the groundwater protection overlay district shall maintain the following minimum separation distances as specified in Wis. Admin. Code § NR 811.12(5):

- (1) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double-wall above-ground storage tank with continuous electronic interstitial leakage monitoring. These facilities shall meet the installation requirements of Wis. Admin. Code § ATP 93.260 and receive written approval from the department of safety and professional services or its designated local program operator under Wis. Admin. Code § ATP 93.110.
- (2) 50 feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the four psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer and Water Construction in Wisconsin. Force mains shall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125 percent of the pump shut-off head.

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- (3) 200 feet between a well and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one- or two-family residential heating fuel oil underground storage tank or above-ground storage tank or private on-site wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.
- (4) 300 feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of Wis. Admin. Code § ATPC 93.260 and receive written approval from the department of safety and professional services or its designated local program operator under Wis. Admin. Code § ATPC 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum products, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (5) 300 feet between a well and any farm above-ground storage tank with double wall, or single-wall tank with other secondary containment and under a canopy; other above-ground storage tank system with double wall, or single-wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double-wall tank or electronic leakage monitoring for a single-wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of Wis. Admin. Code § ATPC 93.260, and receive written approval from the department of commerce or its designated local program operator under Wis. Admin. Code § ATPC 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum products, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (6) 400 feet between a well and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a stormwater retention or detention pond.
- (7) 600 feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above-ground storage tank with double wall, or single-wall tank with other secondary containment and under a canopy or other above-ground storage tank system with double wall, or single-wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double-wall tank or electronic leakage monitoring for a single-wall tank secondary containment structure. These installations shall meet the standard double-wall tank or single-wall tank secondary containment installation requirements of Wis. Admin. Code § ATPC 93.260 and receive written approval from the department of safety and professional services or its designated local program operator under Wis. Admin. Code § ATPC 93.110. These requirements apply to tanks containing gasoline, diesel, bio- diesel, ethanol, other alternative fuel, fuel oil, petroleum products, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.
- (8) 1,000 feet between a well field and land application of municipal, commercial, or industrial waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial , commercial or municipal wastewater treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.
- (9) 1,200 feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one-time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds Wis. Admin. Code ch. NR 140, enforcement standards; coal storage area; salt or deicing material storage area; any single-wall farm underground storage tank or single-wall farm above-ground storage tank or other single-wall underground storage tank or above-ground storage tank that has or has not received written approval from the department of safety and professional services or its designated local program operator under Wis. Admin. Code § ATPC 93.110 for a single-wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum products, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

(Code 1989, § 17.29(6))

Sec. 44-132. Conditional use applications.

- (a) *Required application materials.* Each application for a conditional use permit under this section shall include the following:
 - (1) A statement with supporting evidence showing that the use seeking the proposed conditional use shall conform to the standards set forth in subsection (c) of this section.
 - (2) An operational plan or other documentation which describes in detail the use, activities, and structures proposed.
 - (3) An operational safety plan, which details the operational procedures for material processes and containment, best management practices, stormwater runoff management, and groundwater monitoring as required.
 - (4) A contingency plan which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
 - (5) An environmental risk assessment report prepared by a licensed environmental professional which details the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
 - (6) Additional information deemed necessary to determine and provide for enforcement of this division may be required.
 - (7) Pre-payment of the required fee.
- (b) *Referral to planning and zoning commission:* A properly filed application shall be referred to the planning and zoning commission for its review and recommendation. The commission shall review the application and make its recommendation, if any. The commission shall forward the recommendations to the village board. Upon receipt of the recommendations of the commission, the village board shall hold a public hearing.
- (c) *Standards for conditional use.* The village board shall apply the following factors:
 - (1) The village's responsibility, as a public water supplier, to protect and preserve the health, safety, and welfare of its citizens.
 - (2) The degree to which the proposed land use practice, activity, or facility may threaten or degrade groundwater quality in the village or the village's recharge area.
 - (3) The economic hardship which may be faced by the landowner if the application is denied.
 - (4) The availability of alternative options to the applicant, and the cost, effect, and extent of availability of such alternative options.
 - (5) The proximity of the applicant's property to other potential sources of contamination.
 - (6) The existing condition of the village's groundwater, public water wells and well fields, and the vulnerability to further contamination.
 - (7) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table, and location of private wells.
 - (8) Any other hydrogeological data or information which is available from any public or private agency or organization.
 - (9) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

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- (d) *Types of conditions which the board may require.* The village board may stipulate conditions and restrictions, including but not limited to the following:
 - (1) A requirement for periodic environmental and safety sampling, testing, and reporting to establish the continued protection of the public water supply. The village may require an application to install one or more groundwater monitoring wells, at the expense of the applicant;
 - (2) The establishment of safety structures to prevent groundwater contamination;
 - (3) The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination;
 - (4) Written policies and procedures for reporting and cleaning up any spill of a hazardous material;
 - (5) The provision of copies of all federal, state, and local facility operation approval or certificates, and on-going environmental monitoring results to the village;
 - (6) A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination;
 - (7) Bonds or securities satisfactory to the village for future monitoring and cleanup costs if groundwater contamination occurs in the future.

The foregoing conditions are listed for illustration purposes and are not exclusive.

- (e) *Transfers of interest in property.* Conditional use permits issued under this division are non-transferable to successor owners of the property subject to the permit without the express written consent of the village board. The village board may set conditions and restrictions on the transfer, including, but not limited to, a stipulation that the permit shall not be transferred unless the new owner expressly and in writing assumes the same terms, if any, for personal liability as were required of the former owner in the conditional use permit to be transferred. The village board may also stipulate as a condition of the transfer that the new owner provide assurances and guarantees deemed satisfactory by the village in its sole discretion that the new owner has at least the same means and ability, including, but not limited to, insurance to pay potential liabilities as were required of the former owner in the conditional use permit. Written permission shall be obtained prior to the voluntary transfer of the subject property. When an involuntary transfer occurs, the new owner, trustee, or other successor to an interest in the real property shall apply to the village within 60 days for permission to continue the use granted by the conditional use permit.
- (f) *Payment of costs.* The applicant shall be solely and exclusively responsible for any and all costs associated with the application. The conditional use permit will become effective only after any costs incurred by the village during the conditional use application review process and billed to the applicant are paid by the applicant. Those costs may include:
 - (1) The village's expenses, including consultant's and attorney's fees, if any, associated with the review at the invoiced amount plus administrative costs.
 - (2) The cost of an environmental impact study if so required by the village or its designee.
 - (3) The cost of groundwater monitoring or groundwater wells if required by the village or its designee.
 - (4) The costs of an appraisal for the property or other property evaluation expense if required by the village or its designee.

(Code 1989, § 17.29(7))

Sec. 44-133. Existing nonconforming uses.

Nonconforming uses lawfully in existence within the groundwater protection overlay district at the adoption of the ordinance from which this division is derived may continue to exist in the form and scope in which they existed at that time subject to the following provisions:

- (1) Existing facilities shall provide copies of all federal, state, and local facility operation approvals or certificate and on-going environmental monitoring results to the village.
- (2) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

In the event a lawful nonconforming use poses a direct hazard to the village's public water supply, the village may take any action permitted by law to abate the hazard.

(Code 1989, § 17.29(8))

Sec. 44-134. No acceptance of liability by village.

Nothing in this division shall be construed to imply that the village has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.

(Code 1989, § 17.29(9))

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 44-135. Enforcement and penalties.

- (a) In the event an individual or facility causes the release of any contaminants which endanger the groundwater protection overlay district, the individual/facility causing the release shall immediately cease and desist, and provide cleanup satisfactory to the village.
- (b) The individual/facility shall be responsible for all costs of cleanup and the village consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, which includes all the cost of village employees' time associated in any way with the cleanup, the cost of village equipment employed and the cost of mileage reimbursed to the village employees attributed to the cleanup.
- (c) Following any such discharge, the village may require additional test monitoring or other requirements as outlined in sections 44-133 and 44-134.
- (d) Violations. It is unlawful to construct or use any structure, land, or water in violation of this division. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this division.
- (e) Penalties. Any person, firm or corporation who fails to comply with the provisions of this division shall, upon conviction thereof, forfeit not less than \$100.00 or more than \$5,000.00 plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned until payment thereof, but not exceeding 30 days, or, in the alternative, shall have such costs added to his real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

(Code 1989, § 17.29(10))

Secs. 44-136—44-153. Reserved.

- **Sec. 44-9. - Signs.**

(a)

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a land use permit, except those signs excepted in subsection (b) of this section and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of [chapter 6](#), pertaining to buildings and construction.

(b)

All signs are prohibited in the R1, R2, R3, A and W districts, except the following:

(1)

Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and six feet in length.

(2)

Real estate signs not to exceed square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.

(3)

Name, occupation, and warning signs not to exceed two square feet located on the premises.

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

(4)

Bulletin boards for public, charitable, or religious institutions not to exceed eight square feet in area located on the premises.

(5)

Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(6)

Official signs, such as traffic control, parking restrictions, information, and notices.

(7)

Temporary signs or banners may be allowed when approved by the village board. For the purposes of this provision, a temporary sign or banner is one which will be used for no more than 45 days in any six-month period and which does not exceed a total of 32 square feet in signable area. The square footage of a temporary sign or banner may be increased up to a maximum total of 64 square feet in signable area by taking into account the proposed individual site, safety, environmental factors, surrounding zoning and potential impact (if any) on adjacent properties as well as overall presentation and attractiveness to the village. Temporary signs or banners may not be placed to interfere with traffic, driveways, or street vision clearance, and they may not present any type of safety hazard. Only one temporary sign or banner may be sited on any one lot at a time. Temporary signs or banners may be illuminated if so approved. All temporary signs or banners must be removed within ten days after their use has been discontinued.

(8)

Permanent signs located at a multi-unit dwelling containing less than eight units shall not exceed four square feet and shall exclusively advertise the sale, rental or lease of the premises upon which the sign is located. Signs located at multi-unit dwellings of eight or more units shall not exceed four feet by eight feet and shall be considered as a permanent name sign.

(c)

Signs are permitted in the C1, C2, I1 and I2 districts, subject to the following restrictions:

(1)

Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, exceed 500 square feet in area for any one premises or exceed 20 feet in height above the mean centerline street grade.

(2)

Projecting signs fastened to, suspended from or supported by structures shall not exceed 100 square feet in area for any one premises, extend more than six feet into any required yard, extend into any public right-of-way, be less than ten feet from all side lot lines, exceed a height of 20 feet above the mean centerline street grade or be less than ten feet above the sidewalk nor 15 feet above a driveway or an alley.

(3)

Ground signs shall not exceed 20 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.

(4)

Roof signs shall not exceed ten feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located and shall not exceed 300 square feet on all sides for any one premises.

(5)

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.

(6)

Combinations of any of the signs provided for in this subsection (c) shall meet all the requirements for the individual sign.

(d)

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall 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. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(e)

Signs lawfully existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the use, size or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of [section 44-10](#) shall apply.

(Code 1989, § 17.12)

- **Subdivision II. - Signs**

- **Sec. 44-182. - General standards.**

The following general standards shall apply to signs in the downtown zoning district:

(1)

Right-of-way. Private signs are prohibited within the public right-of-way or easements. Awning, projecting, marquee, and sidewalk signs are excluded from this regulation if they follow location requirements noted in this subdivision.

(2)

Building materials. All signs must be constructed of quality, industry-accepted sign materials.

(3)

Landscaping. All permanent freestanding signs shall incorporate a landscaped base.

(4)

Maintenance. Signs shall be kept in good maintenance. Owners of faded or damaged signs or signs in disrepair will be contacted and repairs will be required within 15 calendar days.

(5)

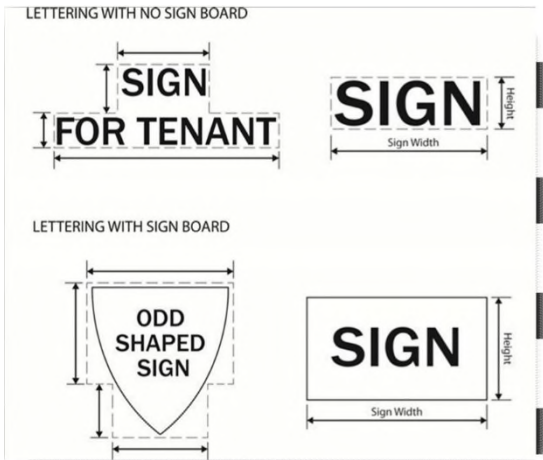
Lighting. Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded. Illuminated panel lighting is not allowed.

(Code 1989, § 17.30(5)(a)(1)—(5))

- **Sec. 44-183. - Measurement of sign area.**

Sign measurement area for signs in the downtown zoning district shall be calculated by the edge of the sign board/back. Where signage does not have a sign board/back or for odd-shaped signs, the area of lettering or symbols shall be calculated. The applicant shall submit dimensions as part of the sign permit process.

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT



(Code 1989, § 17.30(5)(a)(6))

- **Sec. 44-184. - Street frontage.**

Street frontage is defined as a side of the property that faces a public street. Corner lots have two street frontages.

(Code 1989, § 17.30(5)(a)(7))

- **Sec. 44-185. - Permanent signs.**

A sign permit is required for all permanent signs in the downtown zoning district. A total number of signs per property are regulated. See sign size and location table for dimension requirements.

(1)

Total permanent signs allowed per property:

Sign Type	Number of Signs Allowed in Downtown District
<i>Building signs:</i>	
Awning/canopy sign	1 sign per street frontage (this only limits number of signs on structure and not number of awnings and canopies)
Marquee	1 per building
Menu sign	1 per tenant
Projecting sign	1 per tenant

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sign Type	<i>Number of Signs Allowed in Downtown District</i>
Roof sign	1 per building
Wall sign	1 per street frontage
Wall sign, painted	Allowed on 1 wall without windows
<i>Freestanding signs:</i>	
Monument	1 freestanding sign per street frontage (monument or pylon)
Pylon sign	1 freestanding sign per street frontage (monument or pylon)
<i>Information signs:</i>	
Directory	1 per building
Nameplate	1 per tenant

(2)

Permanent sign types, size (per face) and location requirements.

Sign Type	<i>Downtown District Size and Location Requirements</i>
<i>Building signs:</i>	
Awning/canopy. A sign on a roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.	9 square feet of awning canopy can be signed; the lowest part of the awning must be at least 80 inches above the sidewalk

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sign Type	<i>Downtown District Size and Location Requirements</i>
Marquee. A sign that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.	32 square feet per face; the lowest part of the awning must be at least 80 inches above the sidewalk
Menu sign. A sign that displays a menu for the on-site eating/drinking establishment and is attached to the building for pedestrian use.	3 square feet
Projecting sign. A sign affixed to any part of a building or structure which extends beyond the building or structure.	20 square feet per face; cannot extend more than 4 feet over the right-of-way; they must be at least 10 feet above the sidewalk or 15 feet above a driveway or alley
Wall sign. A sign attached to, placed against, or supported by the exterior surface of any building.	15 percent of wall area sign is attached to
Wall sign, painted. A sign applied to a building wall with paint and which has no sign structure.	15 percent of wall area sign is attached to
<i>Freestanding signs:</i>	
Monument sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.	32 square feet
Pole/pylon sign. An elevated sign supported by poles or pylons that are wrapped with a stone or professional building material.	32 square feet; 20-foot maximum height
<i>Information signs:</i>	

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sign Type	<i>Downtown District Size and Location Requirements</i>
Directory. A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide on-site directions.	6 square feet
Nameplate. A sign indicating the name and address of a building; or the name of an occupant thereof, and the practice of a permitted occupation therein.	2 square feet

(Code 1989, § 17.30(5)(b))

- **Sec. 44-186. - Temporary signs.**

A sign permit is required for all temporary signs in the downtown zoning district. See sign size and location table for dimension requirements.

(1)

Total temporary signs allowed per property:

Sign Type	<i>Number of Signs Allowed in Downtown District</i>
<i>Temporary signs:</i>	
Banner, soft sided signs	2 per property; 30 days maximum, 4 times a year
Sidewalk sign	1 per property; during business hours only

(2)

Temporary sign types, size, and location requirements.

Sign Type	<i>Downtown District Size and Location Requirements</i>
<i>Temporary signs:</i>	

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sign Type	<i>Downtown District Size and Location Requirements</i>
Banner/soft sided sign. A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings, or other materials that are not fixed or rigid.	24 square feet
Sidewalk sign. A sign, which may be an A-frame or sandwich board type sign, placed on the sidewalk or boulevard area within the public right-of-way and associated with the abutting commercial establishment in compliance with these standards.	15 square feet; not to be placed where it may interfere with ADA requirements

(Code 1989, § 17.30(5)(c))

- **Sec. 44-187. - Signs not requiring a permit.**

A sign permit is not required for the signs listed in this section. See sign size and location table for dimension requirements.

(1)

Total signs allowed per property:

Sign Type	<i>Number of Signs Allowed in Downtown District</i>
Signs not requiring a permit	
Construction sign	Only during the duration of work; must be removed within 5 calendar days of work ending
Government sign	As needed
Political sign	See Wis. Stats. § 12.04
Real estate	1 per property
Yard sign	1 per property

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sign Type	Number of Signs Allowed in Downtown District
Warning signs	As needed
	
Window signs	May not exceed 25 percent of window area of a street frontage
	

(2)

Size requirements for signs not requiring a permit.

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sign Type	Downtown District Size Requirements
Construction sign. Signs announcing new buildings or projects or advertising the company doing the work.	32 square feet
Governmental sign. A sign erected and maintained by or on behalf of the United states, the state, the county, or the village for the purpose of regulating traffic or for civic purposes.	As needed
Political. A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election.	See Wis. Stats. § 12.04
Real estate. A sign announcing the sale or rental of the property upon which the sign is located.	32 square feet
Yard sign. A sign that is supported or mounted by stakes pushed into the ground.	3 square feet
Warning sign. A sign limited to a message of warning, danger, or caution.	3 square feet
Window signs. Signs and decals placed on the interior of the window.	May not exceed 25 percent of window area

(Code 1989, § 17.30(5)(d)(1))

- **Sec. 44-188. - Prohibited signs.**

The following signs are expressly prohibited in the downtown zoning district, unless otherwise stated in these regulations:

(1)

Abandoned sign. Any sign that is not well maintained for a consecutive 120 calendar day period or that is not fully supported by the structure designed to support the sign for a consecutive 120 calendar day period.

(2)

Absence of permit. Any sign requiring a permit for which a permit has not been issued.

(3)

Air-activated/inflatable signs. Any sign that uses air to maintain that sign or cause movement of the sign.

(4)

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Billboards. 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.

(5)

Electronic message center. A sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means.

(6)

Interference. No sign may be erected that, by reason of position, shape or color, would interfere in any way with the proper functioning or purpose of a traffic sign or signal.

(7)

Lighting. Use of revolving beacons, beamed lights or similar devices that would so distract automobile traffic as to constitute a safety hazard.

(8)

Near street intersections. There shall be no flashing or revolving sign in the front setback area or within 125 feet of a street intersection. No flashing or revolving signs are permitted in windows.

(9)

Non-professional signs. No sign shall be hand painted in a non-professional or "amateur" manner.

(10)

Parked vehicle. Any sign on a motor vehicle, trailer, farm implement or other mobile equipment, which is parked in a position visible to traffic on a public road for a period longer than six days in a 60-calendar-day period.

(11)

Safety hazards. Any sign that, because of its location, animation or other action, is deemed to jeopardize public safety.

(12)

Simulated emergency signs. Any sign that is similar to or attempts to replicate police, fire or other emergency services.

(13)

Simulated traffic signs. Any sign that is similar to or attempts to replicate traffic signs.

(Code 1989, § 17.30(5)(d)(2))

- **Sec. 44-189. - Permit procedure.**

(a)

Except as otherwise provided in this chapter, no signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit, and without being in conformity with the provisions of this chapter. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the village.

(b)

Any person desiring to place, erect, alter or relocate a sign, except an exempt sign, shall make application to the building inspector and shall provide in writing the following information:

(1)

- CODE OF ORDINANCES
Chapter 44 - ZONING
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

The name, address, and telephone number of the applicant.

(2)

The name, address, and telephone number of the owner of the premises upon which the sign is to be attached or erected.

(3)

The street number and street name or parcel number of the land upon which the sign is to be attached or erected.

(4)

A clear and legible scale drawing of the proposed sign and a map of the lot or parcel of land on which it is to be erected, showing the intended location on the site.

(5)

The basic materials to be used in the construction of the sign.

(6)

The name, address, and telephone number of the owner/user of the sign if he is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.

(7)

A description of all electrical equipment if the sign is to be lighted or illuminated.

(8)

If work is to be performed by a professional contractor, the name, address and telephone number of such contractor and a certificate giving proof of adequate insurance held by the contractor.

(9)

Such other information as the building inspector may require in order to indicate compliance with this chapter and all other ordinances of the village.

(c)

If the sign permit is denied by the building inspector, he shall give written notice of the denial to the applicant, together with a brief statement of the reasons for denial. Such notice shall be within ten working days of the application.

(Code 1989, § 17.30(5)(e))

- **Sec. 44-190. - Existing signs.**

All signs permanently erected, put up, installed, or constructed prior to August 2, 2018, which were in compliance with the regulations in effect immediately prior to that time and which are not in compliance with the provisions of these regulations shall be deemed a legal nonconforming sign. A legal nonconforming sign may remain in place until such a time as it is:

(1)

Removed or structurally changed;

(2)

Damaged to the extent of more than 50 percent of its replacement value at the time of the damage;

(3)

In a state of disrepair or is a hazard as determined by the building inspector.

In the event of any of the conditions listed in this section, the sign shall be removed or replaced with a sign conforming with these regulations.

(Code 1989, § 17.30(5)(f))

- **Secs. 44-191—44-217. - Reserved.**

ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 44-278. Fees.

Any applicant for a zoning change or reformation, a variance or any other type of action that requires action by the village planning and zoning commission shall submit a sum to be established by the village board along with the proper application prior to any action being taken by the village. This sum shall be non-refundable, whether or not the application is granted or in the event the applicant later withdraws the application.

(Code 1989, § 17.41; Ord. of 8-21-2003)

Sec. 44-279. Enforcement procedure; administrator's authority; penalties.

- (a) The village board shall designate that the zoning administrator enforce this chapter by means of land use permits, the cost of which shall be established by the village board.
- (b) The zoning administrator shall not issue a permit for a structure or a use that is not allowed by this chapter. No structure shall be built, moved, or altered and no land use shall be substantially altered until a land use permit has been issued, except that no such permit shall be required for farm structures that are not intended to shelter humans.
- (c) Applications for any land use permit shall be accompanied by a plan showing the location, size and shape of the lots involved and of any proposed structures, the existing and proposed use of each structure and lot and, in the case of residential development, the number of families expected to be accommodated.
- (d) In any district where a public sewerage system is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system which has been designed in accordance with all applicable state codes.
- (e) Under rules established by the village board, the zoning administrator may issue a temporary permit for a period of up to one year's duration.

(Code 1989, § 17.42(1)—(5))

Sec. 44-280. Penalties.

Any person who violates this chapter shall be subject to a forfeiture of not less than \$10.00 or more than \$200.00, plus the costs of prosecution. Every day of violation shall be a separate offense.

(Code 1989, § 17.42(6))

Sec. 44-281. Amendments.

The village board may amend this chapter following the procedures prescribed by Wis. Stats. § 62.23.
(Code 1989, § 17.43)

Sec. 44-282. Default district designation for annexed properties.

All territory annexed by the village shall temporarily be assigned to the planned unit development district for no more than 120 days or until an official, permanent determination can be made as to the best zoning district for the future use of the property. If no official plan, or permanent determination has been made after 120 days, then the whole property is designated as a planned unit development district and cannot be changed unless by amendment.

(Code 1989, § 17.44)

Proposed

ARTICLE I. IN GENERAL

Sec. 44-1. Authority.

This zoning chapter is adopted under the authority granted by §§ 61.35 and 62.23 Wis. Stats., and amendments to the same.

Sec. 44-2. Title.

This chapter shall be known as, referred to and cited as the "Zoning Code, Village of Hortonville, Wisconsin" and is hereinafter referred to as the "Zoning Code" or "zoning chapter," or this "chapter".

Sec. 44-3. General purpose.

The purpose of this zoning chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the Village of Hortonville.

Sec. 44-4. Intent.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of the land and conservation of natural resources; preserve and promote the beauty of the village; and guide future development while implementing the goals and objectives of the Village of Hortonville Comprehensive Plan. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

Sec. 44-5. Definitions.

The following words, terms and phrases, when used in this zoning chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting means have a common property line or district line.

Accessory building means a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment or materials, subordinate to and incidental to a principal use or structure.

Accessory use or structure means a use or detached structure subordinate to the principal use of a structure, parcel of land or water and located on the same lot or parcel serving a purpose incidental to the principal use or the principal structure.

Acre, net, means the actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

Adult establishment means any business or commercial enterprise that, as one of its principal business purposes, offers for sale, rental, display, or viewing any of the following:

- (1) Adult bookstores or adult video stores, meaning establishments having a substantial portion of their stock-in-trade consisting of books, magazines, films, video tapes, digital media, or other visual representations characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (2) Adult motion picture theaters, meaning establishments presenting films, videos, or other visual media characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- (3) Adult cabarets, meaning establishments which feature topless dancers, strippers, male or female impersonators, or similar entertainers, where the performances are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Alley means a public way not more than 21 feet wide which affords only a secondary means of access to abutting property.

Apartment means a room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

Arterial street means a public street or highway used or intended to be used primarily for large volume or heavy through traffic. The term "arterial streets" shall include freeways and expressways as well as arterial streets, highways and parkways.

Basement means that portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-round living accommodations.

Block means a tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.

Buildable lot area means the portion of a lot remaining after required yards have been provided.

Building means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

Building, detached, means a building surrounded by open space on the same lot.

Building, height of, means the vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gable, gambrel, hip or pitch roof.

Building, principal, means a building in which the principal use of the lot on which it is located is conducted.

Building setback line means a line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Zoning Code.

Business means an occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.

Channel means those flood lands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.

Clinic means an office or group of offices relating to the health care professions including physicians, dentists, and the like engaged in the treatment of persons.

Common open space means a parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public, or for the exclusive recreational use and enjoyment of residents of

the development from which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.

Community living arrangement.

- (1) The term "community living arrangement" means the following facilities licensed or operated or permitted under the authority of the state statutes:
 - a. Child welfare agencies under Wis. Stats. § 48.60;
 - b. Group foster homes for children under Wis. Stats. § 48.02(7m); and
 - c. Community-based residential facilities under Wis. Stats. § 50.01.
- (2) The term "community living arrangement" does not include:
 - a. Day care centers;
 - b. Nursing homes;
 - c. General hospitals;
 - d. Special hospitals;
 - e. Prisons; and
 - f. Jails.
- (3) The establishment of a community living arrangement shall be in conformance with applicable sections of the state statutes, including Wis. Stats. §§ 46.03(22), 69.97(15), 62.23(7)(a) and 62.23(7)(i), and amendments thereto, and also the Wisconsin Administrative Code.

Conditional use means use of special nature as to make impractical their predetermination as a principal use in a district.

Conservation standards means guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide, prepared by the USDA Soil Conservation Service for the county, adopted by the county soil and water conservation district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.

Controlled access arterial street means the condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.

Convalescent home, children's home, nursing home mean a place where regular care is provided to three or more infirmed persons, children, or aged people who are not members of the family which resides on the premises.

Corner lot, in reference to the setback, shall be measured from the street line on which the lot fronts. Corner lots shall meet front yard setback requirements for all street sides.

Day nursery, kindergarten, means a place where regular day care is provided to five or more children who are not members of the family which resides on the premises; provided this definition shall not include public or private schools organized, operated, or approved under state law.

Development means any manmade change to improved or unimproved real estate, including but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.

District, basic, means a part of the village for which the regulations of this zoning chapter governing the use and location of land and building are uniform.

District, overlay, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

Duplex, side-by side, Two separate living units next to each other each with its own entrance, and façade.

Dwelling means a building designed or used exclusively as a residence or sleeping place. The term "dwelling" does not include boardinghouses, lodging houses, motels, hotels, tents, cabins or mobile homes.

Dwelling, efficiency, means a dwelling unit consisting of one principal room with no separate sleeping rooms.

Dwelling, modular home, means a building made up of two or more modular sections transported to the home site, put on a permanent foundation and joined to make a single dwelling. For the purposes of this zoning chapter, modular homes shall be allowed as a single-family detached dwelling.

Dwelling, multiple-family, means a residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Dwelling, single-family, attached, means a building containing not more than one dwelling unit attached at the side 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 by a party wall extending from footings through roofs. The term "attached dwelling" is intended to imply townhouses, patios, or atrium houses or any form which conforms to this definition.

Dwelling, single-family, detached, means a building containing not more than one dwelling unit, entirely separated from structures on adjacent lots. The term "detached dwelling" shall not include mobile homes, travel trailers, or other forms of portable or temporary housing.

Dwelling, two-family, means a detached building containing two separate dwelling or living units, designed for occupancy by not more than two families.

Dwelling unit means a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use exclusively as living quarters for one family.

Essential services means services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. The term "essential services" includes 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 does not including buildings.

Family means the body of persons who live together in one dwelling unit as a single housekeeping entity.

Farming, general, means and shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seed crops, raising of fruits, nuts and berries, sod farming and vegetable farming. The term "general farming" includes the operating of such an area for one or more of the uses in this definition with the necessary operation of any such accessory uses being secondary to that of the normal farming activities.

Farmstead means a single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.

Floor area, business and manufacturing buildings, for the purpose of determining off-street parking and off-street loading requirements, means the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. The term "floor area" shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, the term "floor area," for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes, except as otherwise noted herein.

Foster family home means the primary domicile of a foster parent which is four or fewer foster children and which is licensed under Wis. Stats. § 48.62 and amendments thereto.

Foster home, group, means any facility operated by a person required to be licensed by the state under Wis. Stats. § 48.62 for the care and maintenance of five to eight foster children.

Frontage means 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.

Garage, private, means a detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.

Garage, public, means any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.

Height, building, means a building's vertical measurement, from the mean level of the finished grade in front of the building to the highest point on the roofline of a flat roof or a roof having a slope of less than 15 degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of 15 degrees or more.

Home occupation means a gainful occupation conducted by members of the family only within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, no stock in trade is kept or sold, no mechanical equipment is used other than such as is permissible for purely domestic purposes and no sign other than one unlighted name plate not more than four feet square is installed.

Hotel means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.

Institution means a building occupied by a nonprofit corporation or a nonprofit establishment for public uses.

Junk means any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. The term "junk" includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

Junkyard means any area, lot, land, parcel, building or structure or part thereof used for the storage, collecting, processing, purchase, sale or abandonment of wastewater, rags, scrap metal or other scrap or discarded goods, materials, machinery, or two or more unregistered, inoperable motor vehicles or other type of junk.

Landscaping means and shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms, and complementary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.

Loading area means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lodging house means a building where lodging is provided for compensation for not more than three persons not members of a family.

Lot means a parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Zoning Code as pertaining to the district wherein located.

Lot, corner, means a lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot coverage (except residential) means the area of a lot occupied by the principal building and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.

Lot coverage (residential) means the area of a lot occupied by the principal building and accessory building.

Lot frontage means the front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the building inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.

Lot, interior, means a lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.

Lot line means a property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting driveways, parking areas, loading areas, storage areas and walkways.

Lot lines and areas means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot owner, or owner, means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life, but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one owner shall be considered an owner.

Lot, substandard, means a parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Zoning Code as pertaining to the district wherein located.

Lot, through, means a lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot width means the horizontal distance between the side lot lines measured at the building setback line.

Minor structures means any small, movable accessory erection or construction such as a birdhouse, tool houses, pet houses, play equipment, arbors and walls and fences under four feet in height.

Mobile home means a manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.). A mobile home is a transportable structure, being eight feet or more in width, not including the overhang of the roof, built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities.

Modular unit is a factor fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure to be used for residential, commercial, educational or industrial purposes.

Nonconforming uses means any structure, use of land, use of land and structure in combination or characteristic of use, such as yard requirement or lot size, which was existing at the time of the effective date of the ordinance from which this zoning chapter is derived or amendments thereto and which is not in conformance with this Zoning Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.

Nursing home means an establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.

Office, business, means an office for such activities as real estate agencies, advertising agencies (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barbershop or beauty shop is not a business office.

Office, professional, means an office for the use of persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, psychiatrists, psychologists, and the like. It is characteristic that display advertising is not used and that the use is characterized by offering consultive services.

Parking lot means a structure or premises containing five or more parking spaces open to the public.

Parties in interest means and includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

Planned shopping centers means a commercial land development consisting of three or more commercial establishments, comprehensively planned as an entity via a unitary plan, under one ownership or unified control.

Planned unit development means a residential land development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces, and the preservation of significant natural features.

Public airport means any airport which complies with the definition contained in Wis. Stats. § 114.013(3), or any airport which serves or offers to serve common carriers engaged in air transport.

Residential greenhouse means a structure exclusively used for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

Retail means the sale of goods or merchandise in small quantities to the consumer.

Satellite earth station means a dish-shaped antenna designed to receive television broadcasts relayed by microwave signals from earth-orbiting communication satellites.

Self-storage warehouse or mini warehouse means a building or group of buildings, not including residential accessory garages or sheds, consisting of unheated and or, unattended, private, individual, compartmentalized, self-contained and controlled access units, stalls or lockers that are rented, leased or individually owned for the purpose of storage of personal or business items within units smaller than 460 square feet.

Setback means the minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. Uncovered steps shall not be included in measuring the setback.

Side yard means 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.

Sign means any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual firm, association, corporation, profession, business, commodity or product and which is visible from the public street or highway.

Sign area means and shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements not bearing advertising matter shall not be included in computing area.

Sign height or height of sign means the vertical distance measured from the normal grade to the highest point of the sign.

Sign, number of, for the purpose of determining number of signs, shall be considered to be a single display surface or device containing elements organized, related, and computed to form a unit. Where subject matter is displayed randomly without any organization of the elements, each element shall be considered to be one sign.

Sign, off-premises or off-premises sign means a sign that directs attention to a business, profession, commodity, service, or entertainment conducted, sold, or offered at a location other than where the sign is located. This definition shall include, but is not limited to, billboards, posters, panels, painted bulletins, and similar advertising displays. An off-premises sign meets any one of the following criteria and includes only commercial messages:

- (1) A permanent structure sign which is used for the display of off-premises commercial messages;
- (2) A permanent structure that constitutes a principal, separate, or secondary use, as opposed to an accessory use, of the parcel on which it is located; or
- (3) An outdoor sign used as advertising for hire, e.g., on which display space is made available to parties other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel or is the same development as the sign), in exchange for a rent, fee, or other consideration.

Sign, on-premises, means a sign identifying or advertising persons, entities, activities, business goods, products, facilities or services located on the lot where the sign is installed and maintained.

Sign, types.

- (1) *Abandoned sign* means a sign located on a lot that contains any land use discontinued for more than a twelve (12) month period.
- (2) *Animated sign* means the movement of any light used in conjunction with a sign such as motion picture, blinking, flashing, or changing degree of intensity of any light movement other than continuous light emission.
- (3) *Awning sign* means a sign with a rigid-framed, roof-like structure attached to a wall running parallel to the exterior wall of a building and composed of a covering or non-rigid materials and/or fabric, vinyl, or canvas that may be either permanent or retractable.
- (4) *Banner* means a temporary sign of lightweight fabric, vinyl, polypropylene, polyester mesh, cloth, plastic, or similar flexible material that can be mounted to a structure with cord, rope, cable, hardware, or similar method or that may be supported by stakes or poles in the ground.
- (5) *Beacon* means any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same lot as the light source; also, any light with one (1) or more beams that rotate or move.
- (6) *Billboard*. See off-premises sign definition.
- (7) *Detached sign* means a sign not attached to or painted on a building but which is affixed to the ground, fence, or all not part of a building.
- (8) *Flat sign* means a sign attached to or parallel to the face of a building or erected or painted on the outside wall of a building and where support of such sign is provided by the wall. No part of such sign shall extend more than 18 inches or more from the building.
- (9) *Flashing sign* means a sign or part thereof, operated so as to create flashing; change in light intensity, color or copy or intermittent light impulses more frequent than one every ten seconds and further provided that electronic message boards as defined herein shall not constitute flashing signs. It is

further provided that a sign which creates intermittent light impulses which convey time of day and/or temperature only shall not constitute a flashing sign.

(10) *Governmental sign* means any sign that is:

- (a) constructed, placed, or maintained by the federal, state, or local government; or
- (b) constructed, placed, or maintained on a federal, state, or local government building, structure, or property;
- (c) required to be constructed, placed or maintained by the federal, state or local government either directly; or to enforce a property owner's rights.

Governmental signs include: signs erected by, or on behalf of, a governmental unit, including legal notices, traffic signs, or other similar regulatory devices, building address numbers, directional signs, wayfinding signs, warnings at railroad crossings, and other instructional or regulatory signs pertaining to health hazards, parking, swimming, dumping, and such emergency or non-advertising signs as may be approved by the Traffic Engineer for safety purposes or other signs approved by the Common Council.

(11) *Ground sign* means any sign supported by structures or supports placed on or anchored in the ground and independent from any building or other structure.

(12) *Marquee sign* means a sign attached to or hung from a marquee projecting from and supported by a building.

(13) *Projecting sign* means a sign attached to and projecting 18 inches or more from the face of the wall of a building.

(14) *Roof sign* means a sign erected upon, against or above a roof and extending above the highest point of the roof. If the sign does not extend above the highest point of the roof and is single-faced, it is a wall sign.

(15) *Temporary sign* means a sign intended to display either a commercial or non-commercial message for a limited time and is not permanently mounted or does not have footings. A banner, pennant, poster or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood or other like materials and that appears to be intended or is determined by the code official to be displayed for a limited period of time (rather than permanently attached to the ground or a structure).

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding 14 feet in height shall be considered as an additional story for each 14 feet or fraction thereof. A basement having one-half or more of its height above grade shall be deemed a story for purposes of height regulation.

Story, half, means that portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two opposite exterior walls, are not more than 4½ feet above the finished floor of such story. In the case of one-family dwellings, two-family dwellings and multifamily dwellings, less than three stories in height, a half story in a sloping roof shall not be counted as a story for the purposes of this Zoning Code.

Street means property other than an alley or private thoroughfare or travel way which is subject to public easement or right-of-way for use as a thoroughfare and which is 21 feet or more in width.

Street yard means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two street yards.

Structural alterations means any change in the supporting members of a structure, such as billboards.

Structure means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

Temporary structures means a movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.

Use means the purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.

Use, accessory, means a subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.

Use, principal, means the main use of land or building as distinguished from subordinate or accessory use.

Utilities means public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.

Utility Structure means an uninhabited, subordinate structure, not exceeding 144 square feet, not attached to the principal structure or a detached accessory structure, the use of which is incidental to and customary in conjunction with the principal use of the property, e.g., storage of lawn and garden equipment, gazebo, shed, etc.

Vision clearance means an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.

Yard means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.

Yard, front, means a yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building. The side where the address is shall be considered the front yard.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, required, means the area between the lot line and where the setback ends.

Yard, side, means that part of the yard lying between the main building and a side lot line, and extending from the required front yard or from the front lot line, if there is no required front yard, to the required rear yard.

Zoning permit means 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.

Sec. 44-6. Interpretation.

- (a) In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements adopted for the promotion of public health, safety, comfort, convenience, and general 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.
- (b) Except as specifically herein provided, it is not intended by this chapter to repeal, abrogate, annul or in any way to impair or interfere with any existing provision of law or ordinance or any rule, regulation or permit previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or land or relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement, nor is it intended by this chapter to interfere with or abrogate or annul any easement, covenant or other agreement between parties provided, however, that whenever this chapter

imposes greater restrictions upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any building or of land in any of the districts established by this chapter than are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, then the provisions of this chapter shall control.

- (c) Uses shall be permitted only in those districts where the use is listed as permitted. A use not listed as permitted is prohibited. The listing of certain uses as prohibited does not imply that other uses are permitted.

Sec. 44-7. Severability and nonliability.

- (a) If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- (b) If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in such judgment.
- (c) The village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the village, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter.

Sec. 44-8. Repeal and effective date.

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

Secs. 44-9—44-41. Reserved.

ARTICLE II. ZONING DISTRICTS

Sec. 44-42. Establishment of districts.

For the purpose of this article, present and future, provision is hereby made for the division of the village into the following zoning districts:

- (1) R-1 Conventional Single-Family Residential District.
- (2) R-2 Two-Family Residential District.
- (3) R-3 Multifamily Residential District.
- (4) C-1 General Commercial District
- (5) C-2 Highway Commercial District
- (6) DT Downtown Commercial District
- (7) I-1 Light Industrial District
- (8) I-2 General Industrial district.

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- (9) Ag Agricultural District
 - (10) CN conservancy district.
 - (11) PI Public Institutional District.

Sec. 44-43. Zoning map.

- (a) The official zoning map, as amended from time to time, is an integral part of this chapter. The single official copy of this map, entitled "Hortonville, Wisconsin, Official Zoning Map," together with a copy of this chapter, shall be kept at the office of the village clerk-treasurer and shall be certified by the village president and attested by the village clerk-treasurer. Any changes in zoning district boundaries shall be recorded on the map. No such change shall be effective until so recorded and until a certified and attested certificate describing the change is filed with the map.
- (b) The district boundaries shall be determined by measurement from and as shown on the official zoning map, and in case of any question as to the interpretation of such boundary lines, the village board, and planning and zoning commission shall interpret the map according to the reasonable intent of this chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally:
 - (1) Lot lines;
 - (2) The section, quarter or 1/16 section lines; or
 - (3) The centerlines of streets, highways, railways or alleys.

Sec. 44-44. Rules for interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual canals, lakes or other bodies of water to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

Sec. 44-45. R-1 Single-Family Residential District.

- (a) *Purpose.* The R-1 single-family residential district is intended to provide moderate density single-family detached residential uses in traditional development forms.

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- (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the R-1 district:
- (1) Single-family detached dwellings.
 - (2) Parks, playgrounds and community centers.
 - (3) Family daycare homes that are licensed by the state department of health and social services where care is not provided for more than eight children
- (c) *Permitted accessory uses and structures.* The following are permitted accessory uses and structures in the R-1 district:
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures. Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation.
 - (2) Temporary structures in connection with the construction of principal structures provided such structures are not used for living purposes. Temporary structures shall not remain over two years after construction of the principal structure commences.
- (d) *Conditional uses and structures.* The following are *Conditional uses* and structures in the R-1 district:
- (1) Day nurseries and kindergartens with at least 100 square feet of open play space for each child enrolled.
 - (2) Community and other living arrangements with one to eight residents subject to Wis. Stat. sec. 62.23(7)(i).
 - (3) Public utility installations.
 - (4) Gardens, nurseries, and orchards provided no office, or store is maintained on the premises.
 - (5) Bed and breakfast establishments.
- (e) *Dimensional requirements.* The following are dimensional requirements in the R-1 district:
- (1) Single-family detached dwellings. The minimum dimensions are as follows:
 - a. The lot area is 9,000 square feet per dwelling.
 - b. The lot width is 70 feet.
 - c. Setbacks are as follows:
 1. The front yard setback is 25 feet.
 2. The side yard setbacks are eight feet individually
 3. The rear yard setback is 20 feet.
 - (2) Existing single-family detached dwellings on lots platted prior to 1957. The minimum dimensions are as follows:
 - a. The lot area is 6,000 square feet.
 - b. The lot width is 50 feet.
 - c. The setbacks are as follows:
 1. The front yard setback is no less than the average of existing homes within a radius of 500 feet.
 2. The side yard setbacks are five feet individually
 3. The rear yard setback is 20 feet.
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- d. The maximum lot coverage is 30 percent.
 - e. The maximum height is 35 feet (2½ stories).
 - (f) *Off-street parking requirements.* The off-street parking requirements are as follows:
 - (1) A two car garage is required for all new homes and shall be a minimum of 400 square feet.
 - (2) For dwellings, the off-street parking requirements are two per unit.
 - (3) For community living arrangements, the off-street parking requirements are one space for every four beds, plus one space for each employee

Sec. 44-46. R-2 Two-Family Residential District.

- (a) *Purpose.* The R-2 two-family residential district is intended to provide for moderate to medium-density residential areas with emphasis on two-family and single-family attached residential uses. This district is also intended to provide infilling opportunities for parcels which, for various reasons, have been bypassed by development. Nonresidential uses are limited to those which are compatible with the medium-density character of the district.
- (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the R-2 district:
 - a. The same permitted principal uses and structures as in the R-1 single-family residential district.
 - b. Two-family dwellings.
- (c) *Permitted accessory uses and structures.* The same permitted accessory uses and structures as in the R-1 district. Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation.
- (d) *Conditional uses and structures.* The following are *Conditional uses* and structures in the R-2 district:
 - a. Conditional uses and structures in as in the R-1 district.
 - b. Planned unit developments.
 - c. Single-family attached dwellings.
- (e) *Dimensional requirements.* The following are dimensional requirements in the R-2 district:
 - a. *Single-family detached dwellings.* The minimum dimensions are as follows:
 - i. The lot area is 7,000 square feet per dwelling.
 - ii. The lot width is 70 feet.
 - iii. The setbacks are as follows:
 - 1. The front yard setback is 25 feet.
 - 2. The side yard setbacks are eight feet individually
 - 3. The rear yard setback is 25 feet.
 - iv. The maximum lot coverage is 35 percent.
 - b. *Two-family attached dwellings.* The minimum dimensions are as follows:
 - i. The lot area dimension is 10,000 square feet, 5,000 square feet per dwelling.
 - ii. The lot width dimension is 80 feet.

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- iii. The setbacks are as follows:
 - 1. The front yard setback is 25 feet.
 - 2. The side yard setbacks are eight feet individually.
 - 3. The rear yard setback is 25 feet.
 - iv. The maximum lot coverage is 35 percent.
 - v. The maximum height is 35 feet (2½ stories).
- c. *Single-family attached dwellings.* Each group or series of single-family attached dwellings shall have minimum dimensions as follows:
- i. The lot area is 10,000 square feet.
 - ii. The lot width is 80 feet
 - iii. The setbacks are as follows:
 - 1. The front yard setback is 25 feet;
 - 2. The side yard setbacks are 10 feet each;
 - 3. The rear yard setback is 25 feet.
 - iv. The maximum density is eight dwelling units per net acre.
 - v. The maximum lot coverage is 25 percent.
 - vi. The height is 35 feet (2½ stories).
 - vii. Not more than two dwelling units in one group or series shall have the same or approximately the same roofline or building line.
 - viii. Not less than 40 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas.
 - ix. A site plan under section 44-464 is required for all single-family attached developments.
 - x. Common open space shall be subject to the requirements of section 44-194.
- (f) The off-street parking requirements are the applicable requirements as specified in section 44-46(g) of the R-1 district.

Sec. 44-47. R-3 Multi-Family Residential District.

- (a) *Purpose.* The R-3 multifamily residential district is intended to provide for medium-density to high-density residential areas with emphasis on multifamily residential use. Nonresidential uses are limited to those which are compatible with the high-density character of the district.
- (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the R-3 district:
 - (1) The same permitted principal uses and structures as in the R-1 district.
 - (2) Two-family dwellings.
 - (3) Single-family attached dwellings.
 - (4) Multifamily dwellings.

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- (c) *Permitted accessory uses and structures.* The permitted accessory uses and structures in the R-1 district. Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation.
- (d) *Conditional uses and structures.* The following are *Conditional uses* and structures in the R-3 district:
- (1) The conditional uses and structures as in the R-1 district.
 - (2) Planned unit development.
- (e) *Dimensional requirements.* The following are dimensional requirements uses and structures in the R-3 district:
- (1) For single-family detached dwellings, as specified in section 44-47 in the R-2 district.
 - (2) For two-family dwellings, as specified in section 44-47 in the R-2 district.
 - (3) For single-family attached dwellings, as specified in section 44-47 in the R-2 district.
 - (4) For multifamily dwellings, the minimum dimensions are as follows:
 - a. The lot area per family is 3,500 square feet.
 - b. The lot width is 80 feet.
 - c. The setbacks are as follows:
 1. The front yard setback is 30 feet.
 2. The side yard setbacks are ten feet individually.
 3. The rear yard setback is 25 feet.
 - d. Minimum floor area per family:
 1. Three-bedroom apartments are 800 square feet.
 2. Two-bedroom apartments are 700 square feet.
 3. One-bedroom apartments are 500 square feet.
 - e. The maximum lot coverage is 35 percent.
 - f. The maximum height is 45 feet or three stories.
 - g. Not less than 25 percent of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas. A site plan under section 44-464 is required for all multifamily developments.
 - (5) Other permissible principal uses and structures are as specified in section 44-47 in the R-2 district.
- (f) *Off-street parking requirements.* The following are off-street parking requirements in the R-3 district:
- (1) For multifamily dwellings, two spaces per unit, special exception can be granted based on the number of bedrooms.
 - (2) For multifamily dwellings, the guest parking requirement is 1 stall for every 3 units.

Sec. 44-48. C-1 General Commercial District. –

- (a) *Purpose.*
- (1) The C-1 general commercial district is intended to provide for the business and commercial needs of the community.
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- (b) *Permitted principal uses and structures.* Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation. The following are permitted principal uses in C-1 general commercial district:
- (1) Retail establishments for sale of food and general merchandise including apparel, home furnishings, and appliances (including repair strictly incidental to sales), office equipment, hardware, auto parts and accessories, toys, sundries, notions, books, stationery, leather goods, luggage, jewelry, art, cameras, photographic supplies (including camera repair), alcohol beverages for off-premises consumption, sporting goods, hobby shops, pet shops, musical instruments, florist shops, gift shops, delicatessen, bake shop (but not wholesale bakery), drugs, and similar products.
 - (2) Service establishments such as barbershops and beauty shops, shoe repair, restaurant, interior decorator, photographic studios, dance or music studio, tailor and dressmaker, laundry or dry cleaner, radio or television repair shop, and similar uses.
 - (3) Banks and other financial institutions, employment offices, business offices, professional offices, and similar establishments.
 - (4) Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.
 - (5) Public offices, public and private clinics.
 - (6) Printing and publishing establishments.
 - (7) Clubs and organizations including museums, art galleries, public libraries and civic centers.
 - (8) Parking lots
- (c) *Permitted accessory uses and structures.* Permitted accessory uses and structures in this district are customarily accessory and clearly incidental to permissible principal uses and structures. Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation.
- (d) *Conditional uses and structures.* The following are *Conditional uses* and structures in the C-1 district:
- (1) Automobile wash facilities
 - (2) Automotive sales and service
 - (3) Farm implement sales and service
 - (4) Senior centers.
 - (5) Multifamily residences.
 - (6) Fuel stations.
- (e) *Dimensional requirements.* The following are minimum dimensional requirements for uses and structures in the C-1 district:
- (1) The lot area required is 15,000 square feet.
 - (2) The lot width required is 75 feet measured at rear of front yard setback.
 - (3) The setbacks are as follows:
 - a. The front yard setback: None
 - b. The side yard setbacks are 10 feet each;
 - c. The rear yard setback is 25 feet.
 - (4) The maximum lot coverage allowed is 35 percent.
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- (5) The maximum height allowed is 35 feet.
 - (f) *Off-street parking requirements.* Required off-street parking may be served by adjacent or nearby private or public parking lots only when approved by the plan commission. In the C-1 district, the off-street parking requirements are as follows:
 - (1) For retail, service (except restaurants), banks, offices, and clinics in this district one space per 300 square feet of floor space.
 - (2) For restaurants and recreational establishments in this district one space per 100 square feet of floor space.
 - (3) For theaters, clubs and organizations, and mortuaries in this district one space per three persons of maximum capacity.
 - (4) For printing and publishing establishments in this district one space per employee.
 - (5) For hotels in this district one space per sleeping room.
 - (6) For other uses in this district sufficient off-street parking such that no public street shall be used for parking.
 - (7) Parking requirements may be altered by the planning and zoning commission depending on the use and type of facility. They will take into consideration the number of employees customers, foot traffic and square footage.

Sec. 44-49. C-2 Highway Commercial District.

- (a) *Purpose.* The C-2 highway commercial district is intended to provide for general commercial uses convenient to major streets. Many of these uses require larger land areas, do not relate readily to pedestrian circulation, require significant parking and loading areas, and primarily operate independent of one another.
 - (b) *Permitted principal uses and structures.* Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation. The following are permitted principal uses in the C-2 highway commercial district:
 - (1) Permitted principal uses and structures that are permitted in section 44-50(b)(1) through (8) in the C-1 district.
 - (2) Building equipment and supply establishments and paint stores.
 - (3) Drive-in banks.
 - (4) Restaurants, taverns, billiard parlors, and bowling alleys.
 - (5) Gardens, orchards and nurseries, including the maintenance of an office or store.
 - (6) Hotels.
 - (7) Mortuaries.
 - (8) Veterinary hospitals or dog kennels.
 - (9) Commercial day care centers serving more than seven children daily.
 - (c) *Permitted accessory uses and structures.* Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures in the district are permitted. Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation.
 - (d) *Conditional uses and structures.* The following are *Conditional uses* and structures in the C-2 district:
 - (1) Public utility installations.
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- (2) Light manufacturing uses, including packaging, bottling, storage (excluding self-storage warehouses or mini-warehouses), and laboratory uses.
 - (3) Automobile, boat, construction equipment and farm implement sales, service and repair and automobile filling stations.
 - (4) Adult establishments defined in section 44-2.
 - (5) Wholesale and warehouse establishments (excluding self-storage warehouses or miniwarehouses).
 - (6) Transportation terminals.
 - (7) Multifamily residential, two-family residential.
 - (8) RV parks with a density of 14 units per acre or less and no tents or tent campers are allowed.
- (e) *Dimensional requirements.* The following are minimum dimensional requirements uses and structures in the C-2 district:
- (1) The lot area required is 15,000 square feet.
 - (2) The lot width required is 75 feet measured at rear of front yard setback
 - (3) The setbacks are as follows:
 - a. The front yard setback:
 - Lots without front yard parking: 50 feet.
 - Lots with front yard parking: 75 feet.
 - b. The side yard setbacks are 10 feet each.
 - c. The rear yard setback is 50 feet.
 - (4) The maximum lot coverage allowed is 35 percent.
 - (5) The maximum height allowed is 35 feet.
 - (7) Landscaped buffer. Any required yard adjacent to a residential district shall be subject to the landscape buffer requirements of section 44-193. To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip of not less than 15 feet in width and depth if at the front and 15 feet in width if at the side shall be required along any lot line adjacent to a street. Except for such accessways, such strip shall be continuous for the entire length of the lot line adjacent to accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street. A site plan under section 44-464 is required for all shopping center developments.
- (f) *Off-street parking requirements.* In the C-2 district the off-street parking requirements are as follows:
- (1) The applicable parking requirements in this district are as specified in the C-1 district.
 - (2) For wholesale and warehouse establishments the requirements are one space per 500 square feet of floor space.
 - (3) For light manufacturing the requirements are one space per employee on maximum shift.
 - (4) For furniture, appliance, flooring, plumbing, implement, and hardware sales establishments the requirements are one space per 300 square feet of floor space.
 - (5) Parking requirements may be altered by the planning and zoning commission depending on the use and type of facility. They will take into consideration the number of employees customers, foot traffic and square footage.

Sec. 44-50. DT Downtown Business District.

(a) *Purpose.*

- (1) The Downtown Business District (DT) is intended to provide for a centrally located intensely developed core of commercial, service, and governmental uses. It is important that the area develop as a unit offering a convenient and attractive shopping environment. Therefore, permitted uses are limited to those which are compatible, mutually reinforcing, and conducive to common approaches to traffic and pedestrian circulation, parking, and promotion.
- (2) Automobile related uses are prohibited in this district, such as but not limited to, the following:
 - a. Automobile wash facilities, automobile sales lots; and
 - b. Automobile service or repair shops.
- (3) *Building design requirements.* All plans for new buildings, additions, and exterior modifications except for roof resurfacing to existing buildings in this district shall be reviewed and approved by the planning and zoning commission prior to issuance of a building permit.
 - a. The following design guidelines apply in the downtown zoning district:
 - Building materials. Storefronts shall include brick and stone. Commercial grade building materials are required. Building materials should be replaced with like materials when they become faded or otherwise in disrepair.
 - Building colors. Historic colors are encouraged.
 - Roofs. Parapet storefront walls are encouraged.
 - Building lighting. Using historic-looking fixtures is encouraged.
 - Refuse. Dumpsters shall be in an enclosed structure in the rear yard. The structure shall be constructed of commercial-grade building materials.
 - b. Determinations of the planning and zoning commission are subject to appeal to the board of appeals under section 44-517.

(b) *Permitted principal uses and structures.* following are permitted principal uses in DT central business districts:

- (1) Retail outlets for sale of food, wearing apparel, home furnishings, and appliances (including repair strictly incidental to sales), office equipment, hardware, auto parts and accessories, toys, sundries, notions, books, stationery, leather goods, luggage, jewelry, art, cameras, photographic supplies (including camera repair), alcohol beverages for off-premises consumption, sporting goods, hobby shops, pet shops, musical instruments, florist shops, gift shops, delicatessen, bake shop (but not wholesale bakery), drugs, and similar products.
 - (2) Service establishments such as barbershops and beauty shops, shoe repair, restaurant (except drive-in restaurants), interior decorator, photographic studios, dance or music studio, tailor and dressmaker, laundry or dry cleaner, radio or television repair shop, and similar uses.
 - (3) Banks and other financial institutions, employment offices, business offices, professional offices, and similar establishments.
 - (4) Commercial recreation facilities in completely enclosed buildings, including theaters, arcades, and amusement centers.
 - (5) Public offices, public and private clinics.
 - (6) Printing and publishing establishments.
 - (7) Clubs and organizations including museums, art galleries, public libraries, and civic centers.
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- (c) *Conditional uses and structures.* The following are *Conditional uses* and structures in the DT district:
- (1) Public utility installations and offices.
 - (2) Drive-in banks and restaurants.
 - (3) Day care centers.
 - (4) Taverns, billiard parlors, and bowling alleys.
 - (5) Senior centers.
 - (6) Hotels.
 - (7) Mortuaries.
 - (8) Multifamily residences.
 - (9) Convenience stores and fuel stations.
 - (10) Automobile wash facilities when connected to convenience stores.
 - (11) Accessory uses and structures customarily accessory and clearly incidental to permissible principle uses subject to existing size and impervious surface limitations of the underlying lot and only after a permitted principal or conditional use or structure is constructed or in operation.
 - (12) Outdoor dining areas.
 - (13) Uses allowed under subsections (b)(1) through (8) and of this section, pertaining to permitted principal uses and structures and this subsection, pertaining to special exception uses when and if the proposed uses or structures do not meet the minimum requirements under subsections (e) or (g), pertaining to dimensional requirements or off-street parking requirements.
- (d) *Dimensional requirements.* There are no minimum lot area or width requirements. Any lot adjacent to a residential district without any intervening street shall have a yard setback of at least 15 feet in width, if at the side or rear and shall be subject to the landscaped buffer requirements of section 44-193. A site plan pursuant to section 44-464 is required for all uses.
- (e) *Off-street parking requirements.*
- (1) The Planning & Zoning Commission will need to approve building permits that lead to a decrease in parking availability.
 - (2) Tuck unloading area shall have sufficient space so that no streets or alleys are blocked.

Sec. 44-51. I-1 Light Industrial District.

- (a) *Intent.* The I-1 district is intended to allow primarily indoor industrial, storage, office, and other associated business and business support uses.
- (b) *Permitted uses.* The following uses are permitted in the I-1 district:
- (1) Light industrial uses which are not associated with high levels of noise, odor, particulate emissions, and other potential activities which may create a public or private nuisance.
 - (2) Certain specialized activities, including:
 - a. Drive-in establishments serving food or beverages for consumption on the premises.
 - b. Motels, motor lodges, and inns.
 - c. Vehicle sales, service, washing and repair stations and garages. All gasoline pumps are to be at least 30 feet from any existing or proposed street line.

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- d. Recreational establishments, including drive-in theaters, golf or baseball driving ranges, archery fields, miniature golf courses and similar uses.
 - e. Automotive and farm implement sales and service, seed, feed and farm supply sales, lumberyards, warehousing, motor carrier facilities and related operations.
 - f. A dwelling unit for either a caretaker or superintendent if the light industrial use requires constant supervision.
 - g. Uses clearly similar in character or customarily incident to any of the uses listed in this subsection (b).
- (3) All uses proposed for this district are subject to the provisions of article II of this chapter.
 - (4) All other uses are prohibited.
- (c) *Permitted accessory uses and structures.* Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation. The following are permitted accessory uses and structures in the I-1 district:
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Outside storage of equipment and materials shall be located behind the building setback line and screened from view of any public street by a fence, wall or shrub at least six feet in height. All outside storage areas shall be clean and orderly with a hard or gravel surface and set back at least 15 feet from any side or rear property line.
 - (3) Railroad spurs and service rails within side or rear yards only.
- (d) *Conditional uses and structures.* Conditional uses for this district are self-storage or mini warehouse when accessory to a permitted principal use.
- (e) *Dimensional requirements.* The minimum dimensional requirements for this district for all permissible principal uses and structures are as follows:
- (1) The lot area required is 9,000 square feet;
 - (2) The lot width required is 100 feet;
 - (3) Setbacks. The setbacks are as follows:
 - a. The front yard setback is 40 feet;
 - b. The side yard setbacks are 20 feet each
 - c. The rear yard setback is 25 feet;
 - d. A landscaped strip not less than ten feet in depth shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street. A site plan under section 44-464 is required for all industrial district development.
 - e. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line. When a lot in this district abuts a residential district, all structures shall be set back at least 40 feet from the district boundary line and the entire area shall be landscaped;
 - (4) The maximum total impervious lot coverage is 90 percent.
 - (5) The maximum height allowed is 45 feet.
 - (6) A site plan pursuant to section 44-464 is required for all uses
- (f) *Off-street parking requirements.* In the I-1 district the off-street parking required is as follows:
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- (1) For manufacturing and service uses the requirement is one space per employee on maximum shift.
 - (2) For other uses the requirement is sufficient off-street parking such that no public street shall be used for parking.
 - (3) Truck unloading area shall have sufficient space so that no streets or alleys are blocked

Sec. 44-52. I-2 General Industrial District.

- (a) *Purpose.* The I-2 industrial district is intended to provide for manufacturing and closely related uses at locations that will not cause adverse impacts on residential uses. It is intended to preserve such lands for industrial activity, wholesaling, warehousing, and certain service and commercial activities.
- (b) *Permitted principal uses and structures.* The following are permitted principal uses in the I-2 industrial district:
 - (1) Wholesale, warehouse, and building equipment and supply establishments.
 - (2) Automobile, boat, construction and farm implement sales, service and repair.
 - (3) Agricultural-related uses, including feed mills and co-ops.
 - (4) Printing and publishing.
 - (5) Service establishments catering to commercial and industrial uses, including linen supply, freight movers, communication services, canteen services, business machine services, and uses of a similar nature.
 - (6) Transportation terminals.
 - (7) Light manufacturing uses, including bottling, packaging, laboratories, and uses of a similar nature.
 - (8) Manufacturing uses, including production, processing, cleaning, testing and the distribution of materials and goods, except wrecking yards, fertilizer and chemical manufacture, cement manufacture, explosive manufacture or storage, smelting and tanneries and slaughterhouses. All manufacturing uses and structures are subject to the provisions of section 44-92.
- (c) *Permitted accessory uses and structures.* Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation. The following are permitted accessory uses and structures in the I-2 district:
 - (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Outside storage of equipment and materials shall be located behind the building setback line and screened from view of any public street by a fence, wall or shrub at least six feet in height. All outside storage areas shall be clean and orderly with a hard or gravel surface and set back at least 15 feet from any side or rear property line.
 - (3) Railroad spurs and service rails within side or rear yards only.
- (d) *Conditional uses and structures.* Conditional uses and structures in this district are self-storage or mini warehouse when accessory to a permitted principal use.
- (e) *Dimensional requirements.* The minimum dimensional requirements for the I-2 for all permissible principal uses and structures are as follows:
 - (1) The lot area required is 9,000 square feet;
 - (2) The lot width required is 140 feet;

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- (3) Setbacks. The setbacks are as follows:
 - a. The front yard setback is 40 feet;
 - b. The side yard setbacks are 20 feet each
 - c. The rear yard setback is 25 feet;
 - d. A landscaped strip not less than ten feet in depth shall be required along any lot line adjacent to a street. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street. A site plan under section 44-464 is required for all industrial district development.
 - e. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line. When a lot in this district abuts a residential district, all structures shall be set back at least 40 feet from the district boundary line and the entire area shall be landscaped;
 - (4) The maximum total impervious lot coverage is 90 percent.
 - (5) The maximum height allowed is 45 feet.
 - (f) *Off-street parking requirements.* In the I-2 district the off-street parking required is as follows:
 - (1) For manufacturing and service uses the requirement is one space per employee on maximum shift.
 - (2) For other uses the requirement is sufficient off-street parking such that no public street shall be used for parking.
 - (3) Truck unloading area shall have sufficient space so that no streets or alleys need to be blocked

Sec. 44-53. AG Agriculture District.

- (a) *Purpose.* The intent of the AG district is to allow the development of small-scale farming activities characterized by the mixed crop of the traditional "family farm" along with residential growth. This district can be located in those areas where the occurrence of scattered urban uses are likely to occur. However, farming is to be recognized as the dominant activity of the area.
 - (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the AG district:
 - (1) Farming and dairying, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or commercial district.
 - (2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables and truck farming.
 - (3) In-season roadside stands for the sale of farm products produced on the premises and up to two unlighted signs not larger than eight square feet, each advertising such sale.
 - (4) Fur farms, kennels, insect breeding facilities, greenhouses and other agricultural uses that may cause noxious odors or noise or create health or sanitation hazards are permitted, but only with written permission of the village board on the recommendation of the planning and zoning commission, pursuant to the procedures prescribed for zoning amendments by Wis. Stats. § 62.23.
 - (5) Single-family residences, provided they are located on five-acre or more tracts and that soils analysis indicates a suitability for private sewer and water systems.
 - (6) Uses customarily incidental to any of the uses listed in this subsection (b), including residential use.
 - (c) *Permitted accessory uses and structures.* Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation. The following are permitted accessory uses and structures in the AG district:
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- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Outside storage of equipment and materials shall be located behind the building setback line and screened from view of any public street by a fence, wall or shrub at least six feet in height. All outside storage areas shall be clean and orderly with a hard or gravel surface and set back at least 15 feet from any side or rear property line.
 - (3) Railroad spurs and service rails within side or rear yards only.
 - (d) *Conditional uses and structures.* The conditional uses and structures in the AG district are as follows:
 - (1) Sanitary landfill and related operations subject to adequate setback, screening and protective fencing.
 - (e) *Dimensional requirements.* For all permissible principal uses and structures the minimum dimensional requirements of the AG district are as follows:
 - (1) Minimum lot size is five acres or more.
 - (2) Minimum lot width 300 feet measured at rear of front yard setback.
 - (3) Setbacks. The Primary and accessory structure setbacks are as follows:
 - a. The front yard setback is 50 feet;
 - b. The side yard setbacks are 20 feet each
 - c. The rear yard setback is 50 feet;
 - (4) The maximum height allowed for primary and accessory structures is 40 feet
 - (5) No more than two accessory structures as defined in Sec. 44-XXX(1-4) and no more than one utility structure. These accessory structures are allowed to be taller than the primary structure.
 - (6) Maximum lot coverage is 25%
 - (f) *Off-street parking requirements.* In the AG district the off-street parking required is as follows:
 - (1) For residential homes located within the AG district, the applicable parking specified in section 44-46(f) in the R-1 district shall apply.

Sec. 44-54. CN Conservancy District.

- (a) *Purpose.* The CN conservancy district is intended to protect natural resources. Generally, this district may include swamps, marshlands, river shores, and other land of natural aesthetic value.
 - (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the CN district:
 - (1) General farming, provided no filling or drainage of wetlands, or dredging takes place and no farm or residential buildings are constructed.
 - (2) The harvesting of any wild crop such as marsh hay, ferns, moss, wild berries, tree fruits and tree seeds.
 - (3) Sustained yield forestry, open spaces.
 - (4) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
 - (5) Fishing unless prohibited by other ordinances or laws.
 - (6) Preservation of scenic, historic and scientific areas; wildlife preserves.
 - (7) Nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish.
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- (8) Hiking trails and bridle paths.
 - (9) Public and private parks.
- (c) *Conditional uses and structures.* The *Conditional uses* and structures in the CN conservancy district are as follows:
- (1) Filling, draining, dredging.
 - (2) Nonresidential farm structures.
 - (3) Dams, power plants, flowage.
 - (4) Ponds.
 - (5) Relocation of watercourses.
 - (6) Removal of top soil or peat.
 - (7) Utilities.
 - (8) Parking lots.
 - (9) Golf courses.
 - (10) Accessory uses and structures in the L-2 district.
- (e) *Dimensional requirements.* For all permissible principal uses and structures the minimum dimensional requirements of the CN conservancy district are as follows:
- (1) The lot area required is 7,500 square feet;
 - (2) Setbacks. The setbacks are as follows:
 - a. The front yard setback is 25 feet;
 - b. The side yard setbacks are 10 feet each
 - c. The rear yard setback is 35 feet;
 - (3) The maximum height allowed is 35 feet.

Sec. 44-55. PI Public Institutional District.

- (a) *Purpose.* The intent of the PI district is to provide for areas of the community where public or semipublic institutional uses are or can be established and to ensure that such areas will continue in this use unless otherwise approved by the village.
 - (b) *Permitted principal uses and structures.* The following are permitted principal uses and structures in the PI district:
 - (1) Public parks, parkways, playgrounds, golf courses and other uses of a similar nature.
 - (2) Public and semipublic zoos, arboretums, museums, exhibits, and libraries and community centers.
 - (3) Public and semipublic institutional uses, including churches, convents, K-12 schools, colleges, hospitals, clinics, elderly homes, children's homes, convalescent homes and other uses of similar nature.
 - (4) Public administrative offices.
 - (c) *Permitted accessory uses and structures.* Accessory uses and structures shall be permitted only after a permitted principal or special exception use or structure is constructed or in operation. The following are
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permitted accessory uses and structures in the PI district: Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.

- (d) *Conditional uses and structures.* The following are conditional uses and structures in the PI district:
- (1) Public utility installations.
 - (2) Cemeteries.
- (e) *Dimensional requirements.* The minimum dimensional requirements of the PI institutional district are as follows:
- (1) There is no minimum lot area required.
 - (2) The maximum lot coverage is 70 percent.
 - (3) There is no minimum lot width.
 - (4) The minimum front yard is 5 feet plus an additional foot for each five feet that the building or structure exceeds 35 feet in height.
 - (5) The minimum rear yard is 5 feet plus an additional foot for each five feet that the building or structure exceeds 35 feet in height.
 - (6) The minimum side yard is 5 feet plus an additional foot for each five feet that the building or structure exceeds 35 feet in height.
 - (7) The maximum building height is 60 feet.
 - (8) The maximum accessory structure height is 35 feet.
 - (9) A site plan pursuant to section 44-464 is required for all uses
- (f) *Off-street parking requirements.*
- (1) Churches: One per three fixed seats.
 - (2) High schools: One per every three students and one per every employee.
 - (3) Elementary school, junior high school, day nurseries: One per employee.
 - (4) Libraries, exhibits and community centers: One per 350 square feet of floor space.
 - (5) Convalescent, children's and nursing homes: One per four beds plus one per employee.
 - (6) Hospitals: One per three beds plus one per employee.
 - (7) Golf courses: Four per hole.
 - (8) Public administrative offices: One per 350 square feet of floor space.

ARTICLE VII. SIGNS AND BILLBOARDS

Sec. 44-214. Purpose.

The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location, and maintenance of all signs and billboards. Because signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation, there exists a need to uniformly regulate signs in the village. This article allows adequate communication through signage while encouraging aesthetic quality and safety in the design, location, size, and purpose of all signs.

Sec. 44-215. Signs containing a political message during an election campaign period.

The village hereby adopts and incorporates by reference Wis. Stats. sec. 12.04, including the definitions contained therein and including any amendments to Wis. Stats. § 12.04. Notwithstanding any other provisions contained in this article VIII, the regulation of on-premises signs placed on residential property pursuant to Wis. Stats. sec. 12.04(4), are exempt from permitting requirements. To ensure traffic and pedestrian safety, such signs:

- (a) Shall not exceed 11 square feet in area.
- (b) Shall not be placed in the road right-of-way.
- (c) May not have any electrical, mechanical or audio auxiliary.

Sec. 44-216. No discrimination against non-commercial signs or speech.

The owner of any sign which is otherwise allowed under this article may substitute a noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular commercial copy over any other noncommercial copy. This provision does not create a right to increase the total amount of signage in terms of size and number on a parcel or within a development or allow the exchange of an off-premises commercial message in place of an on-premises commercial message.

Sec. 44-217. Severability.

If any portion of this article or any regulation contained herein is held to be invalid or unconstitutional by a court of competent jurisdiction, it is the village's specific legislative intent that said portion or regulation is to be deemed severed from this article and should in now way affect or diminish the validity of the remainder of this article or any other sign regulation set forth herein.

Sec. 44-218. Sign permit.

- (a) *Required.* No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit, except those signs excepted in this article, and without being in conformity with the provisions of this chapter.

(b) *Permit Fee.* Applicants must submit a nonrefundable application fee at the time of application for a sign permit. The fee for such application shall be set by the Village Board and on file with the Office of the Village Clerk. Permit fees shall increase to three (3) times the amount if a permit is applied for after the work is started.

(c) *Issuance of Permit.*

- (1) All applications for a sign permit must be on a form provided by the Village Clerk and on file with the Office of the Village Clerk. Applications must be completed fully and accurately and will not be processed until they are deemed complete.
- (2) Permits shall be issued by the zoning administrator. Applicants for a sign permit must provide the zoning administrator with a site plan indicating where the proposed sign would be located and a drawing showing the design and the dimensions of the sign.
- (3) The zoning administrator may issue permits only if all of the requirements of this Code are met. Permits may be revoked at any time if the requirements of this Code are violated.

(d) *Appeal.* Appeal of the denial of a sign permit shall be to the planning and zoning commission. A written notice of appeal shall be filed with the zoning administrator within ten (10) days of the issuance of the written denial of the permit application. The zoning administrator shall provide the notice of appeal to the plan commission, which shall hear the appeal as soon as reasonably practical.

(e) *Variances.* Variances to any provisions within this article shall follow **sec. XX-XXX.**

Sec. 44-219. Signs permit exceptions.

All signs must have a valid permit issued by the village, except the following, provided that the following exempt signs may not be located over a public road right-of-way or in, on, or over public water, and may not be located on village property without prior village planning and zoning commission approval:

- (a) No more than one sign over show windows or doors of a nonconforming business not to exceed two feet in height and ten feet in length.
- (b) No more than one real estate sign per lot not to exceed eight square feet in area that advertise the sale, rental, or lease of the premises upon which such signs are temporarily located.
- (c) One public, charitable, or religious institutional identity sign not to exceed twenty (20) square feet in area located on the premises and located a minimum of ten (10) feet from the road right of way.
- (d) Historic marker signs placed flat against a building, monument stone, or other permanent surface or may be ground sign not to exceed twenty (20) square feet in area or not to exceed the size limitations established by the State Historic Markers Program administered by the Wisconsin State Historical Society, whichever is greater.
- (e) No more than one home occupation wall sign associated with an otherwise lawful home occupation which may not be an illuminated sign and shall not exceed six (6) square feet.
- (f) Government signs.
- (g) Official signs, such as traffic control, parking restriction, information, and notices.

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- (h) Temporary signs not exceeding 11 square feet in area, when authorized by the building inspector, for a period not to exceed 30 days.
 - (i) Neighborhood and subdivision identification signs at the entrance(s) of a neighborhood or subdivision on private property not exceeding eight (8) feet in height or forty-eight (48) square feet per sign. Such signs must comply with setback requirements of the district.
 - (j) A sign for the purpose of designating a new building or development, for promotion of a subdivision, for announcement of a special event, or for similar special informational purposes may be permitted for a limited period of time in any district with the approval of the zoning administrator and subject to the following:
 - (1) Drawings showing the specific design, appearance, and location of the sign shall be submitted to the zoning administrator for approval;
 - (2) The permitted size and location of any such sign shall be at the discretion of the zoning administrator based upon the character of the area, the type and purpose of the sign, and the length of time permitted;
 - (3) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total;
 - (4) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed nine months.
 - (k) Signs designating entrances, exits, service areas, parking areas, restrooms, and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
 - (l) Signs not exceeding one square foot in area and bearing only property numbers, postbox numbers, or names of occupants of premises.
 - (m) Signs directing and guiding traffic and parking on private property.
 - (n) No more than five (5) yard signs per lot not exceeding eleven (11) square feet in area each and no more than four (4) feet high. The cumulative total yard sign area of any lot is forty (40) square feet.
 - (o) Window signs which do not exceed fifty percent (50%) of the gross window area of any given wall or ten percent (10%) of the glass on any door. The square footage of permanent window signs shall be included in the maximum allowable square footage of wall signs pursuant to **sec. xx-xxx.**

Sec. 44-220. Signs prohibited.

All signs not expressly permitted or exempt under this article are prohibited in any location in the village. Prohibited signs include, but are not limited to:

- (a) Signs that employ intermittent flashing illumination, animation, motion picture, laser projection, or sound emission except for electronic message signs as defined.
 - (b) Beacons.
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- (c) Off-premises signs.
 - (d) Roof signs.
 - (e) Signs marked, tacked, or otherwise affixed to trees or other vegetation.
 - (f) Signs containing statements, words, or pictures of an obscene or pornographic nature.
 - (g) Signs which purport to be, or are in imitation of, or resemble an official traffic sign or signal.

Sec. 44-221. Legal nonconforming signs.

- (a) *Generally.* Any sign lawfully existing at the time this ordinance is adopted that does not conform to these regulations may remain. Any nonconforming sign hereafter relocated, moved, reconstructed, extended, changed in shape or use, enlarged, expanded, altered or modified shall be made to comply with the provisions of this article.
- (b) *Maintenance.* Maintenance of nonconforming signs including changing the sign face of existing message areas, replacing light bulbs or wiring, and painting is permitted.
- (c) *Replacement after certain damage.* If damaged or destroyed, a nonconforming sign may be replaced within one year after the calamity to the size, location, and use that it had immediately before the damage or destruction occurred, if the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

Sec. 44-222. Indemnification of the village for sign installation and maintenance.

All persons engaged in the business of installing or maintaining signs involving the erection, alteration, relocation, or maintenance of a sign within or near public right-of-way or public property shall agree to indemnify, defend, and hold harmless the village and its officers, agents, and employees from any and all claims.

Sec. 44-223. Construction specifications.

- (a) All signs shall comply with the provisions of Chapter 6 of this Municipal Code on Buildings and Construction, the provisions of the National Electrical Code as amended, and the additional construction standards set forth in this section where applicable.
- (b) All ground structures shall be self-supporting and permanently attached to sufficient foundations based on the height and size of sign.
- (c) Electric service to ground signs shall be concealed.
- (d) All signs, except those attached flat against the wall of the building, shall be constructed to withstand wind loads of thirty (30) pounds per square foot on the largest face of the sign and structure.
- (e) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action.

Sec. 44-224. Maintenance required; abandoned signs.

- (a) *Maintenance and repair.* All signs and murals shall be maintained in safe, legible and good condition.

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- (1) *Safety.* All signs shall be maintained to the same structural standards by which they were approved or, in the case of nonconforming signs and murals, the standard by which they would have otherwise been approved. All metal parts which are subject to rust or corrosion shall be painted at all times, all anchors and other fastenings shall be maintained in a secure and functioning condition capable of sustaining the loads for which they were designed.
 - (2) *Legibility.* All signs shall be maintained in a legible condition (except when a weathered or natural surface is intended). Painted signs and murals shall be repainted at such times as the deterioration of the paint results in illegibility or disfiguration.
 - (3) *Condition.* All materials that comprise the sign face shall be replaced if broken. All electrical components, switches, lamps, relays, fuses and similar devices shall be maintained in good working order. Faded, torn, frayed, ripped, dirty, stained, or discolored materials shall be replaced.

(b) *Discontinued or abandoned signs.*

- (1) If any sign is discontinued or abandoned for a period of at least six (6) consecutive months in a twelve (12) month period, such sign shall be considered a public nuisance affecting or endangering surrounding property values and will be considered to be detrimental to the public health, safety and general welfare of the community.
- (2) All discontinued or abandoned signs and sign messages shall be removed by the owner or lessee of the premises when the business is no longer conducted there, except if any period of involuntary discontinuance occurs during the temporary closing of a street for road repair. If the owner or lessee fails to remove the sign, the zoning administrator or the zoning administrator's designee shall give the owner no less than thirty (30) days written notice to remove the sign.
- (3) The zoning administrator or the zoning administrator's designee, may take any appropriate legal action necessary to obtain compliance, including issuing citations. Removal of the sign in question includes the removal of the sign structure and sign cab.

Sec. 44-225. Payment for removal of sign.

When it becomes necessary for the village to remove or cause to be removed or taken down, a defective, unsafe, or dangerous sign, the cost thereof shall be placed on the tax roll as a special charge and become a lien against the benefited property, unless paid sooner.

Sec. 44-226. Penalty.

Any person who shall violate or cause to be violated any provisions of this article shall, upon conviction thereof, forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), together with the costs of prosecution. Each day a violation exists, or continues, shall constitute a separate offense.

Sec. 44-227. Signs allowed by zoning district.

INSERT TABLE – a GREAT example and where most of this language comes from because it was recently created and well done is here:

<https://cms2.revize.com/revize/appletonwi/Documents/Legal%20&%20Administrative%20Services/Ord%20112-25%20-%20Signs.pdf?t=202510101525530&t=202510101525530>

Sec. 44-228 – 44-248 Reserved.

PROPOSED SIGN

Sec. 44-215 Signs containing a political message during an election campaign period.

<i>Sign Type</i>	<i>Signs Allowed</i>
<i>Political:</i>	
Size	Shall not exceed 11 sq feet
Placement	Shall not be placed in the road right-of-way
Requirement	May not have any electrical, mechanical or audio auxiliary.

Sec. 44-219 Signs permit exceptions.

<i>Sign Type</i>	<i>District Size and Location Requirements</i>
Directing/Guiding Traffic and Parking – Private Property	
Entrance Sign, exits, service areas, parking areas, restrooms, signs relating to functional operation of the building	Permitted without limitation other than reasonable size and necessity
Government Sign	
Historic Marker Sign	To be placed flat against a building, monument stone or other permanent surface, or ground sign 20 square foot maximum/not to exceed size limitations established by the State Historic Markers Program
Home Occupation Wall Sign	May not be illuminated, 6 square feet maximum
New Building or Development	Permitted for a limited period of time in any district with approval from the administrator; subject to: 1) Drawings showing the specific design, appearance, and location of the sign to be submitted to the zoning administrator for approval; 2) The permitted size and location of any such sign shall be at the discretion of the zoning administrator based upon the character of the area, the type and

	purpose of the sign, and the length of time permitted; 3) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total; 4) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed 9 months
Official Sign – Traffic Control, Parking Restriction, Information and Notices.	
Property Numbers, Postbox Numbers, Names of Occupants on Premise	1 square foot
Public, Charitable or Religious Sign	20 square feet max. minimum 10 feet from road right of way
Real Estate Sign	No more than 1 Real Estate Sign Per Lot, not to exceed 8 square feet
Subdivision/Neighborhood Signs (at entrance of neighborhood or subdivision on private property	
Window sign.	Not to exceed two feet in height by ten feet in height Not to exceed 50% of window area of any given wall OR 10% of the glass on any door. Square footage of window signs shall be included in the maximum allowable square footage of wall signs
Yard Signs	5 signs maximum, 11 square feet in area, 4 ft high, 40 square feet total cumulative area per lot

Sec. 44-186. Temporary signs.

A sign permit is required for all temporary signs. See sign size and location table for dimension requirements.

(1) Total temporary signs allowed per property:

<i>Sign Type</i>	<i>Number of Signs Allowed</i>
<i>Temporary signs:</i>	11 square feet maximum, not to exceed 30 days

Sec. 44-220. Signs prohibited.

<i>Sign Type</i>	<i>Signs Prohibited</i>
Intermittent flashing illumination, animation, motion picture, laser projection or sound emission	Exception: Electronic message signs as defined.
Beacons	
Off-premise signs	
Roof signs	
Signs marked, tacked or otherwise affixed to trees or other vegetation	
Signs containing statements, words, or pictures of an obscene or pornographic nature.	
Signs which purport to be, or are in imitation of, or resemble an official traffic sign or signal.	

Sec. 44-223. Construction specifications.

<i>Sign Type</i>	<i>Signs Allowed</i>
<i>Construction</i>	
Any sign but wall signs	Constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure
Chain Signs	No sign shall be suspended that will allow the sign to swing due to wind action
Electric Service	Needs to be concealed for service to ground signs.
Ground Structures	Self-supporting, permanently attached to sufficient foundations based on height and size of sign.
Provisions	Must meet requirements of Chapter 6 of the Municipal Code, the provisions of the National Electrical Code and the additional construction standards set forth in this section

Sec. 44-224. Maintenance required; abandoned signs.

<i>Sign Type</i>	<i>Requirements</i>
<i>Abandoned Signs</i>	
Abandoned Signs	At least 6 months, will be considered a public nuisance
	All Discontinued/abandoned signs shall be removed by the owner/lessee, if they fail to remove the sign the Zoning Administrator or Designee shall give the owner no less than 30 days written notice
	Zoning Administrator or Designee may take any appropriate legal action necessary to obtain compliance

ARTICLE X. ADMINISTRATION AND ENFORCEMENT

Sec. 44-366. General administrative system.

This chapter contemplates an administrative and enforcement officer entitled the zoning administrator to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this zoning chapter require review and recommendation by the plan commission and ultimate action by the village board. A zoning board of appeals is provided to ensure proper administration of the chapter and to avoid arbitrariness.

Sec. 44-367. Zoning administrator.

The village board shall designate a village official to serve as the zoning administrator and as the administrative enforcement officer for the provisions of this zoning chapter.

(a) The zoning administrator is responsible for interpreting and administering this chapter by:

- (1) Issuing the necessary permits required by the provisions of this chapter, provided that its provisions have been complied with.
- (2) Conducting the inspections of buildings, structures, and use of land to determine compliance with the terms of local, state and federal laws.
- (3) Keeping an accurate record of all permits issued and matters arising out of this chapter.
- (4) Receiving, filing, and processing all applications for site plans, special exception uses, appeals, variances, and amendments to this chapter.
- (5) Initiating, directing, and reviewing, from time to time, a study of the provisions of this chapter and make recommendations to the planning and zoning commission for investigation and appropriate action.

(6) Carrying out such additional responsibilities as are hereinafter set forth in this chapter.(b) In the enforcement of this chapter, the Zoning Administrator or designee shall have the power and authority at any reasonable time and for any proper purpose, to enter upon any public or private premises and make inspection thereof only if there is an open permit on the property. If there is not an open permit on the property, permission shall be granted by the property owner to enter the property or by court order.

Sec. 44-368. Review and decision-making bodies.

- (a) *Plan commission.* 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. In general, the plan commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this zoning chapter, its functions are primarily advisory to the village board pursuant to guidelines set forth in this zoning chapter as to various matters and, always, being mindful of the intent and purpose of this zoning chapter.
- (b) *Village board.* The village board, the governing body of the village, subject to recommendations by the plan commission, has authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this zoning chapter. The village board may delegate to the plan commission the responsibility to hold some or all public hearings as required under this zoning chapter.
- (c) *Zoning board of appeals.* A zoning board of appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this zoning chapter. See article XIV of this chapter for additional provisions.

Sec. 44-369. Site plan review.

- (a) *Required for construction or other development.* All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residential districts, shall require site plan approval by the zoning administrator, in accordance with the requirements of this section.
- (b) *Application to the zoning administrator.* The applicant for site plan review shall submit, in writing, the following information to the zoning administrator:
 - (1) Name, address, telephone number and email address of the property owner, developer (if different from current property owner), and general contractor.
 - (2) Name of project
 - (3) One physical copy that is 24 by 36, and one digital copy of the plans listed in the requirements section set forth below.
- (c) *Administration.* The village staff will review the application and may consult expert advisors to determine if the application and plans comply with the applicable requirements of this section. After the staff has reviewed the plans, the zoning administrator will issue or deny the zoning permit once all committee feedback has been addressed to the satisfaction of the staff. Within 30 days of receiving the application, the village staff will provide the applicant with comments or guidance from the zoning administrator. Approval or denial will be communicated within a reasonable timeframe based on the scope of the application.
- (d) *Requirements.* Any development shall be required to provide village staff with a copy of the following no smaller than one to fifty in scale:
 - (1) Site Plan
 - (2) Stormwater/Drainage Plan
 - (3) Driveway Accesses/Sidewalk

-
- (4) Landscaping Plan
 - (5) Lighting plan
 - (6) Water and Sewer Plan
- (e) *Effect on municipal services.* Before granting any site approval, the village staff may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the village engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the village administrator shall forward staff recommendations to the village board and shall not issue final approval until the village board has entered into an agreement with the applicant regarding the development of such facilities.
- (f) *Site plan review fees.* All plans and applications shall be accompanied by payment of a required fee of \$300.00 to cover the administrative costs involved for the first and a second submittal if needed, any additional submittal will be charged the review fee again.

Sec. 44-370. Zoning occupancy certificates.

- (a) Permit required. No vacant land shall be occupied or used, and no structure or building shall be hereafter erected, structurally altered, relocated, used or occupied until the zoning administrator or designee has certified the structure, building, use or occupancy complies with the provisions of this chapter and a zoning occupancy certificate has been issued. A like-certificate shall be obtained before any change is made in the type of use or before any legal nonconforming use is resumed, changed, or extended.
- (b) Applications and inspections. Applications shall be made to the Zoning Administrator by the following procedures; inspections may be conducted to verify compliance with Village Code requirements:
 - (1) Site plan. If a site plan is required by this chapter, then the zoning approval shall be reviewed and approved during the site plan process. A zoning occupancy certificate shall be issued upon completion of the required site plan and building improvements per § 320-214D, Inspection and completion.
 - (2) Special exception. If a special exception is required by this chapter, then the zoning approval shall be reviewed and approved during the special exception process. A zoning occupancy certificate shall be issued upon completion of required site plan improvements (if applicable) per § 320-214D, Inspection and completion, and meeting the conditions of the special exception (if applicable) per § 320-205E.
 - (3) Building permit. If a building permit is required by this chapter or Chapter 85 for a building requiring a site plan or special exception, a zoning occupancy certificate shall be issued upon completion of required site plan improvements (if applicable) per § 320-214D, Inspection and completion, and meeting the conditions of the special exception (if applicable) per § 320-205E, Inspection and completion, and meeting all applicable building codes. Building occupancy shall comply with Chapter 85.
 - (4) Zoning occupancy certificate. If a site plan, special exception, or building permit is not required, the property owner or applicant shall submit an application to the Zoning Administrator if a new use is proposed and provide appropriate information to verify compliance with this chapter and the Hortonville Municipal Code. If it is determined a site plan, special exception, and/or building permit is required during the review of the application, the property owner and/or applicant shall submit the applicable applications for approval prior to a zoning occupancy certificate being issued

Sec. 44-____. Rezoning request.

Sec. 44-371. Violations and penalties.

Any person who violates this chapter shall be subject to a forfeiture of not less than \$10.00 or more than \$200.00, plus the costs of prosecution. Every day of violation shall be a separate offense.

Sec. 44-372. Amendments.

The village board may amend this chapter following the procedures prescribed by Wis. Stats. § 62.23.

Sec. 44-373 – 44-393 Reserved.

Sec. 44-9. – Signs.

<i>District</i>	
R1, R2, R3, A, W	
<i>Sign Type</i>	<i>Signs allowed</i>
Bulletin Boards – public, charitable, or religious institutions	Not to exceed 8 sq ft
Memorial Signs, tablets, names of buildings, date of erection	When cut into any masonry surface or when constructed of metal and affixed flat against a structure
Name Signs	Not to exceed 2 sq ft.
Official Signs	Traffic control, parking restrictions, information and notices
Occupation	Not to exceed 2 sq ft.
Permanent signs	Multi-unit Dwelling containing less than 8 units – not to exceed 4 sq feet,
Real Estate Signs	Not to exceed square ft in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located
Temporary Signs/Banners	No more than 45 days in a 6-month period, maximum 32 sq feet in signable area. May be increased up to a maximum total of 64 sq feet in signable area if approved. Must be removed within 10 days after use has been discontinued.
Warning Signs	Not to exceed 2 square ft.
Window Signs	Signs over show windows/doors of a non-conforming business establishment, announcing without display or elaboration only the name and occupation of the proprietor and not to exceed 2 ft in height and 6 ft in length

<i>District</i>	
C1, C2, I1, I2	
<i>Sign Type</i>	<i>Signs allowed</i>
Combination Signs	Shall meet requirements for the individual sign provided in subsection C
Ground Signs	Shall not exceed 20 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, Shall not exceed 100 sq feet on one side, nor 200 sq feet on all sides for any one premise
Projecting Signs	Fastened to, suspended from or supported by structures shall not exceed 100 sq feet in area for any one premise, extend more than 6 ft into any required yard, extend into any public right of way, be less than 10 ft from all side lot lines, exceed a

	height of 20 ft above the mean centerline street grade or be less than 10 feet above the sidewalk, nor 15 ft above a driveway or an alley
Roof Signs	Shall not exceed 10 ft in height above the roof, Shall meet all yard and height requirements for the district in which it is located Shall not exceed 300 sq feet on all sides for any 1 premise
Wall Signs	Placed against the exterior walls of buildings shall not extend more than 6 inches outside of the building's wall surface, exceed 500 sq feet in area for any 1 premise or exceed 20 feet in height above the mean centerline street grade.
	<i>Signs Not Allowed</i>
Railroad, traffic, signals or devices	Signs shall not resemble, imitate, or approximate the shape, size, form or color of these signs, No sign shall be erected, relocated or maintained so as to prevent free ingress and egress from any door, window, or fire escape and no sign shall be attached to a standpipe or fire escape. No sign shall be placed to obstruct or interfere with traffic visibility.

Sec. 44-10. – Nonconforming uses.

	<i>Signs Allowed</i>
Present Uses of Buildings	May be continued even though they do not conform to the restrictions of this chapter. Structural repairs or alterations of such buildings/premises shall not exceed 50% of their assessed value at the time they become non-conforming Any non-conforming use that is abandoned for 1 year shall be permanently discontinued.
Structures	In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of the ordinance from which this chapter derived.
Combined Lots	If 2 or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of the ordinance from which this chapter is derived.

Sec. 44-215 Signs containing a political message during an election campaign period.

<i>Sign Type</i>	<i>Signs Allowed</i>
<i>Political:</i>	
Size	Shall not exceed 11 sq feet
Placement	Shall not be placed in the road right-of-way
Requirement	May not have any electrical, mechanical or audio auxiliary.

Sec. 44-219 Signs permit exceptions.

<i>Sign Type</i>	<i>District Size and Location Requirements</i>
Directing/Guiding Traffic and Parking – Private Property	
Entrance Sign, exits, service areas, parking areas, restrooms, signs relating to functional operation of the building	Permitted without limitation other than reasonable size and necessity
Government Sign	
Historic Marker Sign	To be placed flat against a building, monument stone or other permanent surface, or ground sign 20 square foot maximum/not to exceed size limitations established by the State Historic Markers Program
Home Occupation Wall Sign	May not be illuminated, 6 square feet maximum
New Building or Development	Permitted for a limited period of time in any district with approval from the administrator; subject to: 1) Drawings showing the specific design, appearance, and location of the sign to be submitted to the zoning administrator for approval; 2) The permitted size and location of any such sign shall be at the discretion of the zoning administrator based upon the character of the area, the type and purpose of the sign, and the length of time permitted; 3) Where the sign is to be located on the premises involved, such may be permitted for a period up to one year. An extension may be permitted for a period not to exceed two years total; 4) Where the sign is not to be located on the premises involved, such sign may be permitted for a period not to exceed 9 months

Official Sign – Traffic Control, Parking Restriction, Information and Notices.	
Property Numbers, Postbox Numbers, Names of Occupants on Premise	1 square foot
Public, Charitable or Religious Sign	20 square feet max. minimum 10 feet from road right of way
Real Estate Sign	No more than 1 Real Estate Sign Per Lot, not to exceed 8 square feet
Subdivision/Neighborhood Signs (at entrance of neighborhood or subdivision on private property)	
Window sign.	Not to exceed two feet in height by ten feet in height Not to exceed 50% of window area of any given wall OR 10% of the glass on any door. Square footage of window signs shall be included in the maximum allowable square footage of wall signs
Yard Signs	5 signs maximum, 11 square feet in area, 4 ft high, 40 square feet total cumulative area per lot

Sec. 44-186. Temporary signs.

A sign permit is required for all temporary signs. See sign size and location table for dimension requirements.

(1) Total temporary signs allowed per property:

<i>Sign Type</i>	<i>Number of Signs Allowed</i>
<i>Temporary signs:</i>	11 square feet maximum, not to exceed 30 days

Sec. 44-220. Signs prohibited.

<i>Sign Type</i>	<i>Signs Prohibited</i>
Intermittent flashing illumination, animation, motion picture, laser projection or sound emission	Exception: Electronic message signs as defined.
Beacons	
Off-premise signs	
Roof signs	
Signs marked, tacked or otherwise affixed to trees or other vegetation	

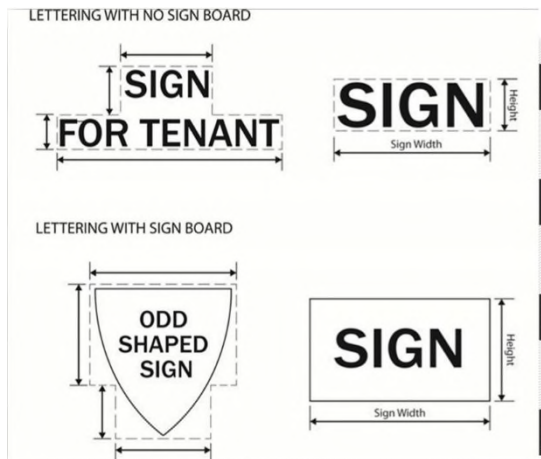
Signs containing statements, words, or pictures of an obscene or pornographic nature.	
Signs which purport to be, or are in imitation of, or resemble an official traffic sign or signal.	

Sec. 44-223. Construction specifications.

<i>Sign Type</i>	<i>Signs Allowed</i>
<i>Construction</i>	
Any sign but wall signs	Constructed to withstand wind loads of 30 pounds per square foot on the largest face of the sign and structure
Chain Signs	No sign shall be suspended that will allow the sign to swing due to wind action
Electric Service	Needs to be concealed for service to ground signs.
Ground Structures	Self-supporting, permanently attached to sufficient foundations based on height and size of sign.
Provisions	Must meet requirements of Chapter 6 of the Municipal Code, the provisions of the National Electrical Code and the additional construction standards set forth in this section

Sec. 44-224. Maintenance required; abandoned signs.

<i>Sign Type</i>	<i>Requirements</i>
<i>Abandoned Signs</i>	
Abandoned Signs	At least 6 months, will be considered a public nuisance
	All Discontinued/abandoned signs shall be removed by the owner/lessee, if they fail to remove the sign the Zoning Administrator or Designee shall give the owner no less than 30 days written notice
	Zoning Administrator or Designee may take any appropriate legal action necessary to obtain compliance



(Code 1989, § 17.30(5)(a)(6))

- **Sec. 44-184. - Street frontage.**

Street frontage is defined as a side of the property that faces a public street. Corner lots have two street frontages.

(Code 1989, § 17.30(5)(a)(7))

- **Sec. 44-185. - Permanent signs.**

A sign permit is required for all permanent signs in the downtown zoning district. A total number of signs per property are regulated. See sign size and location table for dimension requirements.

(1)

Total permanent signs allowed per property:

Sign Type	Number of Signs Allowed in Downtown District
<i>Building signs:</i>	
Awning/canopy sign	1 sign per street frontage (this only limits number of signs on structure and not number of awnings and canopies)
Marquee	1 per building
Menu sign	1 per tenant
Projecting sign	1 per tenant
Roof sign	1 per building

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Sign Type	Number of Signs Allowed in Downtown District
Wall sign	1 per street frontage
Wall sign, painted	Allowed on 1 wall without windows
<i>Freestanding signs:</i>	
Monument	1 freestanding sign per street frontage (monument or pylon)
Pylon sign	1 freestanding sign per street frontage (monument or pylon)
<i>Information signs:</i>	
Directory	1 per building
Nameplate	1 per tenant

(2)

Permanent sign types, size (per face) and location requirements.

Sign Type	Downtown District Size and Location Requirements
<i>Building signs:</i>	
Awning/canopy. A sign on a roof-like cover extending over or in front of a place (as over the deck or in front of a door or window) as a shelter.	9 square feet of awning canopy can be signed; the lowest part of the awning must be at least 80 inches above the sidewalk
Marquee. A sign that is attached to, in any manner, or made a part of any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of a building,	32 square feet per face; the lowest part of the awning must be at least 80 inches above the sidewalk

Sign Type	Downtown District Size and Location Requirements
generally designed and constructed to provide protection from the weather.	
Menu sign. A sign that displays a menu for the on-site eating/drinking establishment and is attached to the building for pedestrian use.	3 square feet
Projecting sign. A sign affixed to any part of a building or structure which extends beyond the building or structure.	20 square feet per face; cannot extend more than 4 feet over the right-of-way; they must be at least 10 feet above the sidewalk or 15 feet above a driveway or alley
Wall sign. A sign attached to, placed against, or supported by the exterior surface of any building.	15 percent of wall area sign is attached to
Wall sign, painted. A sign applied to a building wall with paint and which has no sign structure.	15 percent of wall area sign is attached to
<i>Freestanding signs:</i>	
Monument sign. A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.	32 square feet
Pole/pylon sign. An elevated sign supported by poles or pylons that are wrapped with a stone or professional building material.	32 square feet; 20-foot maximum height
<i>Information signs:</i>	
Directory. A sign, other than an identification sign, listing the names, uses, or locations of the various businesses or activities conducted within a building or group of buildings that is centrally located and intended to provide on-site directions.	6 square feet

Sign Type	Downtown District Size and Location Requirements
Nameplate. A sign indicating the name and address of a building; or the name of an occupant thereof, and the practice of a permitted occupation therein.	2 square feet

(Code 1989, § 17.30(5)(b))

- **Sec. 44-186. - Temporary signs.**

A sign permit is required for all temporary signs in the downtown zoning district. See sign size and location table for dimension requirements.

(1)

Total temporary signs allowed per property:

Sign Type	Number of Signs Allowed in Downtown District
<i>Temporary signs:</i>	
Banner, soft sided signs	2 per property; 30 days maximum, 4 times a year
Sidewalk sign	1 per property; during business hours only

(2)

Temporary sign types, size, and location requirements.

Sign Type	Downtown District Size and Location Requirements
<i>Temporary signs:</i>	
Banner/soft sided sign. A sign made of flexible materials and supported along one or more sides or at two or more corners by staples, tape, wires, ropes, strings, or other materials that are not fixed or rigid.	24 square feet

Sign Type	<i>Downtown District Size and Location Requirements</i>
Sidewalk sign. A sign, which may be an A-frame or sandwich board type sign, placed on the sidewalk or boulevard area within the public right-of-way and associated with the abutting commercial establishment in compliance with these standards.	15 square feet; not to be placed where it may interfere with ADA requirements

(Code 1989, § 17.30(5)(c))

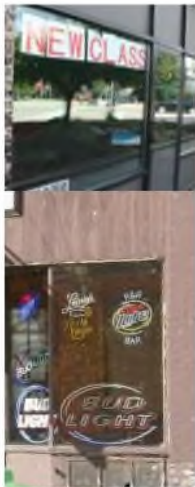
- **Sec. 44-187. - Signs not requiring a permit.**

A sign permit is not required for the signs listed in this section. See sign size and location table for dimension requirements.

(1)

Total signs allowed per property:

Sign Type	<i>Number of Signs Allowed in Downtown District</i>
Signs not requiring a permit	
Construction sign	Only during the duration of work; must be removed within 5 calendar days of work ending
Government sign	As needed
Political sign	See Wis. Stats. § 12.04
Real estate	1 per property
Yard sign	1 per property
Warning signs	As needed

Sign Type	Number of Signs Allowed in Downtown District
	
Window signs	
	May not exceed 25 percent of window area of a street frontage

(2)

Size requirements for signs not requiring a permit.

Sign Type	Downtown District Size Requirements
Construction sign. Signs announcing new buildings or projects or advertising the company doing the work.	32 square feet

Sign Type	<i>Downtown District Size Requirements</i>
Governmental sign. A sign erected and maintained by or on behalf of the United states, the state, the county, or the village for the purpose of regulating traffic or for civic purposes.	As needed
Political. A temporary sign announcing or supporting candidates or issues in connection with any national, state, or local election.	See Wis. Stats. § 12.04
Real estate. A sign announcing the sale or rental of the property upon which the sign is located.	32 square feet
Yard sign. A sign that is supported or mounted by stakes pushed into the ground.	3 square feet
Warning sign. A sign limited to a message of warning, danger, or caution.	3 square feet
Window signs. Signs and decals placed on the interior of the window.	May not exceed 25 percent of window area