



VILLAGE OF WILLIAMS BAY

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NOTICE

PLAN COMMISSION MEETING TUESDAY, AUGUST 10, 2021 AT 6:30 PM VILLAGE HALL COUNCIL ROOM

AGENDA

The following agenda items may be considered for Discussion, Consideration, or Action

- I. Call to Order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Minutes
 - A. Joint Village Board and Plan Commission Meeting Minutes of May 25, 2021
- V. Recommendation for Re-codification of Zoning Ordinance
 - A. Open Public Hearing - All interested in this matter are invited to attend
 - 1. Re-codification including minor amendments necessary to update the Zoning Ordinance, Chapter 18 of the Code of Ordinances of the Village of Williams Bay
 - B. Motion to Close Public Hearing
 - C. Discussion and possible action for the re-codification
- VI. Recommendation for a Sign Permit
 - A. APPLICANT: Geneva Lake Conservancy
TAX KEY: WWUP 00041
STREET ADDRESS: 159 Elkhorn Road, Williams Bay, WI 53191

The applicants are requesting a Sign Permit per 18.10001, *Purpose of Sign Regulations* and 18.1006, *Signs Permitted in the Public Parks and Recreation Districts with a Permit* to allow a ground sign
- VII. Adjournment

Bill Duncan
Chairman

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the Village Clerk's office in advance so the appropriate accommodations can be made.

Posted: 08/04/2021 5:00 PM



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UNOFFICIAL MINUTES JOINT PLAN COMMISSION AND VILLAGE BOARD MEETING TUESDAY, MAY 25, 2021 AT 6:00 PM VILLAGE HALL COUNCIL ROOM

I. Call to Order

President Duncan called the meeting to order at 6:00 PM.

II. Roll Call

Present:

Village Board: President Duncan, Trustees Parker, D'Alessandro, Stanek, Umans, Vlach and Wright.

Plan Commission: President Duncan, Trustee Parker, Commissioners Gage, Haak, Klemke and Cincinelli.

Also Present: Administrator Tobin, Clerk Pankau, Zoning Administrator Schaeffer, Village Attorney Schroeder and Police Chief Timm.

Excused: Plan Commissioners Pat Watts and Jane Pegel.

III. Pledge of Allegiance

IV. Minutes

A. Joint Plan Commission and Village Board Meeting Minutes of May 11, 2021

The motion to Approve the Joint Plan Commission and Village Board Meeting Minutes of May 11, 2021 was initiated by Jess Haak and seconded by Ralph Cincinelli of the Plan Commission. Unanimously carried.

The motion to Approve the Joint Plan Commission and Village Board Meeting Minutes of May 11, 2021 was initiated by Robert Umans and seconded by Lowell Wright of the Village Board. Trustee Parker requested that a correction be made to item VIII(A) so that it reads that the Institutional Land is reviewed every ten years, not one. Unanimously carried.

The motion to move item VI. Plan Commission Public Hearing for Zoning Map Amendment to item V and to move item V. Board Consideration of Comprehensive Plan Amendment Ordinance to item VI was initiated by Ralph Cincinelli and seconded by Marianne Klemke of the Plan Commission. Unanimously carried.

The motion to move item VI. Plan Commission Public Hearing for Zoning Map Amendment to item V and to move item V. Board Consideration of Comprehensive Plan Amendment Ordinance to item VI was initiated by Jim D'Alessandro and seconded by Robert Umans of the Village Board. Unanimously carried.

VI. Plan Commission Public Hearing for Zoning Map Amendment

A. Open Public Hearing

President Duncan opened the Public Hearing at 6:05 PM.

1. APPLICANT: University of Chicago (Owner)
TAX KEY: WAS 00001A
STREET ADDRESS: Vacant land south of Constance Blvd. and east of Aurora University, Williams Bay,

The applicant requests a Zoning Map Amendment per 18.1205, *Zoning Map Amendments* to rezone approximately 8.72 acres from P&I Public and Institutional District to SF-2 Large Lot Residential District.

Patricia Gages (198 Vernon) stated that University of Chicago only completed three archeological tests, one being a shovel test. The test completed one shovel per 11,000 square feet. Gages asked if that is adequate enough for this piece of land where Native Americans farmed for years before University of Chicago was here and that it would be exciting to find artifacts.

Jason Bernard (391 Lakewood and Lake Geneva Architects) stated that he is surprised that there is so much kickback on a re-zoning request that would ensure low-density as the current zoning of the land would allow much higher density projects if a Parks and Institutional buyer purchases the property. Bernard stated it would not only be a larger commercial building, but also the required parking spots for that building. He stated that he would personally prefer the lower density of the three homes.

Ann Drake (1487 Geneva National Avenue and Founder of AWESOME) stated that this land is a significant site and there are different ideas on what could be done with it. She stated that she would like to build a single two-story structure that is about 15,000 square feet for a Women's Leadership Center. She stated that her proposal speaks to the conservation of the land and that it will honor the history of the location. She stated that her proposal would not require a zoning change and that the land will retain the shoreline. Drake stated that her proposal will draw visitors, and that she will partner with Aurora University/George Williams College for collaboration. She stated that she has shown her support of the area through a substantial contribution to Yerkes Future Foundation and that she will continue to support the area with the Women's Leadership Center.

President Duncan read a letter submitted by Mike O'Brien (402 Lakewood) which stated: "I am writing today regarding the University of Chicago's rezoning application for the 8 acres of lakefront land on Constance Boulevard to be rezoned for low-density residential purposes. The rezoning application was filed last year in concert with the University's donation of the Observatory and nearly 50 acres of land to the Yerkes Future Foundation (YFF). Our parcel and future home at 415 Grand View Avenue, was part of the original rezoning application and was successfully decoupled and subsequently approved for residential zoning status late last year. As a neighboring property owner to both YFF and George Williams College we are also in very close proximity to the lakefront land on Constance Blvd. My wife Anita and I continue to be supportive of the University's request to rezone to low density residential and what would most likely eventually be three new residences on the lakefront for the following reasons: 1) The proposed plans would be consistent with surrounding lakefront properties and most likely protect and preserve more land than any commercial institution construction might if current zoning remains. 2) The village would greatly benefit from the increase in tax revenue which could be used for a variety of improvements and/or programs. 3) The proposed easement which would remain after rezone allowing egress to and from the lake would allow continued enjoyment for village residents to enjoy this special part of the lakefront. 4) The privately owned land and as currently zoned, the potential for usages such as places of worship, conference / event centers or institutional the potential for traffic, noise and congestion would greatly disturb neighboring residents. The COVID-19 pandemic has caused complications to this review process but the Village Board should drive the rezoning decision to a resolution. The University of Chicago has long been a significant and valued part of our community and we owe them a swift conclusion to this process."

President Duncan read a letter submitted by John J. Rock (Rock Fusco & Connelly, LLC) which stated: "We write on behalf of our client and in support of the University of Chicago's request to rezone and subdivide the lakefront property located south of Constance Avenue. Our client is currently under contract to purchase one of the parcels, subject to the approvals currently under consideration by the Village. My client and his family are very excited about the possibility of spending more time back in Wisconsin, and we thought it would be helpful for the Board to understand our motivation and aspirations for settling in Williams Bay. My client's family is a family of four, with 2 high-school age boys and a dog. Both my client and his wife have Midwestern roots. She comes from Wauwatosa, WI, attended Pius High School and has numerous family members in the Milwaukee area. Her mother still resides in Wauwatosa and we visit often. Further, his wife and sons are Packer and Bucks fans, much to his chagrin as a Chicago native. My client's family, likewise, is a large

one from the St. Charles, IL area. His brother and his family and grandkids are on the lake with a residence in Fontana. His wife's father was the former Dean of the Marquette University Business School, an Economics professor and a worldwide proponent of Jesuit universities and colleges. It would be terrific if his boys chose to attend UW, or a midwestern-based university, as they could then spend more time in Wisconsin, attend games in Milwaukee and Lambeau and spend time on the lake with their families. We have observed the thoughtful process by which the Village Trustees have engaged with the University and the Williams Bay community to address questions and concerns related to safeguarding the natural qualities that make this lakefront land so beautiful. My client recognizes the value of these woodlands and their plan to build a single-family home is aligned with the Village's goal of low-density development in order to preserve the natural characteristics of the parcel for the long term. Similarly, in planning for the design and construction of a home on this land, they want to assure the Village and community that their priority is to minimize impacts to the land and to preserve its natural beauty for future generations. For further reference, we currently reside in an historic home built in 1890, which we have spent considerable time and effort restoring. They love their current home, because it has a soul, is proportionate to humans (not a super-sized McMansion) and it respects the lot size and the wonderful, large Oak trees they've been privileged to inherit. Those same principles will continue with the planned home in Williams Bay. We thank the Village for your consideration of this proposal and hope you will vote favorably."

President Duncan read a letter submitted by Nancy Johnson (no address provided) which stated: "The past few months, slowly, people have been made aware of the University of Chicago's plan and that it demands a zoning amendment to the Williams Bay comprehensive plan. As part of the Williams Bay Association for Land Preservation, we have tried to educate people on this topic and emphasize the importance and value of the land and (Yerkes) woods, as well as not amending the comprehensive plan. While attending the Williams Bay public meeting of May 18th, I did not hear any positive notes toward the rezoning, but rather to keep the land as public institutional. Many people had questions. I was glad that both Mr. Duncan and Mr. D'Alessandro were present to answer questions and that they said the land is important to them. Also, that if the vote is no, that the next appeal or vote would be in a year, giving the Bay and board time to assess the situation. This was good news. Ann Drake presented an option to keep the land as public institutional and offered to build a women's leadership retreat connected to Yerkes, which she has donated greatly to, and GWC. This is another choice, or solution, that could be an economic and environmental plan without amending the current comprehensive plan. This gives the board another idea to think about, as Ms. Drake generously has given a large donation to Yerkes, which helps complete that commitment. All in all, I believe that a no rezone vote is what the people want. It will give the Bay and board and University of Chicago more time. I believe that the board is in control of this situation, not the University of Chicago. The village government has the power and does not need to amend the comprehensive plan, and I hope they will vote no to the amendment and zoning change. Thank you for your consideration and commitment to the village and people of Williams Bay."

President Duncan read a letter submitted by Jeff Smith (142 Oakwood) which stated: "I come to you as a lifelong resident and taxpayer of Williams Bay. I know you are giving careful consideration to the University of Chicago property that is currently under debate. I feel as a taxpayer that dividing this property into 3 large lot residential plots is the greatest benefit to the community. By doing this you are controlling the future of the property. I am very much against the way Fontana is rezoning and allowing saturation housing to be built. I was not able to attend the meeting where Ms. Ann Drake gave her presentation. I am not opposed to a "Women's Center" being built in Williams Bay, but my question is: Why, in the eleventh hour of this process, are we just hearing about this? What happens if her proposal fails? If her proposal fails, what stops a future Village Board from approving saturation housing on this property? If her proposal fails, what stops a future Village Board from approving a hotel chain from building on this property? What happens if she is successful and needs to expand? What impact would a successful business have on the Constance Boulevard roadway? How would the increased traffic on Constance Boulevard impact the current residents on that street? Wouldn't increased traffic have a negative impact on the environment? Will this property be maintained? It is full of invasive species of weeds that need to be removed before they end up killing this forested area. It is evident when driving by this area on Constance Boulevard that it needs to be maintained. There have been too many years of neglect and someone needs to be proactive on restoring the land. I wondered if Ms. Drake had approached Aurora University with her proposal? I would think that either Aurora University or one of the other not for profit organizations on the lake would embrace her idea. When the University of Chicago turned the observatory and surrounding land over to the "Yerkes Foundation" I really thought we had a "win". I fully expected them to sell off any remaining land as a benefit to the university. I know many feel the village should buy the land, but the village should not be in the real estate business."

If someone were to “gift” the land to the village, I would still be against it. I would be surprised if you could find resident’s like Harold Friestad and Thor Rassmusen that would maintain the woods. I also have a concern that if you pull the plug on the rezoning at this point, you may open the village up to a lawsuit like Lake Geneva is involved with concerning the Hillmoor property. Who’s going to pay for defending a lawsuit and pay for a potential settlement? I’m assuming the taxpayers would. We all have things from the past that we hold near and dear to our hearts. For Nancy and Sandy Johnson it’s the woods they played in as young girls. For me, it was the golf course. For some I’m sure it was the Keg Room, and I’m sure the list could go on. Times have changed. We need to let go of the past and embrace the future. You have the power to control the future of this land. Rezoning the property to residential would almost certainly be impossible for future village boards to change the zoning. Granted it’s not impossible for the zoning to change, but I’m sure the residents that can afford these homes aren’t looking to share their land with anybody.”

President Duncan read a letter submitted by Sharon Widell (Cedar Point) which stated: "We would like to see the board vote YES to the rezoning of the Observatory Woods."

President Duncan read a letter submitted by Kurt Marunde (624 Cedar Point) which stated: "Just a quick note to let you know that I’m recommending the board vote yes to re-zoning the Zerkes property in question to residential. Thus allowing for the three homes to be built, each on a 5 acre lot. Of course the potential tax revenue from the women’s leadership option is enticing but since that option also has a strong potential to forever alter our village the risk is just too great."

President Duncan read a letter submitted by Tara Wegner (no address provided) which stated: "The purpose of this letter is to express my support, as a full-time resident of Williams Bay, for re-zoning the lakefront property owned by The University of Chicago from Institutional to Residential, allowing for the construction of three homesites on the property to proceed. After attending the public presentation held this week, which focused on providing the outline for one potential Institutional use for the site, it became clear to me that the impact of building three new lakefront homes on Williams Bay would be preferable to the potential, and importantly UNKNOWN, Institutional uses for the site. While initially hoping for a solution that would preserve the site as open space, and offering to make a commitment of time and effort toward that goal, by the end of the meeting I realized that we are at a late stage in this process, and that the best way forward is to re-zone the site for Residential use. My reasons are as follows: 1. UChicago has already contracted with home builders who have agreed to work within strict conditions of lot size and environmental impact (for example, sensitivity to preserving existing trees, replacing those removed, limiting the ratio of building pad to lot size, etc.) However, the University can only sell to these builders if the site is re-zoned. I see this as a bird in the hand, bringing with it the benefits of favorable homebuilding restrictions and three new sources of property tax revenue. 2. If the site remains zoned for Institutional use, Williams Bay has no guarantee of what we would be getting. The University would be able to sell to an Institutional buyer of their choosing, or would have the option of waiting one year before they could make another request for re-zoning to the Village Board. 3. Based on the conference center concept presented this week, it became clear to me that the unknown nature of an Institutional buyer brings with it the potential for an impact on our community which is much harder to gauge than the impact of building three homes. Specifically, an Institution brings with it these concerns: —impact on existing conference space —impact on village infrastructure (no studies have been done) —impact on the environment (no studies have been done) —impact on village finances —impact on accessibility to the land, which cannot be assumed beyond the shore path —impact over time if the property’s institutional ownership no longer has use for it —impact on the character of the Village. Thank you very much to the Board representatives who took the time to attend the meeting and patiently explain the current situation in response to the attendees’ questions. Thank you also to the valiant efforts of the speakers who represented those of us who would have liked to see the site preserved as public open space. The character of Williams Bay as a showcase of the beauty and quiet tranquility that nature has to offer (when we don’t overburden it with encroaching numbers of people and businesses) makes it the unique place we have all chosen to call home."

President Duncan read a letter submitted by Susan Steele (23 Stam) which stated: "I attended the meeting held 5/18/21 at the Williams Bay High School to know more about both sides of the above matter. In truth, I attended the meeting not so much as I was against the rezoning but rather to hear strong arguments why the Village and its residents should be for it. How would the comp plan amendment and rezoning benefit the community's historic and present character?"

The meeting discussion indicates both are now in jeopardy. How would denying the application hurt the community? Would the Village lose a lawsuit if one was initiated by the University as Hillmoor Developers did suing L.G. for denying their re-zoning request? Hillmoor Developers wanted the property rezoned from Rural Holding to Mixed Commercial and Residential. The future land use indicated Private Recreation. The Village of Williams Bay per the meeting has this zoned P&I. The Future Land Use shows it Ag/Undeveloped., Hillmoor didn't win the first time because local governments are in sole control of their zoning. Hence they are initiating another lawsuit on another vague ground. So, I believe, even if the University did the same using the same argument if the Board denies the application, the Bay, like LG will prevail. In conclusion, I am hereby requesting the Village Board to deny both the amendment to the comp plan and rezoning on May 25, 2021. Thank you very much for your time and service to the community."

President Duncan read a letter submitted by Lilan Marunde (521 Prairie View) which stated: "I attended the meeting last Tuesday 5/18 at the high school. I was interested in learning more about the considerations for the Observatory Woods land. I appreciated hearing from the significance of this property, from an environmental standpoint and how it's future use could impact the residents of the Village and impact its character. I can appreciate the predicament the board is facing with this vote. Ideally, it would be wonderful if the land could be preserved as open space. If this avenue has been explored and is not feasible, then my opinion is that the land should be rezoned for 3 residential homes. Perhaps the width of the easement (and the tree clearing) could be lessened so as to retain as much green space and native trees as possible. What I am very opposed to is the proposal by Ann Drake of a Women's Leadership Center. After hearing Ms. Drake's presentation, I have several red flags. She was unable to articulate: 1) how this would benefit the Village (except perhaps via trickle-down economics of hiring some staff roles to serve the attendees). 2) how this center would handle parking lots, night sky pollution from parking lots and outdoor space 3) if her organization was "for profit" or "not for profit" 4) how the village might utilize the retreat center. It appears Ms. Drake has deep corporate ties (starbucks, johnson and johnson, mcdonald's, etc), which is concerning as this retreat center has the potential to change the fabric and character of our village. If there is a viable way to save the Woods as green space, then we should pursue. If this door is closed, then a vote 'yes' for residential rezoning is the next best option for the Village."

President Duncan read a letter submitted by Ann Marie Ries (531 Park Ridge) which stated: "As full time residents of Williams Bay we would like to see the zoning of Observatory Woods to become residential. Please Vote Yes."

President Duncan read a letter submitted by Stephen Greenberg (Canyon Development Group) which stated: "My name is Stephen Greenberg, Owner of Canyon Development Group. I am writing you today in an effort to support the University of Chicago in their attempt to rezone and subdivide the lakefront property located South of Constance Avenue in the Village of Williams Bay. Canyon is currently under contract to purchase two of the parcels subject to the approvals currently under consideration by the Village. For 27 years, Canyon has built homes with the highest of integrity and quality as possible. We always consider the existing site conditions and do our best to work the home into the natural surroundings. Our goal would be no different on the Constance properties. We hope to design and deliver beautiful single family homes on each lot that not only the actual homeowners will love, but that the community will be proud of as well. When the possibility of building on these lots was brought to my attention I immediately brought several clients out to see the property. I believe their vision is consistent with mine and I am confident that we will create timeless family estates that can be enjoyed for generations to come. I thank you for your time and consideration in this manner and am hopeful you will approve the rezoning of these properties to ensure they are used to their highest and best use."

Atty. Lisle Blackburn (representing Ann Drake) stated that Ms. Drake is proposing a 15,000 square foot two-story building which would result in about an 8,000 square foot footprint and off-site street parking is currently allowed in Williams Bay. He stated that the proposed three houses may each be larger than something that Ann Drake has proposed. He also stated that each of the three houses would have long piers with possibly multiple slips for boats and jet skis. He stated that Ann Drake has a tangible alternative to the houses and that the Board and Plan Commission should consider that before voting today. He stated that the Board has to consider other proposals for this property as part of the vote on the University's request. He stated that the Leadership Center will be sensitive to the land, draw visitors and bring jobs and economic activity to the area. He stated that the Leadership Center will provide opportunity with collaboration with George Williams College and Yerkes Observatory. He also stated that there is no guarantee that

the individual homes will keep the unique characteristics of the woods but that the Women's Leadership Center would keep the beauty of the woods.

Marsha Engquist (546 Highland) stated that she wants to praise the University of Chicago for their work on this request. Engquist stated that the proposed three homes would generate only about \$50,000.00 of tax revenue to the Village and that the Master Plan was considered very carefully eleven years ago and to change it should be not be considered lightly as it would set a precedent for future requests.

Edgar Mosshamer (27 Constance Blvd) stated that he is excited about Ann Drake's proposal and that it would be the best use of the land because it would be active and bring the community together. He stated that he would vote to deny the re-zone request if he were a Village Board Member.

Sandra Johnson (2327 Theatre Rd) stated that she feels there are many people in the community that are not aware of what is happening, and the ones that are have many questions. She stated that amending the Comprehensive Plan is a big issue to Williams Bay and that it is important for people to know what is happening. Sandra stated that there was a lot of momentum to get the Village thriving, but when she sees the proposal from the University of Chicago her red flags go up. She told the Board that this decision will be their legacy as a Board and she believes a community could benefit from it rather than three families. Sandra asked the Board to look at the possibilities to save this land and look into proposals like Ann Drake's to preserve this land. She stated that money talks but you don't have to listen, and that nature also talks and that she wants people to listen to it.

Cheryl Frietag (corner of Walworth and Cherry) stated that this is the wrong time to make a decision as this should not have been happening during the pandemic when people were locked in their homes.

David Williams (45 Parkhurst) stated that he keeps hearing the term "Observatory Woods" and that he lived in the closest house to the Observatory and he would consider it a sliver of land that would be split into three homes, not a woods. He stated that he has no question in his mind that they would be filled with three beautiful homes with beautiful landscapes. He stated that there are many invasive trees that should be taken out anyways and that he does not think they have to worry about setting a precedent as this property is nothing like Holiday Home, Wesley Woods, or Conference Point as those properties are much larger than this sliver of land. He suggests approving the request for the re-zone to residential.

Gene Frietag (18 Cherry) stated that no matter which way the vote goes tonight, he would like it really looked into to make sure it is done right. He stated that the rest of the community should not need to pay for a mistake that was made that could have benefited the community. He asked the Board to consider all of the angles to make sure the tax and water bills do not go up for everyone else.

B. Close Public Hearing

President Duncan closed the Public Hearing at 7:03 PM.

V. Board Consideration of Comprehensive Plan Amendment Ordinance

A. APPLICANT: University of Chicago (Owner)

TAX KEY: WAS 00001A

STREET ADDRESS: Vacant land south of Constance Blvd. and east of Aurora University, Williams Bay, Wisconsin 53191

Applicants hereby petition the Board of Trustees of the Village of Williams Bay to amend the Future Land Use Map contained in the Village of Williams Bay Comprehensive Plan (at page 71). Specifically, the applicants' petition seeks to change the designation of the above described lands from "Institutional" to "Large Lot Residential".

Village Attorney Schroeder gave an overview of what the steps are this evening for the Plan Commission and Village Board.

Tracy McCabe (Associate Vice President of Univ. of Chicago) presented what the University of Chicago is requesting and stated that the legacy of the University is the Yerkes Observatory and the donation of the Observatory and 50 acres to the Yerkes Future Foundation. He stated that when they made this donation, the University had the intention of making up the costs by selling the lakefront parcel as three residential lots. McCabe stated that the University will be selling the lakefront parcel either to a residential or institutional buyer based on tonight's decision. He told the Board that if they do not approve the re-zoning that the University will go to the market to sell it as Institutional and entertain all Institutional offers. McCabe stated that they are still asking for the re-zone because they feel that residential zoning is the best way to preserve the natural beauty of the land. McCabe told the Board that they know what they would be getting if they approve the re-zone with the deed restrictions of one home per lot on three lots. He stated that there is a lot of unknowns if the land is not re-zoned as residential as there are many institutional possibilities by potential buyers. McCabe reiterated something that Trustee Umans said at a past meeting, which was that the University is going to sell this property no matter what and the choice for the Board will be between certainty by re-zoning it as Residential or uncertainty with keeping it zoned as Institutional.

Attorney Nick Egert (representing the University of Chicago) gave a presentation on the University of Chicago's request for the re-zoning of the lakefront parcel that is currently zoned Parks and Institutional to Residential. Egert stated that on June 9, 2020 the Plan Commission recommended the Amendment of the Comprehensive Plan. He stated that after hearing from the public at the following Public Hearing, they worked to do studies and surveys to address the public and Board's concerns and have had these results posted on the Village's website to provide transparency. Egert stated that they were pleased to hear some support from the public at the second Public Hearing that was held at the high school this past Spring. Egert presented the current Zoning Map and stated that if they were to sell the lakefront parcel as it is currently zoned as Parks and Institutional there are many possibilities like a gym, conference center, dormitory, worship center, health center, hospital and others that a buyer could put on the land and that they feel the re-zoning to SF-2 would be a much lower density solution. He stated that they are proposing to self-restrict by putting three lots on the Certified Survey Map with a restriction of one single-family home on each lot. He stated that each lot will have around 103 feet of lakefront frontage where other properties in the area average only 50 feet of lakefront frontage which means there will be plenty of room for the three piers. Egert stated that there will be utility easements and the pedestrian easement provided through the CSM as well as the Pedestrian Easement that currently provides the public access to the lakeshore path from the Yerkes Future Foundation property. Egert presented three potential footprints of homes to show how they can fit without going into the steep slopes or have a negative impact on the wooded area. Egert stated that the subdivider's agreement states that the buyers would need to pay for the utility easements and infrastructure that would need to be in place as well as the Village limit of tree cutting.

McCabe stated that they worked with SEWRPC and found that the most important trees on this land are on the northside of the property along Constance Boulevard. They also learned that the building of three houses would not negatively impact the environmental corridor and in fact would improve the land by getting rid of invasive species. He stated that their application provides certainty that there would be no future high developments that would negatively impact the environmental corridor. McCabe stated that if the Board decides to re-zone they will be ensured that they will receive three homes and three private driveways that meander around the trees. He stated that if the Board decides to not re-zone, the University will favor the best offer from a Parks and Institutional buyer that can do anything they want within the zoning and there would be much uncertainty.

Trustee D'Alessandro asked a series of questions to the University of Chicago regarding their application and the presentations they have made and stated that he believes there has been secrecy around this subject. Tracy McCabe responded by stating that he feels they have been extremely transparent for the past 15 months and followed the Village Board's requests. Trustee D'Alessandro stated that he wishes they would share who they have as potential Institutional buyers. McCabe stated that they have not marketed the land as Institutional so all they have heard is interest from Institutional buyers, but have not entertained any offers.

The motion to deny Ordinance 2021-01 the Ordinance to Amend the Comprehensive Plan of Williams Bay was initiated by Jim D'Alessandro and seconded by Don Parker.

Trustee Parker clarified procedures with Attorney Schroeder and verified that a first reading of an Ordinance does not

need to be done verbally during a meeting. Attorney Schroeder recommended to withdraw the current motion and make a motion to deny the first reading, waive second reading, and then not adopt the Ordinance.

Trustee D'Alessandro withdrew his motion and Trustee Parker withdrew his second.

The motion to deny the first reading, waive the second reading and to deny the adoption of Ordinance 2021-01 the Ordinance to Amend the Comprehensive Plan of Williams Bay was initiated by Jim D'Alessandro and seconded by Don Parker.

Attorney Schroeder clarified that if this Ordinance is not approved then the re-zoning would not be possible.

Trustee Umans stated that he has made a list of all of the pros and cons and that it has become clear to him that the Village does not own this land and the University has the right to sell their land. He stated that the University has decided to go the long and expensive route to request for the re-zone to Residential and has done a lot of work and research to respond to the public's and the Board's questions and concerns. Umans stated that the woods is dying and needs to be maintained which would be done with three homes. Umans stated that he believes that the three homes would be a win-win situation for Williams Bay.

Trustee Parker stated that he has just started his eighteenth year as a Trustee and this will be the hardest decision for him to make. He thanked the University of Chicago for all of their work and responding to the questions and concerns. Parker explained tax levy limits and how they are only increased by the building permits that are pulled and not the value of the land and how it would not be an economic windfall for the Village. Parker stated that after McCabe stated that they are selling the land and that they have Institutional interest, he went back and studied the Comprehensive Plan which was worked on by the people of Williams Bay eleven years ago. Parker read a section of the Master Plan where it states that the Village values education, spiritual rejuvenation and a retreat from the rush of life. He stated that he would like to see what potential there is with an Institutional buyer for this land.

Trustee D'Alessandro stated that when they did the Master Plan they talked about their camps and their schools and how it shapes the identity of the Village. He stated that University of Chicago was not there during the Master Plan almost eleven years ago to ask for this back then. D'Alessandro stated that he is not concerned about losing to the University of Chicago if they were to file a lawsuit as he does not believe that the Board is being arbitrary. D'Alessandro stated that the Board owes it to the people in the Village to explore the idea of the Institutional buyers.

Trustee Wright stated that he deeply appreciates the natural resources and that he believes his role of a Trustee is to make a decision for what is best for the Village. He believes the character of the Village is why people choose to live here and that the Board needs to develop a plan that is manageable. Wright stated that he believes re-zoning the land is what is the best available plan for them today and believes that there are many safeguards in the proposed plan and Village Ordinances to allow it. Wright stated that while Ann Drake's proposal is intriguing, there are uncertainties and there is no guarantee that the University of Chicago will sell the land to her if it is not re-zoned. Wright stated that he believes the responsible thing to do would be to re-zone the property to residential and allow the three homes.

President Duncan stated that until he started to hear about Institutional possibilities and buyers, he was in favor of the three homes, but since now he is thinking through keeping this land Institutional, he believes there could be a great cohesion between Yerkes Future Foundation, George Williams College and a potential new institution.

Trustee Vlach stated that he understands that the University will be selling the property either way and that every Board and Plan Commission Member will choose to do what they believe is best for the Village when voting.

Attorney Schroeder suggested that the original motion should be withdrawn and that a new motion should be made to approve the first reading of the Ordinance to indicate that they've read it, waive the second reading and then deny the adoption to make it clear in the record.

Trustee D'Alessandro withdrew his motion and Trustee Parker withdrew his second.

The motion to approve the first reading, waive the second reading and deny the adoption of Ordinance 2021-01 the Ordinance to Amend the Comprehensive Plan of Williams Bay was initiated by Bill Duncan and seconded by Don Parker.

Votes:

Yes: Bill Duncan, Don Parker, Jim D'Alessandro, George Vlach

No: Matt Stanek, Robert Umans, Lowell Wright

Abstain: None

Result: Passed

Attorney Schroeder gave an overview of what could happen next in this meeting and if the meeting were to continue and the re-zoning is denied, the University would need to wait a year to apply again.

The University of Chicago stated that they would like to withdraw their application for the re-zoning of the parcel.

VII. Plan Commission Recommendation for Zoning Map Amendment

A. APPLICANT: University of Chicago (Owner)

TAX KEY: WAS 00001A

STREET ADDRESS: Vacant land south of Constance Blvd and east of Aurora University, Williams Bay, Wisconsin 53191

The applicant requests a Zoning Map Amendment per 18.1205, *Zoning Map Amendments* to rezone approximately 8.72 acres from P&I Public and Institutional District to SF-2 Large Lot Residential District.

No discussion and no action taken.

VIII. Board Consideration of Zoning Map Amendment Ordinance

A. APPLICANT: University of Chicago (Owner)

TAX KEY: WAS 00001A

STREET ADDRESS: Vacant land south of Constance Blvd. and east of Aurora University, Williams Bay, Wisconsin 53191

The applicants request a Zoning Map Amendment per 18.1205, *Zoning Map Amendments* to rezone approximately 8.72 acres from P&I Public and Institutional District to SF-2 Large Lot Residential District.

No discussion and no action taken.

IX. Plan Commission Consideration of Certified Survey Map

A. APPLICANT: University of Chicago (Owner)

TAX KEY: WAS 00001A

STREET ADDRESS: Vacant land south of Constance Blvd. and east of Aurora University, Williams Bay, Wisconsin 53191

The applicants request approval of a Certified Survey Map to divide the existing 8.72 acres into three parcels of 4.46 acres, 1.92 acres, and 2.16 acres.

The University of Chicago requested that the Plan Commission table the Certified Survey Map application for thirty days.

The motion to allow the request for the Certified Survey Map consideration to be tabled for thirty days was initiated by Bill Duncan and seconded by Marianne Klemke of the Plan Commission. Unanimously carried.

X. Board Consideration of Subdivider Agreement

A. Subdivider Agreement for Future Improvements to Village Utilities

The University of Chicago requested for the Subdivider Agreement to be tabled for thirty days along with the Certified Survey Map.

The motion to table the consideration of the Subdivider Agreement for thirty days was initiated by Bill Duncan and seconded by Don Parker of the Village Board. Aye: Duncan, Parker, Stanek, Umans, Vlach and Wright. Nay: D'Alessandro. Motion passes.

XI. Adjournment

The motion to Adjourn the Village Board meeting was initiated by Robert Umans and seconded by Lowell Wright at 8:40 PM. Unanimously carried.

The motion to Adjourn the Plan Commission meeting was initiated by Marianne Klemke and seconded by Ralph Cincinelli at 8:40 PM. Unanimously carried.

These are not official Minutes until approved by the Governing Body.

RECODIFICATION AMENDMENTS TO CHAPTER 18 – ZONING ORDINANCE

Chapter 390, Zoning. (Re-numbered from Chapter 18 as Section 390)

A. Section 390-0114.

The definition of "family" is amended to read:

FAMILY — One person or two or more persons, related by blood, foster relationship, marriage or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are living together in a single, nonprofit dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder or lodger shall not be considered a member of the family.

The definition of "green space ratio" is amended to delete the reference to minimum green space ratio.

- A. Section 390-0202 is amended to change the district name of Large Multi-Family Residential to Multifamily Residential.
- B. Section 390-0209A is amended to change "areas zoned in Large Lot Residential" to "areas zoned in Low Density Residential."
- C. Section 390-0210A is amended to change "areas zoned Low Density Residential" to "areas zoned Large Lot Residential."
- D. Section 390-0213M(1) is amended to delete "(G)" after "this section" and change "Sections (H) through (K), inclusive" to "Articles 4 and 5."
- E. Section 390-0215. Subsection D(9), Stormwater facilities, is added.
- F. Section 390-0222. Subsection C(24), Community garden and market garden, is added to the list of uses allowed by conditional use permit.
- G. Section 390-222, Subsection E(2), Drive-through sales and service incidental to on-site principal land use, is added.
- H. Section 390-224, Subsection D(7), Bathhouses, is added.
- I. Section 390-0303I is amended, in part, as follows: "more than one principal building may be permitted on any one lot upon granting of a conditional use permit for group development (Subsection K) or large development regulations in compliance (Subsection L)."
- J. Figure 390-0305F, Table of Industrial Land Uses, is amended to add:
"C" for large solar energy system in the GI District.
"C" for large solar energy system in the P&R District.
- K. Figure 390-0305J, Table of Accessory Land Uses, is amended to add "C" for drive-through sales and service incidental to on-site principal land use in the P&I District.

- L. Figure 390-0305K, Table of Temporary Land Uses, is amended to add "T" for temporary farm product sales under the LSB District.
- M. Section 390-0706V is amended to delete the reference to § 30.01(1d), Wis. Stats.
- N. Section 390-0810H is amended to change "on rear or side lots only" to "in rear or side yards only."
- O. Section 390-0821F(8)(b) is amended as follows: "The lowest point on the top of such screening elements shall be at least as high as the highest point on any mechanical equipment."
- P. Section 390-1006 is amended to change " Public Park and Recreation districts" to "Public and Institutional and Parks and Recreation Districts."
- Q. Section 390-1013A(6) is amended to change Electrical Inspector to Building Inspector.
- R. Section 390-1105A(8) is amended to change 10 days to five days.
- S. Section 390-1205D(2)(a) is amended to delete the reference to WisDNR.
- T. Section 390-1206E(7)(b)[4] is amended to change "maintained" to "minimized."
- U. Section 370-1207E(2)(b) is amended, in part, as follows: " Will not result in a substantial or undue adverse impact on nearby property,..."
- V. Section 390-1207E(3) is amended to change the second instance of "Plan Commission" to "Village Board."
- W. Section 390-1207H(4) is amended to read, in part, as follows: "If the Village Board wishes to make significant changes in the proposed conditional use..."
- X. Section 390-1216D(2) is amended so that the first sentence thereof reads: "The Zoning Administrator shall prepare a written report indicating the interpretation of the Zoning Administrator and forward the report to the Plan Commission with a copy to the applicant."

Chapter 390

ZONING

[HISTORY: Adopted by the Village Board of the Village of Williams Bay 11-7-2011 by Ord. No. 5-11 (Ch. 18 of the 2011 Code). Amendments noted where applicable.]

ARTICLE 1

Introduction and Definitions

§ 390-0101. Title.

This chapter shall be known, cited, and referred to as the "[Village of Williams Bay Zoning Ordinance](#)", except where as referred to herein, where it shall be known as "this chapter."

§ 390-0102. Authority.

This chapter is enacted pursuant to the authority granted by statutes of the State of Wisconsin. Specific statutory references are provided within the body of this chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed so as to limit the application or interpretation of this chapter. See §§ 62.23(7), 61.351 and 87.30, Wis. Stats.

§ 390-0103. Purpose.

This chapter is adopted for the purpose of protecting the health, safety, morals, comfort, convenience, and general welfare of the public.

§ 390-0104. Intent.

- A. In consonance with the basic purpose stated in [§ Section 390-0103](#) and to implement the same, the regulations herein are intended to provide a regulatory framework for land use within the Village, which will aid in achieving a harmonious and compatible relationship between various uses consistent with the rights of property ownership, the general public welfare, and the established goals for community development and character. To this intent, it is designed to relate realistically to those physical, economic, and environmental factors that would significantly influence the appropriate development and use of land and to provide maximum flexibility, adaptability, and responsiveness to changing physical and economic conditions and societal concerns.
- B. The regulations are designed to utilize performance standards wherever possible to evaluate the actual impact of uses or activities upon the community rather than to rely solely on preset and fixed [formulasformulae](#). Recognizing the unique character of the Village resulting from its topography, its location on the shores of Geneva Lake, and its development as a predominantly residential, lake-oriented community, these regulations are also specifically designed to preserve this character, to protect the waters of Geneva

Lake, and to effectively harmonize the rights and concerns of Village residents with those of the general public attracted by the resort and recreational facilities on the lake.

- C. Further, it is the intent of this ~~chapter~~ordinance to regulate the use of all structures, lands, and waters; regulate lot coverage, population distribution, and density; and regulate size and location of all structures so as to control and lessen congestion on 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; protect groundwater resources; prevent overcrowding of land; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar devices and other innovative development techniques; stabilize and protect property values; preserve and protect burial sites; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the goals and objectives of the Village of Williams Bay Comprehensive Plan.
- D. In addition, the ~~floodway~~Floodway and ~~floodplain fringe~~Floodplain Fringe overlay zoning regulations set forth in this chapter have been adopted to prevent and control erosion, sedimentation, and other pollution of surface waters; to further the maintenance of safe and healthful water conditions and prevent flood damage to persons and property; and to minimize expenditures for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- E. In addition, the Shoreland-Wetland Overlay zoning regulations set forth in this chapter have been adopted to preserve, protect, and enhance the ponds, streams, shorelands, and wetland areas to maintain safe and healthful conditions. To this end, it is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 390-0105. Jurisdiction.

This chapter is applicable to all territory located within the corporate limits of the Village of Williams Bay.

§ 390-0106. Separability and ~~nonliability~~non-liability.

- A. It is hereby declared to be the intention of the Village of Williams Bay Village Board that provisions of this chapter are separable in accordance with the following:
 - (1) If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, such judgment shall not affect any other provisions of this chapter not specifically included in said judgment.
 - (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- B. If any requirement or limitation attached to an authorization given under this chapter is found invalid, it shall be presumed that the authorization would not have been granted

without the requirement or limitation and, therefore, said authorization shall also be invalid.

- C. The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

§ 390-0107. Abrogation.

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

§ 390-0108. Rules of interpretation.

- A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Williams Bay.
- B. Where property is affected by the regulations imposed by any provision of this chapter and by other governmental regulations, the regulations that are more restrictive or that impose higher standards or requirements shall prevail. Regardless of any other provision of this chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this chapter, the regulations that are more restrictive or that impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this chapter and any tables or figures of this chapter, the text shall prevail.
- C. No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g., swing set, clothesline, etc.), and without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.
- D. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter, and the construction of which shall have been started within one year from the date of such permit.
- E. Except as provided in this chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (see Article 6), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this chapter. In cases of mixed occupancy or mixed use, the regulations

for each land use shall apply to the portion of the structure or land so occupied or so used.

- F. Except for outlots authorized under the Village land division regulations to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

§ 390-0109. Warning and disclaimer of liability.

The degree of flood protection provided by this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. On rare occasions, larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply that areas outside of the delineated floodplain or land uses permitted within the floodplain will be totally free from flooding and the associated flood damages, nor shall this chapter create a liability on the part of, or a cause of action against, the Village of Williams Bay or any officer or employee thereof for any flood damages that may result from reliance on this chapter.

§ 390-0110. ~~Re-enactment~~ Reenactment and repeal.

- A. This chapter, in part, carries forward by ~~reenactment~~ reenactment some of the provisions of the regulations governing zoning and related matters previously known collectively as the "Zoning Ordinance," Chapter 18 of the Municipal Code for the Village of Williams Bay, adopted prior to the effective date of this chapter. It is not the intention of this chapter to repeal, but rather to ~~reenact~~ reenact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this chapter or altered by the Official Zoning Map.
- B. All provisions of Chapter 18 of the Village of Williams Bay Municipal Code that are not ~~reenacted~~ reenacted herein are hereby repealed.
- C. The adoption of this chapter shall not adversely affect the Village's right to prosecute any violation of the predecessor Zoning Ordinance, provided the violation occurred while that chapter was in effect.

§ 390-0111. When effective.

This chapter shall become effective upon passage and posting according to law, following the date of repeal and ~~reenactment~~ reenactment of the Official Zoning Map. All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this chapter, except where subject to developer agreement provisions.

§ 390-0112. Word usage.

The interpretation of this chapter shall abide by the provisions and rules of this section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this chapter.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.

- B. Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- C. The masculine gender shall include the feminine, and vice versa.
- D. The words "shall," "must," and "will" are mandatory.
- E. The words "may," "can," and "might" are permissive.
- F. The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- G. The word "Village" shall mean the Village of Williams Bay, Wisconsin.
- H. The word "county" shall mean the County of Walworth, Wisconsin.
- I. The word "state" shall mean the State of Wisconsin.
- J. The words "Plan Commission" shall mean the Village of Williams Bay Plan Commission.
- K. The words "Village Board" shall refer to the Village of Williams Bay Board of Trustees.
- L. If there is any ambiguity between the text of this chapter and any illustration or figure, the text shall control.

§ 390-0113. Abbreviations.

The abbreviations used in this chapter are intended to have the meanings listed in Figure 390-0113:

Figure 390-0113	
Abbreviation	Meaning
Ac	Acre
CUP	Conditional use permit
Db	Decibel
WisDNR	Wisconsin Department of Natural Resources
Du	Dwelling unit
Fc	Footcandles
FEMA	Federal Emergency Management Administration
ft	Foot
GSA	Gross site area
GSR	Green space ratio
ISR	Impervious surface ratio
LSR	Landscape surface ratio
Max	Maximum
MBS	Maximum building size
MGD	Maximum gross density
Min	Minimum
MH	Maximum height
MLA	Minimum lot area
N/A	Not applicable

NDA	Net developable area
RPA	Resource protection area
sf or sq. ft.	Square feet
Wis. Adm. Code	Wisconsin Administrative Code
Wis. Stats.	Wisconsin Statutes

§ 390-0114. Definitions.

The following words, terms, and phrases, wherever they occur in this chapter, shall have the meanings ascribed to them by this section. For definitions applicable to the Shoreland-Wetland and Floodplain overlay districts, see [§§ Sections 390-0706 and 390-0707](#).

ABUTTING — Having a common border with, or being separated from such common border by an alley or easement.

ACCESS — A means of providing vehicular or [nonvehicular](#)~~non-vehicular~~ egress from or ingress to a property, highway, or private roadway.

ACCESS, DIRECT — A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

ACCESSORY DWELLING UNIT (LAND USE) — See [§ Section 390-0315E](#).

ACCESSORY USE OR STRUCTURE — A use or structure subordinate to and serving the principal use or structure on the same lot, and customarily incidental thereto.

ACRE — 43,560 square feet.

ACTIVE OUTDOOR RECREATION (LAND USE) — See [§ Section 390-0309B](#).

ADDITION — Any walled and roofed expansion to the perimeter and/or height of a building to which the addition is connected by a common load-bearing wall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls shall be instead considered new construction.

ADDRESS SIGN — An accessory wall sign containing only the address of the premises on which it is located.

AGRICULTURAL SERVICES (LAND USE) — See [§ Section 390-0307G](#).

AIR RIGHT PADS — The area of land above which the property owner has the right to control, occupy, and use the vertical space (air space).

AIRPORT (LAND USE) — See [§ Section 390-0313D](#).

ALLEY — A public or private right-of-way, usually of reduced width as compared to a street, primarily intended to provide a secondary means of access to the side or rear of an abutting property fronting upon another street right-of-way. Alleys are not intended to be used for through traffic.

ANIMAL UNIT — A measure that represents a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the

maximum carrying capacity of one acre of land and is related to the amount of feed various species consume and the amount of waste they produce. Figure 390-0114A indicates the number of common farm species that comprise a single animal unit:

Figure 390-0114A: Species/Animal Unit Conversions

Type of Livestock	# of Animals/Animal Unit	Type of Livestock	# of Animals/Animal Unit	Type of Livestock	# of Animals/Animal Unit
Horse (>2 years yr)	1	Calves (<1 year yr)	5	Lambs	14
Colt (<2 years yr)	2	Brood sow or boar	2	Chickens: - egg layers	30
Cattle (>2 years yr)	1	Hogs (up to 220 pounds)	3	Chickens: - fryers	60
Cattle (<2 years yr)	2	Sheep	10	Turkeys	50

Source: The Stockman's Handbook

APARTMENT (LAND USE) — See ~~§ Section~~ 390-0306G.

APPEAL — A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this chapter as expressly authorized by the provisions of ~~§ Section~~ 390-1217.

ARTERIAL STREET — See "~~street~~Street, arterial."

ARTISAN PRODUCTION WORKSHOP (LAND USE) — See ~~§ Section~~ 390-0310D.

ARTISAN STUDIO (LAND USE) — See ~~§ Section~~ 390-0310C.

ARTWORK — A sculpture, monument, or structure erected solely for aesthetic purposes, which in no way identifies a product or business or is used for commercial purposes.

AWNING — Roof-like cover, often made of fabric, metal, or glass, designed and intended for protection from the weather and/or as a decorative embellishment, and that projects from a wall or roof of a structure over a window, walk, or door.

BASEMENT — A portion of a building located below grade or partly below grade.

BATHHOUSE (LAND USE) — See ~~§ Section~~ 390-0315X.

BED-AND-BREAKFAST ESTABLISHMENT (LAND USE) — See ~~§ Section~~ 390-0310J.

BEDROOM — A room in a residence marketed, designed, or otherwise likely to function

primarily for sleeping.

BOARDING HOUSE (LAND USE) — See [§ Section 390-0310L](#).

~~BUFFER YARD~~[BUFFERYARD](#) — Any permitted combination of distance, vegetation, fencing, and berming that results in a reduction of visual and other interaction with an adjoining property.

BUILDING — A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or chattels.

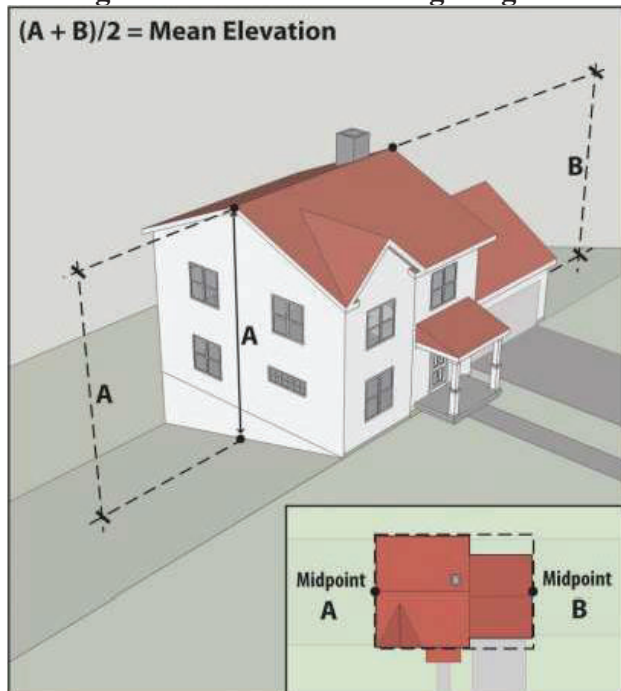
BUILDING COVERAGE — The percentage of a lot covered by principal and accessory buildings.

BUILDING ENVELOPE — A component of a group development (see [§ Section 390-0821](#)) that conforms to the lot lines that would otherwise be applicable for a development not considered a group development. To determine the area of a building envelope, required minimum setback distances must be met for each principal structure in the group development, as measured from the building to the building envelope "line."

BUILDING FRONT — The exterior wall of a building that faces the front lot line of the lot.

BUILDING HEIGHT — The vertical distance measured from the mean elevation of the finished lot grade to the highest point of the roof. Such measurement shall be taken from the side yards at the midpoint of the principal structure immediately adjacent to the building. The finished lot grade elevation shall be measured from the average of the two side yard elevations. See [§ Figure 390-0114B](#).

Figure 390-0114B: Building Height



BUILDING LINE — A line on a lot, generally parallel to a lot line or public or private street

right-of-way line, located a sufficient distance from either to provide the minimum yards required by this chapter. The building lines on a lot determine the area in which buildings are allowed to be developed subject to all applicable provisions of this chapter. Building lines are also referred to as "setbacks."

BUILDING SEPARATION — The narrowest distance between two buildings (see "minimum building separation").

BUILDING SIZE — The total gross floor area of a building (see "maximum building size").

BUILDING, ACCESSORY

A. A building that meets all of the following criteria:

- (1) Is subordinate to and serves a principal structure or a principal use;
- (2) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (3) Is located on the same lot as the principal structure or use served, except as otherwise expressly authorized by provisions of this chapter; and
- (4) Is customarily incidental to the principal structure or use.

B. Any portion of a principal building devoted to or intended to be devoted to an accessory use shall be considered an accessory use and not an accessory building.

BUILDING, PRINCIPAL — A building in which the main or principal use of the lot is conducted.

BULK (OF A BUILDING) — The combination of building height, size, and location on a lot.

CALIPER — A measurement of the size of a tree equal to the diameter of its trunk measurement four feet above natural grade.

CAMPGROUND (LAND USE) — See [§ Section 390-0310N](#).

CANDLEPOWER — The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. The maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminary.

CANOPY (BUILDING) — A rigid multisided structure covered with fabric, metal, or other material and supported by a building.

CANOPY (FREESTANDING) — A rigid multisided structure covered with fabric, metal, or other material and supported by columns or posts embedded in the ground.

CARETAKER HOUSE or GUESTHOUSE (LAND USE) — See [§ Section 390-0315F](#).

CARPORT — An open ~~u~~sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. The carport shall meet the building code.

CLEAR CUTTING (LAND USE) — See [§ Section 390-0307E](#).

COLLECTOR STREET — See "street, collector."

COMMERCIAL ANIMAL BOARDING (LAND USE) — See ~~§ Section~~ 390-0310P.

COMMERCIAL GREENHOUSE/GARDEN CENTER (LAND USE) — See ~~§ Section~~ 390-0310T.

COMMERCIAL INDOOR LODGING (LAND USE) — See ~~§ Section~~ 390-0310K.

COMMUNICATION TOWER (LAND USE) — See ~~§ Section~~ 390-0311E.

COMMUNITY CHARACTER — The overall impression a community or area of a community makes on a person as a function of the type, intensity, density, quality, appearance, age of development, and the relationship between the built and natural environment.

COMMUNITY GARDEN (LAND USE) — See ~~§ Section~~ 390-0307H.

COMMUNITY LIVING ARRANGEMENT (LAND USE) — See ~~§§ Sections~~ 390-0308F, 390-0308G and 390-0308H.

COMPANY CAFETERIA (LAND USE) — See ~~§ Section~~ 390-0315M.

COMPANY ON-SITE RECREATION (LAND USE) — See ~~§ Section~~ 390-0315N.

COMPOSTING (LAND USE) — See ~~§ Section~~ 390-0314B.

COMPREHENSIVE PLAN — The Comprehensive Plan of the Village of Williams Bay, Wisconsin.

CONCESSION STANDS AND EQUIPMENT RENTAL (LAND USE) — See ~~§ Section~~ 390-0315W.

CONDITIONAL USE — A land use that requires a conditional use permit in order to develop.

CONSTRUCTION, START OF — See "start of construction."

CULTIVATION (LAND USE) — See ~~§ Section~~ 390-0307A.

DECK — A structure that has no roof or walls and is considered part of a building or structure.

DEDICATION — The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.

DENSITY — A term used to describe the number of dwelling units per acre.

DEVELOPER — The legal or beneficial owner(s) of a lot of any land proposed for inclusion in a development.

DEVELOPMENT — The division of a parcel of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; and/or any clearing, grading, or other movement of land for which permission may be required pursuant to this chapter.

DEVELOPMENT AGREEMENT — An agreement by a developer with the Village that clearly establishes the developer's responsibility regarding project phasing, the provision of public and

private facilities and improvements, and any other mutually agreed to terms and requirements.

DEVELOPMENT PAD — The area of land where development will occur, including building areas, paved areas, yard and septic system areas, and other areas of ~~nonnative~~non-native vegetation.

DISTRIBUTION CENTER (LAND USE) — See ~~§ Section~~ 390-0313B.

DRAINAGE — The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding [see also ~~stormwater facilities~~Stormwater Facilities (land use) in ~~§ Section~~ 390-0315T].

DRIVE-THROUGH SALES AND SERVICE (LAND USE) — See ~~§ Section~~ 390-0310I.

DRIVE-THROUGH SALES AND SERVICE INCIDENTAL TO ON-SITE PRINCIPAL LAND USE (LAND USE) — See ~~§ Section~~ 390-0315U.

DUPLEX (LAND USE) — See ~~§ Section~~ 390-0306D.

DWELLING — A building or one or more portions thereof, containing one or more dwelling units, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

DWELLING UNIT — A room or group of rooms providing or intended to provide permanent living quarters for not more than one "family," as defined in this section.

DWELLING UNIT SEPARATION — The narrowest distance between two dwelling units.

DWELLING, ATTACHED — A dwelling unit joined to another dwelling unit at one or more sides by a shared wall or walls.

DWELLING, DETACHED — A dwelling unit entirely surrounded by open space on the same lot.

EASEMENT — Written authorization, recorded in the Register of Deeds office, from a landowner authorizing another party to use any designated part of the landowner's property for a specified purpose.

ENCROACHMENT — Any fill, structure, building, use, or development that advances beyond proper limits.

EROSION — The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

ESSENTIAL SERVICES — Facilities that meet the following criteria:

- A. Owned or maintained by public utility companies or public agencies;
- B. Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way;
- C. Reasonably necessary for the furnishing of adequate water, sewer, gas, electric,

communication, or similar services to adjacent customers; and

D. Not including any cross-country line on towers.

EXTERIOR COMMUNICATIONS DEVICE (LAND USE) — See [§ Section 390-0315R](#).

EXTRACTION (LAND USE) — See [§ Section 390-0314A](#).

EXTRATERRITORIAL AREA — The area outside of the Village limits within which the Village of Williams Bay may exercise extraterritorial powers of planning, land division, and/or zoning review.

FACADE — The entire building front including the parapet.

FAMILY — One person~~An individual~~ or two or more persons, ~~each~~ related by blood, foster relationship, marriage, or adoption, and, in addition, any domestic servants or gratuitous guests thereof; or one or more persons who need not be so related, and, in addition, domestic servants or gratuitous guests thereof, who are guardianship, living together inas a single, nonprofit dwelling housekeeping unit and ; or a group of not more than four persons not so related, maintaining a common household with single cooking in which bathrooms, kitchen facilities. A roomer, boarder or lodger shall not be considered a member of the family. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)], and living quarters are shared.

FAMILY DAY-CARE HOME (LAND USE) — See [§ Section 390-0315B](#).

FARM BUILDING — Any building, other than a dwelling unit, used for storing agricultural equipment or farm produce or products, having livestock or poultry, or processing dairy products.

FARM RESIDENCE (LAND USE) — See [§ Section 390-0315G](#).

FARMERS MARKET (LAND USE) — See [§ Section 390-0316I](#).

FENCE — An artificially constructed barrier of any material used to enclose, screen, or separate areas.

FENCE, SOLID — Any fence that cannot be seen through. Such fences include basket-weave fences, stockade fences, plank fences, and similar fences.

FILLING (LAND USE) — See [§ Section 390-0315Y](#).

FLOOR AREA RATIO (FAR) — The ratio calculated by dividing the gross floor area of all buildings on a site by the gross site area (see "maximum floor area ratio").

FOOTCANDLE — A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FREIGHT TERMINAL (LAND USE) — See [§ Section 390-0313C](#).

GENERAL FLOOR PLANS — A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

GLARE — The brightness of a light source that causes eye discomfort.

GREEN SPACE RATIO (GSR) — The percentage of the gross site area that is preserved as permanently protected green space. The green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#) ~~(see "minimum green space ratio")~~.

GROSS DENSITY — The result of dividing the number of dwelling units located on a site by the gross site area (see "maximum gross density").

GROSS FLOOR AREA — The sum of the horizontal areas of all floors of a building, including interior balconies, mezzanines, attached accessory buildings, stairs, escalators, enclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, and inside off-street parking or loading space. Basements and unenclosed porches shall not be included in this calculation. Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

GROSS SITE AREA (GSA) — The total area within a development site, including floodplain areas, wetlands, steep slopes, wooded areas, street rights-of-way, alleys, easements, stormwater management areas, parks, and dedicated open space areas.

GROUP DAY-CARE CENTER (LAND USE) — See [§ Section 390-03100](#).

HEARING NOTICE — Publication or posting meeting the requirements of Ch. 985, Wis. Stats. A Class 1 notice, published once at least 10 days prior to public hearing, is the minimum required for appeals. A Class 2 notice, published twice, once each week consecutively, the last at least 10 days before the public hearing, is the minimum required for all zoning ordinances and amendments including map amendments.

HEAVY INDUSTRIAL (LAND USE) — See [§ Section 390-0311B](#).

HEIGHT — See "building height."

HOME OCCUPATION (LAND USE) — See [§ Section 390-0315A](#).

HUSBANDRY (LAND USE) — See [§ Section 390-0307B](#).

IDENTIFICATION SIGN — An accessory wall sign containing only the name of the premises on which it is located.

IMPERVIOUS SURFACE — Surfaces that prohibit infiltration of stormwater into the ground. Homes, buildings, and other structures with roofs, as well as concrete, brick, stone, asphalt, gravel, and similar paved surfaces, are considered impervious.

IMPERVIOUS SURFACE RATIO — A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

IN-HOME SUITE (LAND USE) — See [§ Section 390-0315D](#).

INCIDENTAL INDOOR SALES (LAND USE) — See [§ Section 390-0315P](#).

INCIDENTAL LIGHT INDUSTRIAL (LAND USE) — See [§ Section 390-0315Q](#).

INCIDENTAL OUTDOOR DISPLAY (LAND USE) — See [§ Section 390-0315O](#).

INDOOR AQUACULTURE (LAND USE) — See [§ Section 390-0311D](#).

INDOOR COMMERCIAL ENTERTAINMENT (LAND USE) — See ~~§ Section~~ 390-0310G.

INDOOR INSTITUTIONAL “ GENERAL (LAND USE) — See ~~§ Section~~ 390-0308A.

INDOOR INSTITUTIONAL “ INTENSIVE (LAND USE) — See ~~§ Section~~ 390-0308B.

INDOOR MAINTENANCE SERVICE (LAND USE) — See ~~§ Section~~ 390-0310Q.

INDOOR SALES AND SERVICE (LAND USE) — See ~~§ Section~~ 390-0310E.

INDOOR STORAGE AND WHOLESALING (LAND USE) — See ~~§ Section~~ 390-0312A.

INSTITUTIONAL RESIDENTIAL (LAND USE) — See ~~§ Section~~ 390-0308E.

INTENSITY — A term used to describe the amount of gross floor area or landscaped area on a lot or site compared to the gross area of the lot or site.

INTENSIVE AGRICULTURE (LAND USE) — See ~~§ Section~~ 390-0307F.

INTENSIVE OUTDOOR ACTIVITY (LAND USE) — See ~~§ Section~~ 390-0309C.

INTERMEDIATE DAY-CARE HOME (LAND USE) — See ~~§ Section~~ 390-0315C.

IRREVOCABLE LETTER OF CREDIT — An agreement entered into by a bank, savings and loan, or other financial institution that is authorized to do business in the State of Wisconsin and that has a financial standing acceptable to the Village of Williams Bay, and that is approved, as to form, by the Village Attorney.

JUNK OR SALVAGE YARD (LAND USE) — See ~~§ Section~~ 390-0314D.

LAKE-RELATED RECREATION (LAND USE) — See ~~§ Section~~ 390-0309D.

~~LAKE SHORE~~~~LAKE~~~~SHORE~~ — Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; 300 feet from a river, stream or to a landward side of the floodplain, whichever distance is greater. ~~Lake shores~~~~Lake shores~~ shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river; those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and such lands are maintained in ~~nonstructural~~~~non-structural~~ agricultural use.

LAND USE — The type of development and/or activity occurring on a piece of property.

LANDSCAPE SURFACE RATIO (LSR) — The percentage of the gross site area or lot area that is preserved as permanently protected landscaped area.

LANDSCAPED AREA — The area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ~~ground covers~~~~ground covers~~, shrubs, bushes, and trees. The landscaped area also includes any area located within planted and continually maintained landscaped planters.

LARGE SOLAR ENERGY SYSTEM (LAND USE) — See ~~§ Section~~ 390-0311G.

LARGE WIND ENERGY SYSTEM (LAND USE) — See ~~§ Section~~ 390-0311F.

LAWN CARE (LAND USE) — See ~~§ Section~~ 390-0315S.

LIGHT INDUSTRIAL (LAND USE) — See [§ Section 390-0311A](#).

LOADING AREA — A completely off-street space or berth on the same lot as the principal use it serves intended for the loading or unloading of freight carriers. Loading areas shall have adequate ingress and egress to a public street or alley.

LOT — A piece of land that meets the following criteria:

- A. Undivided by any street or private road;
- B. Is occupied by, or designated to be developed with, one building or principal use (except in the case of a group development under [§ Section 390-0821](#));
- C. Contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this chapter for such building, use, or development; and
- D. Has been described in a certified survey map or in a metes and bounds description approved by the Village or by Walworth County and recorded in the office of the Register of Deeds.

LOT AREA — The area contained within the property boundaries of a recorded lot.

LOT DEPTH — The average distance between the front lot line and the rear lot line of a lot.

LOT FRONTAGE — The lot width as measured at the front lot line. For double [-frontage](#) lots and corner lots, lot width shall be measured and the minimum lot width required by this chapter shall be provided for both frontages.

LOT LINE — The line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying the regulations of this chapter.

LOT LINE, FRONT — A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also "lot line, street side.") For double [-frontage](#) lots, there shall be two front lot lines, or one front lot line and one shore lot line, and no rear lot lines.

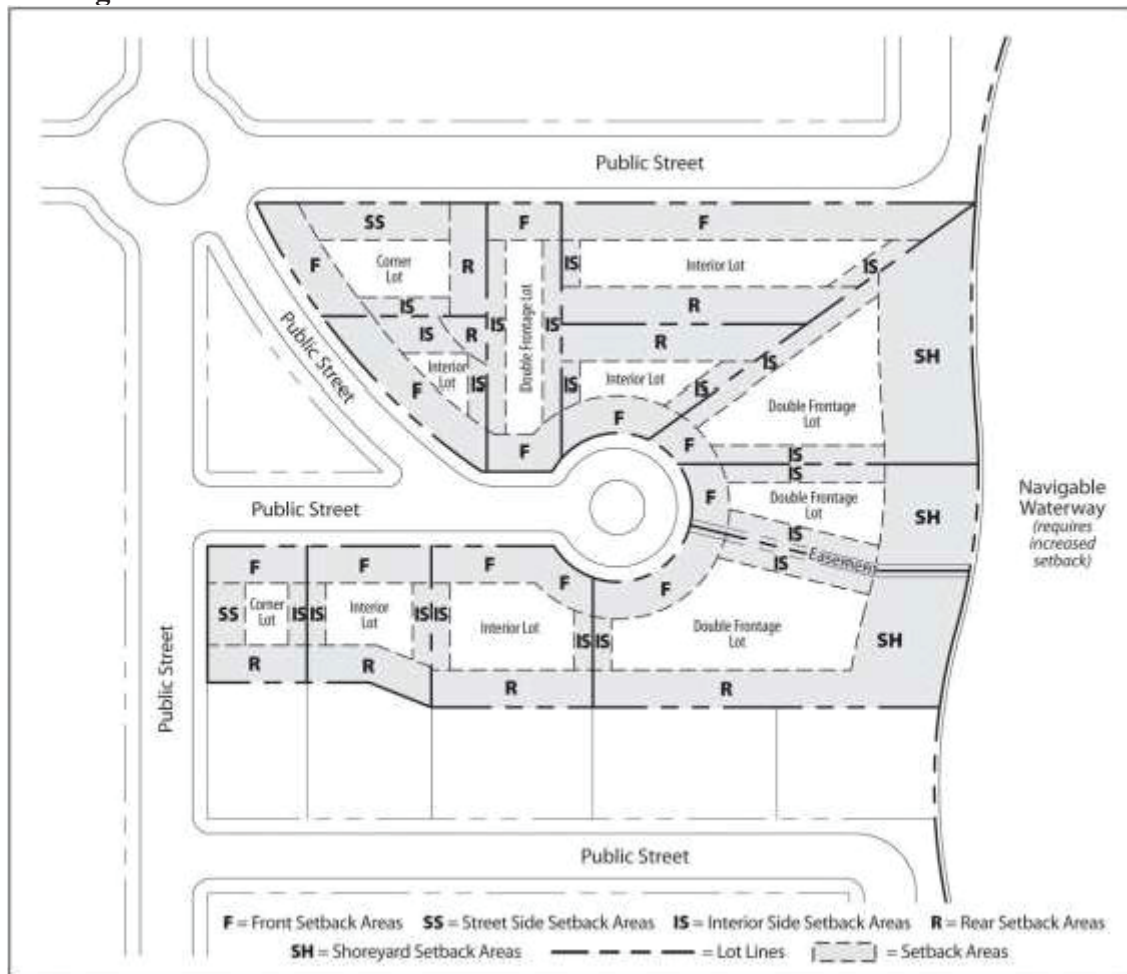
LOT LINE, INTERIOR SIDE — Any boundary of a lot that is not a front lot line, street side lot line, or a rear lot line.

LOT LINE, REAR — In the case of rectangular or most trapezoidal [-shaped](#) lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double [-frontage](#) lot, there shall be no rear lot line.

LOT LINE, SHORE — The lot line that abuts a navigable waterway.

LOT LINE, STREET SIDE — For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line. (See also "lot line, front.")

Figure 390-0114C



LOT OF RECORD — A platted lot or lot described in a certified survey map or in a metes and bounds description that has been approved by the Village or by Walworth County, and has been recorded in the office of the Register of Deeds.

LOT WIDTH — The maximum horizontal distance between the side lot lines, measured parallel to the front lot line and at the rear of the required front yard (see also "minimum lot width").

LOT, CORNER — A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135°. See Figure 390-0114C.

LOT, DOUBLE FRONTAGE — A lot, other than a corner lot, that has frontage on more than one street, or with frontage on a street and a navigable waterway. Double frontage lots shall have two front yards, or one front yard and one shore yard, and no rear yard. See Figure 390-0114C.

LOT, INTERIOR — A lot other than a corner lot. See Figure 390-0114C.

LOWEST FLOOR — The lowest enclosed floor (including a basement). Any unfinished or flood-resistant enclosure, usable solely for parking vehicles, building access or storage, in an area

other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable ~~nonelevation~~~~non-elevation~~ design requirements of this chapter.

MANUFACTURED HOME — A type of housing unit that is largely assembled in factories and then transported to sites of use.

MARKET GARDEN (LAND USE) — See ~~§ Section~~ 390-0307I.

MAXIMUM BUILDING SIZE (MBS) — The largest total gross floor area a building is allowed to contain (see "building size").

MAXIMUM FLOOR AREA RATIO (FAR) — The largest percentage of floor area allowed on a lot (see "floor area ratio").

MAXIMUM GROSS DENSITY (MGD) — The maximum number of dwelling units allowed per acre of gross site area (see "gross density").

MAXIMUM HEIGHT — The tallest allowable height of a structure (see "building height").

MIGRANT EMPLOYEE HOUSING (LAND USE) — See ~~§ Section~~ 390-0315H.

MINIMUM BUILDING SEPARATION — The narrowest allowable building separation.

MINIMUM DWELLING UNIT SEPARATION — The narrowest allowable dwelling unit separation.

MINIMUM LANDSCAPE SURFACE RATIO (LSR) — The smallest allowable landscape surface ratio (see "landscape surface ratio").

MINIMUM LOT AREA — The smallest allowable size of a lot.

MINIMUM LOT WIDTH — The smallest allowable lot width as measured at any point throughout the entire length of the lot, unless the lot has a specific building line assigned to it by this chapter, in which case such measurements shall be taken at the assigned building line.

MINIMUM REQUIRED YARD — The smallest yard depth allowable based on the setback regulations for the zoning district in which such lot is located.

MINIMUM SETBACK — The shortest distance allowed between a lot line and a structure.

MINOR STRUCTURES — Structures not requiring a building permit (e.g., swing set, clothesline, etc.). Such structures are ~~movable~~~~moveable~~ and shall be less than 12 feet in height.

MIXED USE — Some combination of residential, business, industrial, office, institutional, and/or other land uses within a district, development, or building.

MIXED USE DWELLING UNIT (LAND USE) — See ~~§ Section~~ 390-0306K.

MOBILE HOME (LAND USE) — See ~~§ 390~~~~Section 18~~ 390-0306H.

MOBILE HOME PARK (LAND USE) — See ~~§ Section~~ 390-0306J.

MOBILE HOME SUBDIVISION (LAND USE) — See ~~§ Section~~ 390-0306I.

MULTIPLEX (LAND USE) — See [§ Section 390-0306F](#).

MUNICIPAL WATER SUPPLY — The municipal water supply of the Village of Williams Bay.

NET DEVELOPABLE AREA (NDA) — The area of a site that may be disturbed by development activity. Net developable area is the result of subtracting required resource protection areas (RPA) from the gross site area.

NONCONFORMING BUILDING OR STRUCTURE — See [§ Section 390-0603](#).

NONCONFORMING SITE AND BUILDING DESIGN — See [§ Section 390-0605](#).

NONCONFORMING USE — See [§ Section 390-0602](#).

NOXIOUS MATTER OR MATERIALS — Material capable of causing injury to living organisms by chemical reaction or capable of causing detrimental effects to the physical or economic well-being of individuals.

NURSERY — Any enterprise that conducts the sale of plants that are grown on the premises.

OFF-SITE PARKING (LAND USE) — See [§ Section 390-0313E](#).

OFFICE (LAND USE) — See [§ Section 390-0310A](#).

OFFICIAL MAP — The map adopted and designated by the Village as being the "Official Map" pursuant to § 62.23(6), Wis. Stats., which shows current and proposed municipal improvement sites and rights-of-way.

OFFICIAL ZONING MAP — The map adopted and designated by the Village as being the "Official Zoning Map."

ON-SITE — Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

ON-SITE AGRICULTURAL RETAIL (LAND USE) — See [§ Section 390-0307C](#).

ON-SITE PARKING (LAND USE) — See [§ Section 390-0315L](#).

OPACITY — The degree to which vision is blocked by a [buffer yard](#)~~buffer yard~~. Opacity is the proportion of a [buffer yard's](#)~~buffer yard's~~ vertical plane that obstructs views into an adjoining property.

OTHER PERMANENTLY PROTECTED GREEN SPACE — Permanently protected green space areas that are not constrained by one of the protected natural resources (i.e., wetlands, floodplains, steep slopes, [lake shores](#)~~lakeshores~~, and woodlands). Examples include portions of private lots or outlots commonly held by a property owners association and that are deed restricted from site disruption.

OUTDOOR DISPLAY (LAND USE) — See [§ Section 390-0307E](#).

OUTDOOR ENTERTAINMENT (LAND USE) — See [§ Section 390-0310H](#).

OUTDOOR MAINTENANCE SERVICE (LAND USE) — See [§ Section 390-0310R](#).

OUTDOOR OPEN SPACE INSTITUTIONAL (LAND USE) — See [§ Section 390-0308C](#).

OUTDOOR STORAGE AND WHOLESALING (LAND USE) — See [§ Section 390-0312B](#).

OVERLAY ZONING DISTRICT — A zoning district that imposes uniform restrictions on all properties within its mapped area and that are in addition to the restrictions specific to the base zoning district(s).

OWNER — The person, persons, or entity having the right of legal title to a lot or parcel of land.

PARAPET — The extension of a false front or wall above the roofline.

PARCEL — A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for the purposes of development.

PASSIVE OUTDOOR RECREATION (LAND USE) — See [§ Section 390-0309A](#).

PERFORMANCE STANDARD — Criterion established to control and limit the impacts generated by, or inherent in, uses of land or structures.

PERMANENTLY PROTECTED GREEN SPACE — An area in which site disruption and/or development is strictly limited.

PERSONAL OR PROFESSIONAL SERVICE (LAND USE) — See [§ Section 390-0310B](#).

PERSONAL STORAGE FACILITY (LAND USE) — See [§ Section 390-0312C](#).

PLAN COMMISSION — The Plan Commission of the Village of Williams Bay.

PLANNED DEVELOPMENT — See [§ Section 390-0709](#).

PORCH — A covered platform, usually having a separate roof, at an entrance to a dwelling, or an open or enclosed gallery or room that is not heated or cooled and that is attached to the outside of a building.

PRINCIPAL BUILDING — See "building, principal."

PRINCIPAL USE — Any and all of the primary uses of a property treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use).

PRIVATE INSTITUTION — An established organization belonging to a particular person or persons or private entities dedicated to the advancement of interests or causes such as education or culture. [Added 5-2-2020 by Ord. No. 2020-01]

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term also means an alternative sewage system approved by the Department of [Safety Industry, Labor, and Professional Services](#) ~~Human Relations~~ including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

PRODUCTION GREENHOUSE (LAND USE) — See [§ Section 390-0311C](#).

PUBLIC IMPROVEMENT — Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water

supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

PUBLIC INSTITUTION — An established organization which is a governmental entity dedicated to the advancement of interests or causes such as education or culture. [Added 5-2-2020 by Ord. No. 2020-01]

PUBLIC SCHOOL — An elementary or secondary school supported by public funds and providing free education for children of the Williams Bay School District. [Added 5-2-2020 by Ord. No. 2020-01]

PUBLIC SERVICES AND UTILITIES (LAND USE) — See [§ Section 390-0308D](#).

PUBLIC SEWER — Includes the Village of Williams Bay sewer system and other forms of sewer systems approved by the Wisconsin Department of Natural Resources and maintained by a public agency authorized to operate such systems.

RAILROAD RIGHT-OF-WAY — A strip of land that includes tracks and auxiliary facilities for track operation, but not including freight depots or stations, platforms, train sheds, warehouses, car or locomotive shops, or car yards.

REAL ESTATE SIGN — A sign that is used to offer the sale, lease, or rent of the property upon which the sign is placed.

RECHARGE AREA — An area in which water reaches the zone of saturation by surface infiltration. This encompasses all areas or features that supply groundwater recharge to a well.

RECORDED LOT — See "lot of record."

RECYCLING AND WASTE DISPOSAL (LAND USE) — See [§ Section 390-0314C](#).

REQUIRED RESOURCE PROTECTION AREA (RPA) — The area of a site that may not be disturbed by development activity and that must also be reserved as permanently protected green space. The required resource protection area is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

RESIDENTIAL GARAGE OR SHED (LAND USE) — See [§ Section 390-0315I](#).

RESIDENTIAL KENNEL OR STABLE (LAND USE) — See [§ Section 390-0315K](#).

RESIDENTIAL [RECREATIONAL](#) RECREATION FACILITY (LAND USE) — See [§ Section 390-0315J](#).

RESTRICTIVE, MORE/LESS — A regulation imposed by this chapter is more/less restrictive than another if it prohibits or limits development to a greater/lesser extent or by means of more/less detailed specifications.

SCALE (OF DEVELOPMENT) — The gross floor area, height, or volume of a single structure or group of structures.

SEDIMENTATION — The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

SELECTIVE CUTTING (LAND USE) — See [§ Section 390-0307D](#).

SETBACK — The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line (see "minimum setback").

SEWER SERVICE AREA — Those areas in and around existing communities that are most suitable for urban development and capable of being provided with a full range of urban services.

SEXUALLY-ORIENTED LAND USE — See [§ Section 390-0310U](#).

SHADE TREE — A tree that would occupy the uppermost canopy of a forest in a natural ecological situation (e.g., hickory, oak, maple, etc.).

SHORELAND LOT — A lot abutting a navigable lake, stream, or watercourse.

SIGN — Any medium visible from a public way, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which information or message is made known.

SIGN COPY — The message or advertisement and any other symbols on the face of a sign.

SIGN FACE — The area or display surface used for the sign copy.

SIGN, AWNING — A sign that is mounted or painted on or attached to an awning, canopy, or marquee.

SIGN, GROUND — Any sign placed upon or supported by the ground independent of any other structure.

SIGN, PORTABLE — A sign that is not permanently placed, affixed to a building, structure, or to the ground. Such sign may be mounted on wheels to make it transportable.

SIGN, PROJECTING — A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

SIGN, ROOF — A sign erected upon or over the roof or parapet of any building.

SIGN, WALL — A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure.

SIGN, WINDOW — A sign located completely within an enclosed building and visible from a public way.

SINGLE-FAMILY (LAND USE) — See [§ Section 390-0306A](#).

SITE AREA — See "gross site area."

SMALL SOLAR ENERGY SYSTEM (LAND USE) — See [§ Section 390-0315V](#).

SOLID FENCE — See "fence, solid."

STANDARD ZONING DISTRICTS — Zoning districts that primarily regulate the use of land and intensity or density of such use. See Article 2.

START OF CONSTRUCTION — The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity

means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Construction activity does not include any of the following: land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

STEEP SLOPE — Areas that contain a gradient of 12% or greater.

STORMWATER FACILITIES (LAND USE) — See [§ Section 390-0315T](#).

STORY (BUILDING) — That portion of a building included between the surface of any building floor and the surface of the floor next above or, if there is no floor above, the space between the floor and the ceiling next above. Basements shall not be counted as building stories.

STREET — Unless specifically designated otherwise by the Village, any public or private way that is dedicated or permanently open to pedestrian and vehicular use. Newly platted public and private streets shall be located on a right-of-way or easement with a minimum of 50 feet of width.

STREET, ARTERIAL — A street that provides primary access to and through an area.

STREET, COLLECTOR — A street that disperses traffic throughout an area.

STREET, LOCAL — A street that provides access to individual properties.

STREET, LOCAL RESIDENTIAL — A local street that primary serves to provide access directly to residential driveways and private residential courts and streets.

STREET, RESIDENTIAL COLLECTOR — A collector street serving primarily residential land uses and that primarily serves to connect local residential streets to collector or arterial streets.

STRING OF LIGHTS — Decorative lighting for store fronts, displays, or signage.

STRUCTURAL ALTERATIONS — Any change in the integral supporting or framing members of a structure or any change in the roof structure or in the exterior walls or any change in any interior walls. Structural alterations do not include the replacement of existing windows or doors with new windows or doors of the same size.

STRUCTURE — Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to ensure safe living conditions; or
- B. Any alteration of a structure or site documented as deserving preservation by the

Wisconsin State Historical Society or listed on the National Register of Historic Places.

SWALE — A linear depression in the land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse (also see bioswale in [§ Section-390-0911](#)).

TEMPORARY CONSTRUCTION STORAGE (LAND USE) — See [§ Section-390-0316F](#).

TEMPORARY FARM PRODUCT SALES (LAND USE) — See [§ Section-390-0316A](#).

TEMPORARY GARAGE OR ESTATE SALE (AUCTION) (LAND USE) — See [§ Section-390-0316H](#).

TEMPORARY OUTDOOR ASSEMBLY (LAND USE) — See [§ Section-390-0316C](#).

TEMPORARY OUTDOOR SALES (LAND USE) — See [§ Section-390-0316B](#).

TEMPORARY PORTABLE STORAGE UNIT (LAND USE) — See [§ Section-390-0316E](#).

TEMPORARY RELOCATABLE BUILDING (LAND USE) — See [§ Section-390-0316G](#).

TEMPORARY SHELTER STRUCTURE (LAND USE) — See [§ Section-390-0316D](#).

TEMPORARY USE — A land use that is present on a property for a limited and specified period of time.

TOURIST ROOMING HOUSE (LAND USE) — See [§ Section-390-0310M](#).

TOWNHOUSE (LAND USE) — See [§ Section-390-0306E](#).

TRANSIT CENTER (LAND USE) — See [§ Section-390-0313A](#).

TWIN HOUSE (LAND USE) — See [§ Section-390-0306C](#).

TWO-FLAT (LAND USE) — See [§ Section-390-0306B](#).

UNNECESSARY HARDSHIP — The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the [chapter ordinance](#).

URBAN SERVICES — Those additional public services normally provided or needed in urban areas, including public water supply and distribution systems, sanitary sewerage systems, police and fire protection, solid waste collection, urban storm drainage systems, streets with curbs and gutters, streetlighting, neighborhood facilities such as parks and schools, and urban transportation facilities such as sidewalks and trails, on-street bicycle lanes, taxi service, and mass transit.

USE — The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, ACCESSORY — See "accessory use."

USE, CONDITIONAL — See "conditional use."

USE, PRINCIPAL — See "principal use."

VARIABLE MESSAGE SIGN — A sign that displays words, numbers, lines, logos, figures and/or symbols that can change electronically to provide different information. [Added 5-2-2020 by Ord. No. 2020-01]

VARIANCE — Permission to depart from the requirements of this chapter, granted pursuant to [§ Section 390-1215](#).

VEHICLE SALES (LAND USE) — See [§ Section 390-0310S](#).

VISITOR ENTRANCE — Entrance to an industrial, institutional, or business use for customers and visitors.

WELL FIELD — Land used primarily for the purpose of locating wells to supply a municipal water system.

WETLAND — An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions.

WOODLAND — Areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Village of Williams Bay and its environs.

YARD — A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the setback regulations for the zoning district in which such lot is located.

YARD, FRONT — The yard between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots, the yard on which the property is addressed shall be the front yard. For double [-frontage](#) lots in which the lot has frontage on more than one street (see "lot, double frontage"), there shall be two front yards.

YARD, INTERIOR SIDE — The yard between the front and rear lot lines extending from the interior side lot line to the nearest part of the nearest principal building.

YARD, REAR — The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building. For double [-frontage](#) lots (see "lot, double [-frontage](#)"), there shall be no rear yard.

YARD, SHORE — The yard between the side lot lines extending from the shore lot line to the nearest part of the nearest principal building.

YARD, STREET SIDE — For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

ZERO [-LOT](#) [-LINE](#) STRUCTURE — A structure that is built on the property line, such as a twin house, townhouse, or downtown unit.

ZONING ADMINISTRATOR — The person authorized and charged by the Village with the administration of this chapter.

ARTICLE 2 Standard Zoning Districts

§ 390-0201. Purpose.

The area located within the jurisdiction of this chapter is hereby divided into zoning districts of such number as is necessary to achieve compatibility of land uses within each district, to implement the Village of Williams Bay Comprehensive Plan, and to achieve the other purposes of this chapter.

§ 390-0202. Standard zoning districts. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

For the purpose of this chapter, all areas within the jurisdiction of this chapter are hereby divided into the following standard zoning districts. Overlay zoning districts are listed and described in Article 7.

AH	Agricultural Holding
ER	Estate Residential
SF-1	Low Density Residential
SF-2	Large Lot Residential
SF-3	Suburban Residential
SF-6	Village Residential
SF-CPP	Cedar Point Park Residential
TF	Two-Family Residential
MF-12	Small Multifamily Multi-Family Residential
MF-18	Multifamily Large Multi-Family Residential
SB	Small Business
VC	Village Center
LSB	Lakeshore Business
CB	Community Business
LI	Light Industrial
GI	General Industrial
P&I	Public and Institutional
P&R	Parks and Recreation

§ 390-0203. Map of standard zoning districts. ¹

Zoning districts established by this chapter are shown on the Official Zoning Map of the Village of Williams Bay, which, together with all explanatory materials thereon, is hereby made part of this chapter.

§ 390-0204. Interpretation of zoning district boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Village of Williams Bay:

1. Editor's Note: The Zoning Map is included as an attachment to this chapter.

- A. Zoning district boundaries shown as following or approximately following the limits of any village, city, town, or county boundary shall be construed as following such limits.
- B. Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the center line of such streets or railroad lines.
- C. Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Village of Williams Bay or County of Walworth Tax Maps shall be construed as following such lines.
- D. Zoning district boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel center lines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel center line.
- E. Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- F. Zoning district boundaries shown as separated from any of the features listed in Subsections A through E above shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- G. Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

§ 390-0205. Vacations and annexations.

- A. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- B. Annexations that are fully in compliance with the Village annexation ordinance shall be automatically placed in the AH Agricultural Holding District, unless another zoning designation is determined through an annexation agreement. Annexations containing [lake shorelakeshore](#), as defined in this [chapterordinance](#), shall comply with § 59.692(7), Wis. Stats. Annexations or consolidations containing [flood landsfloodlands](#) shall be placed in one of the following overlay districts: FWO, FFO, and GFO.

§ 390-0206. Description and purpose of zoning districts.

The following sections specify the description and purpose of the standard zoning districts established by this chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Descriptions and standards for land use categories are provided in Article 3. Section 390-0305 includes a Tables of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right or allowed by conditional use permit, as an accessory use, or as a temporary use.

§ 390-0207. AH Agricultural Holding District.

- A. Description and purpose. This district is intended to permit agricultural land uses and development that is compatible with such uses. The land use standards for this district permit very low density, single-family, detached residential development at a density of one dwelling unit for every 35 gross acres, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development requiring even minimal urban services does not occur until such services are available. As such, the Agricultural Holding (AH) District shall serve either as a designation that preserves and protects agricultural activities or as a "holding zoning" that provides for an interim land use (agriculture) that can easily accommodate orderly future Village development (with rezoning to another district) at the appropriate time.
- B. Principal land uses permitted by right.
- (1) Single-family detached: 35 acre lot (per [§ Section 390-0306A](#)).
 - (2) Cultivation (per [§ Section 390-0307A](#)).
 - (3) On-site agricultural retail (per [§ Section 390-0307C](#)).
 - (4) Selective cutting (per [§ Section 390-0307D](#)).
 - (5) Public services and utilities (per [§ Section 390-0308D](#)).
 - (6) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (7) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (8) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Single-family detached: 40,000 square foot lot (for lots smaller than 35 acres, remainder of 35 acres must be deed restricted prohibiting subsequent development of additional principal structures unless rezoned for higher density development) (per Section 390-0306A).
 - (2) Husbandry (per [§ Section 390-0307B](#)).
 - (3) Clear cutting (per [§ Section 390-0307E](#)).
 - (4) Intensive agriculture (per [§ Section 390-0307F](#)).
 - (5) Agricultural services (per [§ Section 390-0307G](#)).
 - (6) Community gardens (per [§ Section 390-0307H](#)).
 - (7) Market gardens (per [§ Section 390-0307I](#)).
 - (8) Outdoor open space institutional (per [§ Section 390-0308C](#)).
 - (9) Lake related recreation (per [§ Section 390-0309D](#)).
 - (10) Bed-and-breakfast establishments (per [§ Section 390-0310J](#)).

- (11) Campground (per [§ Section-390-0310N](#)).
- (12) Commercial animal boarding (per [§ Section-390-0310P](#)).
- (13) Production greenhouse (per [§ Section-390-0311C](#)).
- (14) Indoor aquaculture (per [§ Section-390-0311D](#)).
- (15) Large wind energy system (per [§ Section-390-0311F](#)).
- (16) Large solar energy system (per [§ Section-390-0311G](#)).
- (17) Extraction use (per [§ Section-390-0314A](#)).
- (18) Airport (per [§ Section-390-0313D](#)).
- (19) Composting (per [§ Section-390-0314B](#)).
- (20) Recycling and waste disposal (per [§ Section-390-0314C](#)).
- (21) Junk or salvage yard (per [§ Section-390-0314D](#)).
- (22) Large developments (per [§ Section-390-0821](#)).
- (23) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
- (3) In-home suite (per [§ Section-390-0315D](#)).
- (4) Farm residence (per [§ Section-390-0315G](#)).
- (5) Residential garage or shed (per [§ Section-390-0315I](#)).
- (6) Residential recreational facility (per [§ Section-390-0315J](#)).
- (7) On-site parking (per [§ Section-390-0315L](#)).
- (8) Exterior ~~communication~~[communication](#) devices (per [§ Section-390-0315R](#)).
- (9) Lawn care (per [§ Section-390-0315S](#)).
- (10) Stormwater facilities (per [§ Section-390-0315T](#)).
- (11) Small solar energy system (per [§ Section-390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
- (2) Incidental outdoor display (per [§ Section-390-0315C](#)).
- (3) Migrant employee housing (per [§ Section-390-0315H](#)).
- (4) Residential kennel or stable (per [§ Section-390-0315K](#)).

- (5) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (3) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (4) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (5) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (6) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (7) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (8) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the AH [Zoning District](#) ~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family and agricultural land uses are exempt from the landscaping requirements in this chapter. All other land uses in the AH [Zoning District](#) ~~zoning district~~ shall adhere to the applicable landscaping requirements listed in Article 9.
- J. Signage regulations. All signs in the AH [Zoning District](#) ~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the AH [Zoning District](#) ~~zoning district~~ are detailed in Figure 390-0207. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0207

Density, Intensity, and Bulk Regulations in the Agricultural Holding Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	35 acres 40,000 square feet (with	40,000 square feet

	conditional use permit)	
Maximum lot area	5 acres	5 acres
Maximum gross density	1 dwelling unit per 35 acres	N/A
Minimum gross floor area	900 square feet (excluding attached garage)	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	200 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	30 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	
Accessory structures	Refer to § Section 390-0303B for additional requirements	
Accessory structure setback from	10 feet	

principal building		
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft. ^{square foot} structure); 10 feet (more than 200 sq. ft. ^{foot} structure)	
Accessory structure rear yard setback	5 feet (less than 200 sq. ft. ^{square foot} structure); 10 feet (more than 200 sq. ft. ^{foot} structure)	
Maximum accessory structure height	15 feet	35 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0208. ER Estate Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a low density of less than one dwelling unit per acre. Density and intensity standards for this district are designed to ensure that the existing character of areas zoned Estate Residential is protected and preserved.
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section 390-0306A](#)).
 - (2) Selective cutting (per [§ Section 390-0307D](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).
 - (3) Community garden (per [§ Section 390-0307H](#)).
 - (4) Market garden (per [§ Section 390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section 390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).

- (8) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
- (9) Large developments (per [§ Section 390-0821](#)).
- (10) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Caretaker house or guesthouse (per [§ Section 390-0315F](#)).
 - (5) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (6) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (7) On-site parking (per [§ Section 390-0315L](#)).
 - (8) Exterior communications device (per [§ Section 390-0315R](#)).
 - (9) Lawn care (per [§ Section 390-0315S](#)).
 - (10) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Accessory dwelling unit (per [§ Section 390-0315E](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the ER ~~Zoning District~~~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the ER ~~Zoning District~~~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the ER ~~Zoning District~~~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the ER ~~Zoning District~~~~zoning district~~ are detailed in Figure 390-0208. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0208

Density, Intensity, and Bulk Regulations in the Estate Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	65,000 square feet	2 acres
Maximum gross density	0.7 du per acre	N/A
Minimum gross floor area	Total du: 1,500 square feet 2-story du, first 1st level: 900 square feet 3-story du, each level: 500 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	200 feet	
Minimum front and street side yard setback	30 feet* 100 feet from Cedar Point Drive*	
Minimum shore yard setback	150 feet	
Minimum interior	30 feet	

side yard setback	
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure) 60 feet (all accessory structures) from Cedar Point Drive
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#) 390-0315I.

§ 390-0209. SF-1 Low [Density](#) Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a low density of one dwelling per acre. Density and intensity standards for this district are designed to ensure that the existing character of areas zoned in ~~Low-Density~~~~Large-Lot~~ Residential are protected and preserved. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Principal land uses permitted by right.
- (1) Single-family (per ~~§ Section~~ 390-0306A).
 - (2) Selective cutting (per ~~§ Section~~ 390-0307D).
 - (3) Public services and utilities (per ~~§ Section~~ 390-0308D).
 - (4) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
 - (5) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
 - (6) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) Cultivation (per ~~§ Section~~ 390-0307A).
 - (2) Clear cutting (per ~~§ Section~~ 390-0307E).
 - (3) Community garden (per ~~§ Section~~ 390-0307H).
 - (4) Market garden (per ~~§ Section~~ 390-0307I).
 - (5) Indoor institutional “general” (per ~~§ Section~~ 390-0308A).
 - (6) Indoor institutional “intensive” (per ~~§ Section~~ 390-0308B).
 - (7) Outdoor open space institutional (per ~~§ Section~~ 390-0308C).
 - (8) Bed-and-breakfast establishment (per ~~§ Section~~ 390-0310J).
 - (9) Large developments (per ~~§ Section~~ 390-0821).
 - (10) Group developments (per ~~§ Section~~ 390-0821).
- D. Accessory uses permitted by right.
- (1) Home occupation (per ~~§ Section~~ 390-0315A).
 - (2) Family day-care home (four to eight children) (per ~~§ Section~~ 390-0315B).
 - (3) In-home suite (per ~~§ Section~~ 390-0315D).
 - (4) Residential garage or shed (per ~~§ Section~~ 390-0315I).
 - (5) Residential recreational facility (per ~~§ Section~~ 390-0315J).
 - (6) On-site parking (per ~~§ Section~~ 390-0315L).
 - (7) Exterior communications device (per ~~§ Section~~ 390-0315R).

- (8) Lawn care (per [§ Section 390-0315S](#)).
- (9) Stormwater facilities (per [§ Section 390-0315T](#)).
- (10) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SF-1 [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-1 [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-1 [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-1 [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0209. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0209

Density, Intensity, and Bulk Regulations in the Low - Density Residential Zoning District
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	Residential Uses	Nonresidential Uses
Minimum lot area	1 acre	2 acres
Maximum gross density	1 du per acre	N/A
Minimum gross floor area	Total du: 1,500 square feet 2-story du, first ^{1st} level: 900 square feet 3-story du, each level: 500 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	200 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	30 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	

Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0210. SF-2 Large Lot Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a density of two dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of areas zoned [Large LotLow-Density Residential](#) is protected and preserved. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section 390-0306A](#)).
 - (2) Selective cutting (per [§ Section 390-0307D](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).

- (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section-390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section-390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
 - (8) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
 - (9) Large developments (per [§ Section-390-0821](#)).
 - (10) Group developments (per [§ Section-390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section-390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
 - (3) In-home suite (per [§ Section-390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (6) On-site parking (per [§ Section-390-0315L](#)).
 - (7) Exterior communications device (per [§ Section-390-0315R](#)).
 - (8) Lawn care (per [§ Section-390-0315S](#)).
 - (9) Stormwater facilities (per [§ Section-390-0315T](#)).
 - (10) Small solar energy system (per [§ Section-390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
 - (2) Filling (per [§ Section-390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section-390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section-390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section-390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section-390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section-390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more

overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the SF-2 ~~Zoning District~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-2 ~~Zoning District~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-2 ~~Zoning District~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-2 ~~Zoning District~~ are detailed in Figure 390-0210. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0210

Density, Intensity, and Bulk Regulations in the Large Lot Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	20,000 square feet	
Maximum gross density	2 du per acre	N/A
Minimum gross floor area	Total du: 1,200 square feet 2-story du, first level: 750 square feet 3-story du, each level: 400 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	120 feet	
Minimum front	30 feet*	

and street side yard setback	
Minimum shore yard setback	150 feet
Minimum interior side yard setback	20 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#)

390-0315I.

§ 390-0211. SF-3 Suburban Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development at a density of 3.5 dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of areas zoned Suburban Residential is protected and preserved.
- B. Principal land uses permitted by right.
 - (1) Single family (per [§ Section 390-0306A](#)).
 - (2) Selective cutting (per [§ Section 390-0307D](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).
 - (3) Community garden (per [§ Section 390-0307H](#)).
 - (4) Market garden (per [§ Section 390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section 390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).
 - (8) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
 - (9) Large developments (per [§ Section 390-0821](#)).
 - (10) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section 390-0315J](#)).

- (6) On-site parking (per [§ Section-390-0315L](#)).
- (7) Exterior communications device (per [§ Section-390-0315R](#)).
- (8) Lawn care (per [§ Section-390-0315S](#)).
- (9) Stormwater facilities (per [§ Section-390-0315T](#)).
- (10) Small solar energy system (per [§ Section-390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
 - (2) Filling (per [§ Section-390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section-390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section-390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section-390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section-390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section-390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SF-3 [Zoning Districtzoning-district](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-3 [Zoning Districtzoning-district](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-3 [Zoning Districtzoning-district](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-3 [Zoning Districtzoning-district](#) are detailed in Figure 390-0211. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0211

Density, Intensity, and Bulk Regulations in the Suburban Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	12,000 square feet	20,000 square feet
Maximum gross density	3.5 du per acre	N/A
Minimum gross floor area	Total du: 1,200 square feet 2-story, first ^{1st} level: 750 square feet 3-story, each level: 400 square feet	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	90 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	15 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	

Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section-390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

* For additional setback standards applicable to residential garages, see [§ Section-390-0315I](#).

§ 390-0212. SF-6 Village Residential District.

- A. Description and purpose. This district is intended to permit single-family residential development that has a moderate density of six dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of existing areas zoned Village Residential is protected and preserved. Subsequent to the adoption of this chapter, no new, undeveloped lands shall be rezoned to or placed in this SF-6 [Zoning Districtzoning district](#).
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section-390-0306A](#)).
 - (2) Selective cutting (per [§ Section-390-0307D](#)).
 - (3) Public services and utilities (per [§ Section-390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Cultivation (per [§ Section-390-0307A](#)).
- (2) Clear cutting (per [§ Section-390-0307E](#)).
- (3) Community garden (per [§ Section-390-0307H](#)).
- (4) Market garden (per [§ Section-390-0307I](#)).
- (5) Indoor institutional “general” (per [§ Section-390-0308A](#)).
- (6) Indoor institutional “intensive” (per [§ Section-390-0308B](#)).
- (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (8) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (9) Tourist rooming house (per [§ Section-390-0310M](#)).
- (10) Large developments (per [§ Section-390-0821](#)).
- (11) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
- (3) In-home suite (per [§ Section-390-0315D](#)).
- (4) Residential garage or shed (per [§ Section-390-0315I](#)).
- (5) Residential recreational facility (per [§ Section-390-0315J](#)).
- (6) On-site parking (per [§ Section-390-0315L](#)).
- (7) Exterior communications device (per [§ Section-390-0315R](#)).
- (8) Lawn care (per [§ Section-390-0315S](#)).
- (9) Stormwater facilities (per [§ Section-390-0315T](#)).
- (10) Small solar energy system (per [§ Section-390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
- (2) Filling (per [§ Section-390-0315Y](#)).

F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section-390-0316D](#)).
- (3) Temporary portable storage unit (per [§ Section-390-0316E](#)).
- (4) Temporary construction storage (per [§ Section-390-0316F](#)).

- (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
- (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SF-6 [Zoning District](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-6 [Zoning District](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SF-6 [Zoning District](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SF-6 [Zoning District](#) are detailed in Figure 390-0212. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0212

Density, Intensity, and Bulk Regulations in the Village Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	7,200 square feet	12,000 square feet
Maximum gross density	6 du per acre	N/A
Minimum gross floor area	900 square feet/level	N/A
Maximum building coverage of lot	30%	
Minimum landscape surface ratio	50%	
Minimum lot width	60 feet	
Minimum front	30 feet*	

and street side yard setback	
Minimum shore yard setback	150 feet
Minimum interior side yard setback	10 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	20 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section](#)

390-0315L.

§ 390-0213. SF-CPP Cedar Point Park.

- A. Description and purpose. This district is intended to permit single-family residential development in the Cedar Point Park Subdivision. The district regulations shall not apply to any lands, now or in the future, lying beyond this subdivision.
- B. Principal land uses permitted by right.
 - (1) Single-family (per [§ Section-390-0306A](#)).
 - (2) Selective cutting (per [§ Section-390-0307D](#)).
 - (3) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (4) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (5) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Large developments (per [§ Section-390-0821](#)).
 - (4) Group developments (per [§ Section-390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section-390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
 - (3) In-home suite (per [§ Section-390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (5) On-site parking (per [§ Section-390-0315L](#)).
 - (6) Exterior communications device (per [§ Section-390-0315R](#)).
 - (7) Lawn care (per [§ Section-390-0315S](#)).
 - (8) Stormwater facilities (per [§ Section-390-0315T](#)).
 - (9) Small solar energy system (per [§ Section-390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (2) Filling (per [§ Section-390-0315Y](#)).
- F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per ~~§ Section~~ 390-0316C).
 - (2) Temporary shelter structure (per ~~§ Section~~ 390-0316D).
 - (3) Temporary portable storage unit (per ~~§ Section~~ 390-0316E).
 - (4) Temporary construction storage (per ~~§ Section~~ 390-0316F).
 - (5) Temporary relocatable building (per ~~§ Section~~ 390-0316G).
 - (6) Temporary garage or estate sale (auction) (per ~~§ Section~~ 390-0316H).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. General conditions applicable to Cedar Point Park Subdivision and additions thereto.
- (1) Utility easements. The original subdividers, their successors and assigns, shall have the right to enter upon, over, and along a strip of land five feet in width off the rear or sides of all lots that do not abut upon a private alley as and where indicated upon the recorded plats of the subdivisions for the purpose of constructing, operating, and maintaining public utilities, with right of ingress and egress thereto for construction and maintenance purposes.
 - (2) Property ~~owners'~~owners association. All private parks, roads, parking spaces, and similarly commonly owned properties in the subdivisions are owned, controlled, and maintained by an association of the subdivision property owners to which all of the owners of lots in the subdivisions are paying for the maintenance assessments therefor in accordance with the By-Laws of Cedar Point Park Association.
 - (3) Private parks and ways. The private parks designated on the various plats of the subdivision are to be private parks as are also the privately owned roads and parking spaces so indicated and designated on the respective plats. The parks, groves, roads, and parking spaces are for the unreserved use of the owners and occupants of the subdivisions and all such owners and occupants have the unreserved use of the common properties, subject to the proper regulations of the association of the owners of lots, and shall be allowed the unobstructed and free foot passages from park to park across lots where the lake shore foot passage is indicated all in accordance with the By-Laws of Cedar Point Park Association.
 - (4) Where lot lines in the Cedar Point Park Subdivision have been changed subsequent to the original platting thereof, such changes are incorporated herein by reference and shall take precedence over the lot lines set forth herein, which are taken from the original plats of lots in Cedar Point Park original subdivision and the three additions thereto.
 - (5) Prior to filing an application for zoning permit to construct or structurally alter any building, structure or conditional use previously granted, the applicant shall submit a request for review to the Building Committee of the Cedar Point Park Association

(Building Committee). Such review shall be required with regard to construction, area, location on the lot, curbing, driveways, walls, fences, hedges, terracing, and the location on the lot of garages. The Building Committee shall issue a report containing its recommendations concerning the proposed construction or alteration. The applicant shall deliver the report of the Building Committee to the Building Inspector at the time of the application for a zoning permit. The Building Inspector shall consider such report and recommendation in imposing appropriate conditions on the zoning permit. However, nothing contained in this subsection is intended to delegate the authority of the Building Inspector to the Building Committee. All applications for a zoning permit, to include the construction of a conditional use if a conditional use permit has been granted by the Village Plan Commission, shall be accompanied by showing the location, actual shape, and dimensions on the lot of both existing and proposed improvements, including the dwelling, accessory buildings, fences, and conditional uses. In the case with an application for a zoning permit for a conditional use, the applicant shall specifically set forth any conditions imposed by the Plan Commission in granting a conditional use permit, and in the case of a swimming pool, the exact provisions required, specified or approved by the Plan Commission for the drainage thereof. No dwellings shall be erected containing less than 900 square feet on the first floor for lots 60 to 90 feet in width and wider, not including porches, breezeways or accessory buildings. No obstructions such as curbing, driveways, walls, fences, hedges, or terraces shall extend beyond lot lines into public roads or private roads of the Cedar Point Park Association. All dimensions shown relating to location and size of the lot shall be based on a survey certified by a surveyor licensed by the State of Wisconsin. The lot and location of the building thereon shall be staked out on the ground before construction is commenced.

- (6) The building line as used relating to each lot in the SF-CPP Cedar Point Park District shall mean the required setback for the location of all structures in all cases. The exceptions stated in [§ Section 390-0505F\(3\)](#) and I(3) shall not apply in the SF-CPP [District](#)~~district~~.

- I. Performance standards. All allowed uses in the SF-CPP [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- J. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-CPP [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- K. Signage regulations. All signs in the SF-CPP [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- L. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- M. Density, intensity, and bulk regulations.
- (1) Lot area and width. Each lot shall have the area and width specified on the approved Cedar Point Park Subdivision plat or additions thereto. Each lot shall have those

special conditions attributable specifically to it and the construction of all improvements thereon must observe the building lines as specifically assigned each lot as well as the general yard requirements which shall be applicable to all lots, all as set forth in this section and Articles 4 and 5. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~(G) and Sections (H) through (K), inclusive.~~

- (2) Building height and area. No building or parts of a building shall exceed 35 feet in height.
- (3) Setbacks and yards.
 - (a) Minimum setbacks shall be that distance specified as the "building line" as set forth in Subsection M(5)(e) through (h).
 - (b) Garages for parked vehicles may be attached to the house or detached from the house. It is desirable to minimize the visual impact of garage doors as seen from the public street in front of the house. If attached to the house, a preferred location for garage doors is on the side of the house. If located on the front of the house, garage doors shall be set back at least two feet behind the facade of the house.
- (4) See Sections 390-0504, 390-0505, and 390-0506 for additional requirements applicable to all zoning districts.
- (5) Yards.
 - (a) Rectangular lots 60 feet to 90 feet in width.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard setback: 30 feet.
 - [3] Minimum side yard setback: 10 feet.
 - (b) Rectangular lots 91 feet or greater in width.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard: 30 feet.
 - [3] Minimum interior side yard setback: 15 feet.
 - (c) Irregular lots.
 - [1] Minimum front or street side yard setback: 30 feet, or as noted.
 - [2] Minimum rear yard setback: 30 feet.
 - [3] Minimum interior side yard setback: each the greater of 1/2 the total footage of the front/street side and rear lot lines multiplied by 0.16 or 10 feet, whichever is greater.
 - (d) Garages.
 - [1] Garages shall have a maximum area of 720 square feet and shall not

occupy more than 20% of the rear yard area.

- [2] Garages attached to the dwelling or located in an interior side yard shall comply with the interior side yard setback requirement.
- [3] Detached garages shall not be less than 10 feet from the principal structure except as permitted in the Building Code of the Village of Williams Bay.²

(e) Special conditions in the original Cedar Point Park subdivision.

- [1] The building line on all lots shall be 30 feet from the front lot line with the exceptions of Lots 52 thru 57, 62 1/2, and 68 through 72.
- [2] The building line on Lots 52 to 57, inclusive, and Lots 67 through 69 shall be 40 feet from the front lot line and shall be 20 feet from the front lot line for Lots 70 through 72. The building line on Lots 62 and 62 1/2 shall be as originally placed and shown on the plat.

(f) Special conditions in the first addition to Cedar Point Park subdivision.

- [1] The building line for all lots shall be 22 feet from and parallel to the front lot line, excepting for Lots 19, 20, and 48 through 53, which shall be 30 feet, and excepting Lots 8 through 11, 29 through 38, 67, and 68, which shall be and remain as shown on the plat of the first addition by means of a dotted line.
- [2] Measurements are taken from north and south principal meridians shown on plat as recorded.
- [3] Lots 69, 70, 70 1/2, and 71 through 74 in the first addition shall also be exempt from the ~~twenty-two-foot~~22-foot building line.
- [4] The building line on Lot 74 shall be 20 feet from the front lot line.
- [5] The building line for Lots 69, 70, 70 1/2, and 71 through 73 shall be 50 feet from the front lot line.
- [6] No owner or occupant of Lots 8 through 11, 29 through 38, 67, and 68 shall in any manner obstruct free passage on the foot path described by dotted lines on the recorded plat of this addition, which follows the lake shore and crosses the lots.

(g) Special conditions in the second addition to Cedar Point Park subdivision.

- [1] The building line on all lots shall be 22 feet from and parallel to front lot lines, excepting Lots 111, 119 through 121, 166, and 191 through 193.
- [2] Lot 111 shall contain two building lines. The south building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line for Lot 111 shall be 70 feet from the rear lot line.

². [Editor's Note: See Ch. 153, Building Construction.](#)

- [3] On Lots 119, 120, and 121 in the addition, the front building line shall be on a line parallel to the building line specified, that is, 22 feet. The rear building line shall be 80 feet from the longest rear lot line.
- [4] On Lots 191 through 193, the building line shall be 75 feet from the rear lot lines.
- [5] On Lot 166 in the addition, the front and interior side building lines shall be 22 feet from the front and interior side lot lines.
- (h) Special conditions in the third addition to Cedar Point Park subdivision.
- [1] On Lots 201 through 204, the building line shall be a straight line across the above lots that shall start at a point 226 feet west of the rear northwest corner or road stake along the northern boundary line of Lot 201 to a point that shall be 153.65 feet west of the southeast corner or road stake of Lot 204 and along the southern boundary line of Lot 204.
- [2] On Lots 205 through 213, the building line shall commence at a point that shall be 153.65 feet west of the northern road stake of Lot 205 and shall continue in a straight line until it intersects the southern boundary line of Lot 213 at a point that shall be 158.40 feet in a westerly direction from the southeast corner or road stake of Lot 213.
- [3] On Lots 214 through 217, the building line shall be a straight line that shall start at a point 158.40 feet in a westerly direction from the northeast corner or road stake along the northern boundary line of Lot 214 and shall continue across Lots 214 through 217 until it intersects the southeastern boundary line of Lot 217 at a point that shall be 163.40 feet in a southwesterly direction from the eastern corner or road stake of Lot 217.
- [4] On Lot 218, the building line shall be a straight line across Lot 218 that starts at a point along the northwestern boundary line, which shall be 163.40 feet in a southwesterly direction from the northern corner or road stake of Lot 218 to a point on the southeastern boundary line of Lot 218 that shall be 174 feet in a southwesterly direction from the eastern corner or road stake of Lot 218.
- [5] On Lots 219 and 220, the building line shall be a straight line that shall start at a point along the northwestern boundary line of Lot 219, 174 feet in a southwesterly direction from the northern corner or road stake of Lot 219, across Lots 219 and 220 until it intersects the eastern boundary line of Lot 220 at a point that shall be 181.60 from the northwestern corner or road stake of Lot 220.
- [6] On Lots 221 through 223, the building line shall be a straight line that shall commence at a point on the western boundary line of Lot 221, 181.60 feet in a southwesterly direction from the northwestern corner or road stake of Lot 221 across Lots 221 through 223 to a point on the eastern boundary line of Lot 223, which shall be 189.50 feet in a southerly

direction from the northeastern corner or road stake of Lot 223.

- [7] On Lots 224, 225, and 226, the building line shall be a straight line that shall commence at the eastern boundary line of Lot 224 and shall be 189.50 feet in a southerly direction from the northwestern corner or road stake of Lot 224 across Lots 224, 225, and 226 to a point on the eastern boundary line of 226, which shall be 60 feet in a northerly direction from the southern corner or ~~lakefront~~^{lake front} stake of Lot 226.
- [8] The building line of Lots 231 to 271, inclusive, shall be parallel to and 30 feet back of the front line on Circle ~~Parkway~~^{Pkwy}.
- [9] The building on Lot 224 shall face in a westerly direction.
- [10] The building on Lot 245 shall face in an easterly direction.
- [11] The building on Lot 272 shall face in a southwesterly direction being not more than 30° southerly from the northern boundary line and 25 feet from Circle ~~Parkway~~^{Pkwy}.
- [12] The building on Lot 273 shall face a southeasterly direction, being not more than 30° southerly from the northern boundary line and 25 feet from Circle ~~Parkway~~^{Pkwy}.
- [13] The building line on Lot 330 shall be parallel to and a continuation of the building line of Lots 232 and 244. The building line on Lot 230 shall face in a westerly direction.
- [14] Garages, if any, on Lots 272 and 273 shall be along the north and south lot line that divides them.
- [15] Garages that may be erected on any of the lake shore lots numbered 201 to 226, inclusive, shall remain at least 25 feet from the lot line shown on the plat that borders on Circle ~~Parkway~~^{Pkwy}.
- [16] Garages that may be erected on Lots 227 to 273, inclusive, shall remain at least 30 feet back of the front lot lines on Circle ~~Parkway~~^{Pkwy}.

§ 390-0214. TF Two-Family Residential.

- A. Description and purpose. This district is intended to permit residential development that has a moderate density of 10 dwellings per acre. The land use standards for this district permit detached single-family homes, attached single-family units (i.e., townhomes/~~row homes~~^{rowhomes}), and attached two-family units (i.e., two-flats, duplexes, twin houses). Higher density multifamily residential uses are not permitted in this ~~district~~^{District}. Density and intensity standards for this district are designed to ensure that the character of areas zoned as Two-Family Residential is protected and preserved.
- B. Principal land uses permitted by right.
 - (1) Single-family (per ~~§ Section~~[§] 390-0306A).

- (2) Two-flat (per [§ Section-390-0306B](#)).
 - (3) Twin-house (per [§ Section-390-0306C](#)).
 - (4) Duplex (per [§ Section-390-0306D](#)).
 - (5) Townhouse (three to four unit building) (per [§ Section-390-0306E](#)).
 - (6) Selective cutting (per [§ Section-390-0307D](#)).
 - (7) Public services and utilities (per [§ Section-390-0308D](#)).
 - (8) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (9) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
 - (10) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (11) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).
 - (5) Indoor institutional “general” (per [§ Section-390-0308A](#)).
 - (6) Indoor institutional “intensive” (per [§ Section-390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
 - (8) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
 - (9) Tourist rooming house (per [§ Section-390-0310M](#)).
 - (10) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
 - (11) Large developments (per [§ Section-390-0821](#)).
 - (12) Group developments (per [§ Section-390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section-390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
 - (3) In-home suite (per [§ Section-390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (6) On-site parking (per [§ Section-390-0315L](#)).

- (7) Exterior communications device (per [§ Section 390-0315R](#)).
- (8) Lawn care (per [§ Section 390-0315S](#)).
- (9) Stormwater facilities (per [§ Section 390-0315T](#)).
- (10) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the TF [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the TF [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the TF [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the TF [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0214. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0214

Density, Intensity, and Bulk Regulations in the Two-Family Residential Zoning District
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	Residential Uses	Nonresidential Uses
Minimum lot area	SF: 6,000 square feet TF: 3,000 square feet <u>per</u> /dwelling unit Townhouse: 3,000 square feet <u>per</u> /dwelling unit	12,000 square feet
Maximum gross density	10 dwelling units per acre	N/A
Minimum gross floor area	900 square feet	N/A
Maximum building coverage of lot	40%	
Minimum landscape surface ratio	50%	
Minimum lot width	SF: 60 feet TF: 55 feet <u>per</u> /dwelling unit Townhouse: 30 feet <u>per</u> /dwelling unit	100 feet
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	8 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	16 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	

Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section-390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft.square-foot structure); 10 feet (more than 200 sq. ft.foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section-390-0315I](#).

§ 390-0215. MF-12 Small [Multifamily](#)~~Multi-Family~~ Residential District.

- A. Description and purpose. This district is intended to permit residential development that has a density of up to 12 dwelling units per acre. The land use standards for this district permit detached single-family homes, duplexes, two flats, twin homes, townhouses, multiplexes, and small-scale apartment buildings. Multifamily buildings containing more than four dwelling units and up to eight dwelling units require a conditional use permit. Density and intensity standards for this district are designed to ensure that the character of areas zoned Small [Multifamily](#)~~Multi-Family~~ Residential is protected and preserved.
- B. Principal land uses permitted by right.
- (1) Single-family (per [§ Section-390-0306A](#)).
 - (2) Two-flat (per [§ Section-390-0306B](#)).
 - (3) Twin house (per [§ Section-390-0306C](#)).
 - (4) Duplex (per [§ Section-390-0306D](#)).
 - (5) Townhouse (three ~~to~~ ~~four~~ ~~unit~~ building) (per [§ Section-390-0306E](#)).
 - (6) Multiplex (three ~~to~~ ~~four~~ ~~unit~~ building) (per [§ Section-390-0306F](#)).

- (7) Apartment (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306G).
- (8) Selective cutting (per ~~§ Section~~ 390-0307D).
- (9) Public services and utilities (per ~~§ Section~~ 390-0308D).
- (10) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
- (11) Community living arrangement (nine to 15 residents) (per ~~§ Section~~ 390-0308G).
- (12) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
- (13) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
 - (1) Townhouse (~~five-5 to-eight-8~~ unit building) (per ~~§ Section~~ 390-0306E).
 - (2) Multiplex (~~five-5 to-eight-8~~ unit building) (per ~~§ Section~~ 390-0306F).
 - (3) Apartment (~~five-5 to-eight-8~~ unit building) (per ~~§ Section~~ 390-0306G).
 - (4) Cultivation (per ~~§ Section~~ 390-0307A).
 - (5) Clear cutting (per ~~§ Section~~ 390-0307E).
 - (6) Community gardens (per ~~§ Section~~ 390-0307H).
 - (7) Market gardens (per ~~§ Section~~ 390-0307I).
 - (8) Indoor institutional ~~“~~ general (per ~~§ Section~~ 390-0308A).
 - (9) Indoor institutional ~~“~~ intensive (per ~~§ Section~~ 390-0308B).
 - (10) Outdoor open space institutional (see ~~§ Section~~ 390-0308C).
 - (11) Institutional residential (per ~~§ Section~~ 390-0308E).
 - (12) Community living arrangement (16+ residents) (per ~~§ Section~~ 390-0308H).
 - (13) Bed-and-breakfast establishments (per ~~§ Section~~ 390-0310J).
 - (14) Boarding house (per ~~§ Section~~ 390-0310L).
 - (15) Tourist rooming house (per ~~§ Section~~ 390-0310M).
 - (16) Group day-care center (9+ children) (per ~~§ Section~~ 390-0310O).
 - (17) Large developments (per ~~§ Section~~ 390-0821).
 - (18) Group developments (per ~~§ Section~~ 390-0821).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per ~~§ Section~~ 390-0315A).
 - (2) Family day-care home (four to eight children) (per ~~§ Section~~ 390-0315B).
 - (3) In-home suite (per ~~§ Section~~ 390-0315D).

- (4) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (6) On-site parking lot (per [§ Section-390-0315L](#)).
 - (7) Lawn care (per [§ Section-390-0315S](#)).
 - (8) Small solar energy system (per [§ Section-390-0315V](#)).__
 - (9) [Stormwater facilities. \[Added at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- E. Accessory uses allowed by conditional use permit (see Section 183.1207).
- (1) Intermediate day-care home (nine to 15 children) (per [§ Section-390-0315C](#)).
 - (2) Exterior ~~communication~~[communication](#) devices (per [§ Section-390-0315R](#)).
 - (3) Filling (per [§ Section-390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section-390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section-390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section-390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section-390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section-390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the MF-12 ~~Zoning District~~[zoning district](#) shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the MF-12 ~~Zoning District~~[zoning district](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the MF-12 ~~Zoning District~~[zoning district](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to

the MF-12 ~~Zoning District~~~~zoning district~~ are detailed in Figure 390-0215. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0215

Density, Intensity, and Bulk Regulations in the MF-12 Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	SF: 6,000 square feet TF: 6,000 square feet per dwelling unit Townhouse: 3,000 square feet per dwelling unit MF: 12,000 square feet	12,000 square feet
Maximum gross density	12 dwelling unit per acre	N/A
Minimum gross floor area	First level of principal structure: 1,000 square feet Efficiency du: 500 square feet 1-bedroom du: 600 square feet 2-bedroom du: 800 square feet 3-bedroom du: 1,000 square feet 4-bedroom + du: 1,200 square feet	N/A
Maximum building coverage of lot	40%	
Minimum landscape surface ratio	50%	
Minimum lot width	SF: 60 feet TF: 55 feet per dwelling unit Townhouse: 30 feet per dwelling unit MF: 100 feet	100 feet
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	SF/TF/ townhouse Townhouse 8 feet; MF: 25	25 feet
Minimum rear yard setback	30 feet	

Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	16 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structures	Refer to § Section 390-0303B for additional requirements
Accessory structure setback from principal building	10 feet
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft. square foot structure); 10 feet (more than 200 sq. ft. foot structure)
Accessory structure rear yard setback	5 feet (less than 200 sq. ft. square foot structure); 10 feet (more than 200 sq. ft. foot structure)
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0216. MF-18 ~~Multifamily~~ [Multi-Family](#) Residential District.

- A. Description and purpose. This district is intended to permit residential development that has a density up to 18 dwelling units per acre. The land use standards for this district permit detached single-family homes, duplexes, two flats, twin homes, townhouses, multiplexes, and apartments. Multifamily buildings containing more than eight dwelling units and up to 16 dwelling units require a conditional use permit. Density and intensity standards for this

district are designed to ensure that the character of areas zoned as ~~Multifamily~~Multi-Family Residential is protected and preserved.

B. Principal land uses permitted by right.

- (1) Single-family (per ~~§ Section~~ 390-0306A).
- (2) Two-flat (per ~~§ Section~~ 390-0306B).
- (3) Twin house (per ~~§ Section~~ 390-0306C).
- (4) Duplex (per ~~§ Section~~ 390-0306D).
- (5) Townhouse (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306E).
- (6) Multiplex (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306F).
- (7) Apartment (three ~~to~~ four ~~unit~~ building) (per ~~§ Section~~ 390-0306G).
- (8) Selective cutting (per ~~§ Section~~ 390-0307D).
- (9) Public services and utilities (per ~~§ Section~~ 390-0308D).
- (10) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
- (11) Community living arrangement (nine to 15 residents) (per ~~§ Section~~ 390-0308G).
- (12) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
- (13) Active outdoor recreation (per ~~§ Section~~ 390-0309B).

C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).

- (1) Townhouse (five ~~to~~ eight ~~unit~~ building) (per ~~§ Section~~ 390-0306E).
- (2) Multiplex (five ~~to~~ sixteen ~~16~~ unit building) (per ~~§ Section~~ 390-0306F).
- (3) Apartment (five ~~to~~ sixteen ~~16~~ unit building) (per ~~§ Section~~ 390-0306G).
- (4) Mobile home subdivision (per ~~§ Section~~ 390-0306I).
- (5) Mobile home park (per ~~§ Section~~ 390-0306J).
- (6) Cultivation (per ~~§ Section~~ 390-0307A).
- (7) Clear cutting (per ~~§ Section~~ 390-0307E).
- (8) Community gardens (per ~~§ Section~~ 390-0307H).
- (9) Market gardens (per ~~§ Section~~ 390-0307I).
- (10) Indoor institutional ~~“~~ general (per ~~§ Section~~ 390-0308A).
- (11) Indoor institutional ~~“~~ intensive (per ~~§ Section~~ 390-0308B).
- (12) Outdoor open space institutional (see ~~§ Section~~ 390-0308C).
- (13) Institutional residential (per ~~§ Section~~ 390-0308E).

- (14) Community living arrangement (16+ residents) (per [§ Section 390-0308H](#)).
 - (15) Bed-and-breakfast establishments (per [§ Section 390-0310J](#)).
 - (16) Boarding house (per [§ Section 390-0310L](#)).
 - (17) Tourist rooming house (per [§ Section 390-0310M](#)).
 - (18) Group day-care center (9+ children) (per [§ Section 390-0310O](#)).
 - (19) Large developments (per [§ Section 390-0821](#)).
 - (20) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Family day-care home (four to eight children) (per [§ Section 390-0315B](#)).
 - (3) In-home suite (per [§ Section 390-0315D](#)).
 - (4) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (5) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (6) On-site parking lot (per [§ Section 390-0315L](#)).
 - (7) Lawn care (per [§ Section 390-0315S](#)).
 - (8) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (9) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Intermediate day-care home (nine to 15 children) (per [§ Section 390-0315C](#)).
 - (2) Exterior [communicationseommunication](#) devices (per [§ Section 390-0315R](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (Auction) (per [§ Section 390-0316H](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable

overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the MF-18 ~~Zoning District~~ zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the MF-18 ~~Zoning District~~ zoning district shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the MF-18 ~~Zoning District~~ zoning district shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the MF-18 ~~Zoning District~~ zoning district are detailed in Figure 390-0216. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0216

Density, Intensity, and Bulk Regulations in the MF-18 Residential Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	SF: 6,000 square feet TF: 6,000 square feet <u>per</u> dwelling unit Townhouse: 3,000 square feet <u>per</u> dwelling unit MF: 12,000 square feet	12,000 square feet
Maximum gross density	18 dwelling unit per acre	N/A
Minimum gross floor area	First level of principal structure: 1,000 square feet Efficiency dwelling unit: 500 square feet 1-bedroom dwelling unit: 600 square feet 2-bedroom dwelling unit: 800 square feet 3-bedroom dwelling unit: 1,000 square feet 4-bedroom + dwelling unit: 1,200 square feet	N/A
Maximum building coverage of lot	40%	

Minimum landscape surface ratio	50%	
Minimum lot width	SF: 60 feet TF: 55 feet per /dwelling unit Townhouse: 30 feet per /dwelling unit MF: 100 feet	100 feet
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	SF/TF/ townhouse Townhouse: 8 feet MF: 25	25 feet
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	16 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	
Accessory structures	Refer to § Section 390-0303B for additional requirements	
Accessory structure setback from principal building	10 feet	
Accessory structure interior side yard setback	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)	
Accessory structure rear yard	5 feet (less than 200 sq. ft.square foot structure); 10 feet (more than 200 sq. ft.foot structure)	

setback	
Maximum accessory structure height	15 feet

NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0217. SB Small Business District.

- A. Description and purpose. This district is intended to permit small-scale business development that is compatible with the overall Village character of Williams Bay and with adjacent residential development in particular. The desired development character is achieved through the application of landscape surface ratio (LSR) requirements, and by restricting the maximum building size (MBS) of all nonresidential buildings within each instance of this district. In order to ensure minimum disruption to adjacent or nearby residential development, business development within this district must take access from a collector or arterial street.
- B. Principal land uses permitted by right.
- (1) Single family (per [§ Section 390-0306A](#)).
 - (2) Two-flat (per [§ Section 390-0306B](#)).
 - (3) Twin-house (per [§ Section 390-0306C](#)).
 - (4) Duplex (per [§ Section 390-0306D](#)).
 - (5) Selective cutting (per [§ Section 390-0307D](#)).
 - (6) Public services and utilities (per [§ Section 390-0308D](#)).
 - (7) Indoor institutional ~~“~~ general (per [§ Section 390-0308A](#)).
 - (8) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (9) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (10) Active outdoor recreation (per [§ Section 390-0309B](#)).
 - (11) Office (per [§ Section 390-0310A](#)).
 - (12) Personal or professional service (per [§ Section 390-0310B](#)).
 - (13) Indoor sales and service (per [§ Section 390-0310E](#)).
 - (14) Indoor maintenance service (per [§ Section 390-0310Q](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Mixed use dwelling unit (per [§ Section 390-0306K](#)).

- (2) Cultivation (per [§ Section-390-0307A](#)).
- (3) Clear cutting (per [§ Section-390-0307E](#)).
- (4) Community garden (per [§ Section-390-0307H](#)).
- (5) Market garden (per [§ Section-390-0307I](#)).
- (6) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (7) Institutional residential (per [§ Section-390-0308E](#)).
- (8) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
- (9) Community living arrangement (16+ residents) (per [§ Section-390-0308H](#)).
- (10) Artisan studio (per [§ Section-390-0310C](#)).
- (11) Outdoor display (per [§ Section-390-0310F](#)).
- (12) Indoor commercial entertainment (per [§ Section-390-0310G](#)).
- (13) Drive-through sales and service (per [§ Section-390-0310I](#)).
- (14) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (15) Boarding house (per [§ Section-390-0310L](#)).
- (16) Tourist rooming house (per [§ Section-390-0310M](#)).
- (17) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
- (18) Commercial greenhouse/garden center (see [§ Section-390-0310T](#)).
- (19) Off-site parking (per [§ Section-390-0313E](#)).
- (20) Large developments (per [§ Section-390-0821](#)).
- (21) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Family day-care home (four to eight children) (per [§ Section-390-0315B](#)).
- (3) In-home suite (per [§ Section-390-0315D](#)).
- (4) Residential garage or shed (per [§ Section-390-0315I](#)).
- (5) Residential recreational facility (per [§ Section-390-0315J](#)).
- (6) On-site parking (per [§ Section-390-0315L](#)).
- (7) Incidental outdoor display (per [§ Section-390-0315O](#)).
- (8) Exterior communications device (per [§ Section-390-0315R](#)).
- (9) Lawn care (per [§ Section-390-0315S](#)).

- (10) Stormwater facilities (per ~~§ Section~~ 390-0315T).
- (11) Small solar energy system (per ~~§ Section~~ 390-0315V).
- E. Accessory uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
 - (1) Immediate day-care home (nine to 15 children) (per ~~§ Section~~ 390-0315C).
 - (2) Incidental light industrial (per ~~§ Section~~ 390-0315Q).
 - (3) Drive-through sales and service incidental to on-site principal land use (per ~~§ Section~~ 390-0315U).
 - (4) Filling (per ~~§ Section~~ 390-0315Y).
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per ~~§ Section~~ 390-0316A).
 - (2) Temporary outdoor sales (per ~~§ Section~~ 390-0316B).
 - (3) Temporary outdoor assembly (per ~~§ Section~~ 390-0316C).
 - (4) Temporary shelter structure (per ~~§ Section~~ 390-0316D).
 - (5) Temporary portable storage unit (per ~~§ Section~~ 390-0316E).
 - (6) Temporary construction storage (per ~~§ Section~~ 390-0316F).
 - (7) Temporary relocatable building (per ~~§ Section~~ 390-0316G).
 - (8) Temporary garage or estate sale (auction) (per ~~§ Section~~ 390-0316H).
 - (9) Farmers market (per ~~§ Section~~ 390-0316I).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the SB Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. ~~Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All allowed uses in the SB zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements.~~ All other land uses in the SB ~~Zoning District~~ zoning district shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the SB ~~Zoning District~~ zoning district shall comply with

applicable provisions of Article 10.

- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the SB ~~Zoning District~~~~zoning district~~ are detailed in Figure 390-0217. See Articles 4 and 5 for additional requirements applicable to all zoning districts.
- M. The following additional architectural and operational provisions shall apply to the SB Small Business Zoning District:
- (1) Maximum zoning district area shall be three acres.
 - (2) To ensure that businesses are clustered together in nodes, there shall be a minimum of 500 feet between any SB districts that are separated by other zoning districts, or between one or more lots zoned SB that are separated by one or more lots zoned something other than SB.
 - (3) For nonresidential uses only, the following regulations shall also apply:
 - (a) There shall be no off-street parking located within minimum required front and street yard setbacks for principal buildings. No off-street parking shall be located in required ~~buffer yards~~~~buffer yards~~ per Article 9.
 - (b) Businesses within the SB ~~District~~~~district~~ shall maintain architectural designs consistent with a residential character. Minimally, this shall include the following:
 - [1] Use of residential roof materials such as shingles.
 - [2] All roofs shall be pitched.
 - [3] A minimum of 15% of any facade facing a public street shall be covered by windows.
 - [4] Exterior building materials on all sides of the building shall be compatible with nearby residential uses. Acceptable materials include wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.
 - (c) Operating hours: no earlier than 7:00 a.m. or later than 9:00 p.m., unless otherwise extended by granting of a conditional use permit.

Figure 390-0217

Density, Intensity, and Bulk Regulations in the Small Business Zoning District		
	Residential Uses	Nonresidential Uses
Minimum lot area	12,000 square feet	12,000 square feet

Maximum gross density (MGD)	3.5 dwelling unit per acre	N/A
Maximum building coverage of lot	30%	30%
Minimum landscape surface ratio (LSR)	50%	40%
Maximum building size (MBS)	5,000 square feet (1 -story building)	
Minimum lot width	90 feet	
Minimum front and street side yard setback	30 feet*	
Minimum shore yard setback	150 feet	
Minimum interior side yard setback	15 feet	
Minimum rear yard setback	30 feet	
Maximum principal building height	35 feet	
Minimum principal building separation (multi-structure developments on shared lots)	30 feet	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum off-street parking requirement	Per Article 3	
Accessory structure interior side yard setback	5 feet	
Accessory structure rear yard setback	5 feet	
Maximum accessory structure	15 feet	

height	
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NOTES:

* For additional setback standards applicable to residential garages, see [§ Section 390-0315I](#).

§ 390-0218. VC Village Center District.

- A. Description and purpose. This district is intended to provide for the preservation and stabilization of Williams Bay's Village Center, and is intended to permit a mixture of compatible land uses typical of a small "downtown" setting.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per [§ Section 390-0307D](#)).
 - (2) Indoor institutional ~~“~~ general (per [§ Section 390-0308A](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Community living arrangement (one to eight residents) (per [§ Section 390-0308F](#)).
 - (5) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (6) Active outdoor recreation (per [§ Section 390-0309B](#)).
 - (7) Office (per [§ Section 390-0310A](#)).
 - (8) Personal or professional service (per [§ Section 390-0310B](#)).
 - (9) Indoor sales and service (per [§ Section 390-0310E](#)).
 - (10) Indoor maintenance service (per [§ Section 390-0310Q](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Mixed use dwelling unit (per [§ Section 390-0306K](#)).
 - (2) Cultivation (per [§ Section 390-0307A](#)).
 - (3) Clear cutting (per [§ Section 390-0307E](#)).
 - (4) Community garden (per [§ Section 390-0307H](#)).
 - (5) Market garden (per [§ Section 390-0307I](#)).
 - (6) Indoor institutional ~~“~~ intensive (per [§ Section 390-0308B](#)).
 - (7) Outdoor open space institutional (per [§ Section 390-0308C](#)).
 - (8) Institutional residential (per [§ Section 390-0308E](#)).
 - (9) Intensive outdoor activity (per [§ Section 390-0309C](#)).
 - (10) Lake related recreation (per [§ Section 390-0309D](#)).

- (11) Community living arrangement (nine to 15 residents) (per [§ Section 390-0308G](#)).
- (12) Community living arrangement (16+ residents) (per [§ Section 390-0308H](#)).
- (13) Artisan studio (per [§ Section 390-0310C](#)).
- (14) Outdoor display (per [§ Section 390-0310F](#)).
- (15) Indoor commercial entertainment (per [§ Section 390-0310G](#)).
- (16) Outdoor entertainment (per [§ Section 390-0310H](#)).
- (17) Drive-through sales and service (per [§ Section 390-0310I](#)).
- (18) Bed-and-breakfast establishment (per [§ Section 390-0310J](#)).
- (19) Commercial indoor lodging (per [§ Section 390-0310K](#)).
- (20) Boarding house (per [§ Section 390-0310L](#)).
- (21) Tourist rooming house (per [§ Section 390-0310M](#)).
- (22) Group day-care center (9+ children) (per [§ Section 390-0310O](#)).
- (23) Transit center (per [§ Section 390-0313A](#)).
- (24) Off-site parking (per [§ Section 390-0313E](#)).
- (25) Large developments (per [§ Section 390-0821](#)).
- (26) Group developments (per [§ Section 390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section 390-0315A](#)).
- (2) Residential garage or shed (per [§ Section 390-0315I](#)).
- (3) Residential recreational facility (per [§ Section 390-0315J](#)).
- (4) On-site parking (per [§ Section 390-0315L](#)).
- (5) Company cafeteria (per [§ Section 390-0315M](#)).
- (6) Company on-site recreation (per [§ Section 390-0315N](#)).
- (7) Incidental outdoor display (per [§ Section 390-0315O](#)).
- (8) Exterior communications device (per [§ Section 390-0315R](#)).
- (9) Lawn care (per [§ Section 390-0315S](#)).
- (10) Stormwater facilities (per [§ Section 390-0315T](#)).
- (11) Small solar energy system (per [§ Section 390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).

- (1) Incidental light industrial (per [§ Section 390-0315Q](#)).

- (2) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
- (3) Filling (per [§ Section 390-0315Y](#))
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. ~~All allowed uses in the VC zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single family land uses are exempt from landscaping requirements. All allowed uses in the VC Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the VC [Zoning District](#) shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the VC [Zoning District](#) shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the VC [Zoning District](#) are detailed in Figure 390-0218. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0218

Density, Intensity, and Bulk Regulations in the Village Center Zoning District	
Minimum lot area	N/A N/A
Maximum building coverage of lot	75%
Minimum landscape surface ratio (LSR)	0%
Minimum lot width	N/A N/A
Minimum front and street side yard setback	0 feet
Maximum front and street side yard setback	5 feet (more only with conditional use permit)
Minimum shore yard setback	150 feet
Minimum interior side yard setback	0 feet feet or 10 feet
Minimum rear yard setback	20 feet
Maximum principal building height	35 feet 40 feet with conditional use permit
Minimum principal building separation (multi-structure developments on shared lots)	0 or 10 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	20 feet

§ 390-0219. LSB Lakeshore Business.

- A. Description and purpose. This district is intended to designate appropriate areas for business development along Geneva Lake, particularly those uses that relate to the recreational use of the ~~lake~~[Lake](#). Standards applicable to the Lakeshore Business District are designed to preserve the appearance and environmental quality of the Lake and the ~~lake shore~~[lakeshore](#).

B. Principal land uses permitted by right.

- (1) Selective cutting (per [§ Section-390-0307D](#)).
- (2) Public services and utilities (per [§ Section-390-0308D](#)).
- (3) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
- (4) Passive outdoor recreation (per [§ Section-390-0309A](#)).
- (5) Active outdoor recreation (per [§ Section-390-0309B](#)).
- (6) Office (per [§ Section-390-0310A](#)).
- (7) Personal or professional service (per [§ Section-390-0310B](#)).
- (8) Indoor sales and service (per [§ Section-390-0310E](#)).
- (9) Indoor maintenance service (per [§ Section-390-0310Q](#)).
- (10) Off-site parking (per [§ Section-390-0313E](#)).

C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Mixed use dwelling unit (per [§ Section-390-0306K](#)).
- (2) Cultivation (per [§ Section-390-0307A](#)).
- (3) Clear cutting (per [§ Section-390-0307E](#)).
- (4) Community garden (per [§ Section-390-0307H](#)).
- (5) Market garden (per [§ Section-390-0307I](#)).
- (6) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (7) Institutional residential (per [§ Section-390-0308E](#)).
- (8) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
- (9) Community living arrangement (16+ residents) (per [§ Section-390-0308H](#)).
- (10) Intensive outdoor activity (per [§ Section-390-0309C](#)).
- (11) Lake related recreation (per [§ Section-390-0309D](#)).
- (12) Outdoor display (per [§ Section-390-0310F](#)).
- (13) Indoor commercial entertainment (per [§ Section-390-0310G](#)).
- (14) Outdoor entertainment (per [§ Section-390-0310H](#)).
- (15) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (16) Commercial indoor lodging (per [§ Section-390-0310K](#)).
- (17) Transit center (per [§ Section-390-0313A](#)).
- (18) Large developments (per [§ Section-390-0821](#)).

- (19) Group developments (per [§ Section 390-0821](#)).
- D. Accessory uses permitted by right.
 - (1) Home occupation (per [§ Section 390-0315A](#)).
 - (2) Residential garage or shed (per [§ Section 390-0315I](#)).
 - (3) Residential recreational facility (per [§ Section 390-0315J](#)).
 - (4) On-site parking (per [§ Section 390-0315L](#)).
 - (5) Company cafeteria (per [§ Section 390-0315M](#)).
 - (6) Company on-site recreation (per [§ Section 390-0315N](#)).
 - (7) Incidental outdoor display (per [§ Section 390-0315O](#)).
 - (8) Exterior communications device (per [§ Section 390-0315R](#)).
 - (9) Lawn care (per [§ Section 390-0315S](#)).
 - (10) Stormwater facilities (per [§ Section 390-0315T](#)).
 - (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Incidental light industrial (per [§ Section 390-0315Q](#)).
 - (2) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district.

Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. ~~All allowed uses in the LSB zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single family land uses are exempt from landscaping requirements. All allowed uses in the LSB Zoning District shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the LSB Zoning District shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the LSB Zoning District shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the LSB Zoning District are detailed in Figure 390-0219. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0219

Density, Intensity, and Bulk Regulations in the Lakeshore Business Zoning District	
Minimum lot area	20,000 square feet
Maximum building coverage of lot	50%
Minimum landscape surface ratio (LSR)	20%
Minimum lot width	100 feet
Minimum front and street side yard setback	30 feet
Minimum shore yard setback	75 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments)	30 feet

on shared lots)	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	15 feet

§ 390-0220. CB Community Business District.

- A. Description and purpose. This district is intended to permit a wider range of retail, service, office, and lodging uses that are compatible with the Village's desired community character. Generally, land included in the Community Business ~~District~~^{district} abuts arterial or major collector streets. Access requirements are intended to minimize negative traffic impacts on adjacent residential land uses and arterial roadways while ensuring safe and efficient access to business sites.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per ~~§ Section~~ 390-0307D).
 - (2) Indoor institutional ~~use~~ general (per ~~§ Section~~ 390-0308A).
 - (3) Public services and utilities (per ~~§ Section~~ 390-0308D).
 - (4) Community living arrangement (one to eight residents) (per ~~§ Section~~ 390-0308F).
 - (5) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
 - (6) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
 - (7) Office (per ~~§ Section~~ 390-0310A).
 - (8) Personal or professional service (per ~~§ Section~~ 390-0310B).
 - (9) Indoor sales and service (per ~~§ Section~~ 390-0310E).
 - (10) Indoor maintenance service (per ~~§ Section~~ 390-0310Q).
 - (11) Vehicle sales (per ~~§ Section~~ 390-0310S).
 - (12) Off-site parking (per ~~§ Section~~ 390-0313E).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) Mixed ~~use~~ dwelling unit (per ~~§ Section~~ 390-0306K).
 - (2) Cultivation (per ~~§ Section~~ 390-0307A).

- (3) Clear cutting (per [§ Section-390-0307E](#)).
- (4) Community garden (per [§ Section-390-0307H](#)).
- (5) Market garden (per [§ Section-390-0307I](#)).
- (6) Indoor institutional ~~“~~ intensive (per [§ Section-390-0308B](#)).
- (7) Outdoor open space institutional (per [§ Section-390-0308C](#)).
- (8) Institutional residential (per [§ Section-390-0308E](#)).
- (9) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
- (10) Community living arrangement (16+ residents) (per [§ Section-390-0308H](#)).
- (11) Intensive outdoor activity (per [§ Section-390-0309C](#)).
- (12) Lake ~~“~~related recreation (per [§ Section-390-0309D](#)).
- (13) Artisan studio (per [§ Section-390-0310C](#)).
- (14) Outdoor display (per [§ Section-390-0310F](#)).
- (15) Indoor commercial entertainment (per [§ Section-390-0310G](#)).
- (16) Outdoor entertainment (per [§ Section-390-0310H](#)).
- (17) Drive-through sales and service (per [§ Section-390-0310I](#)).
- (18) Bed-and-breakfast establishment (per [§ Section-390-0310J](#)).
- (19) Commercial indoor lodging (per [§ Section-390-0310K](#)).
- (20) Boarding house (per [§ Section-390-0310L](#)).
- (21) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
- (22) Commercial animal boarding (per [§ Section-390-0310P](#)).
- (23) Outdoor maintenance service (per [§ Section-390-0310R](#)).
- (24) Commercial greenhouse/garden center (see [§ Section-390-0310T](#)).
- (25) Personal storage facility (per [§ Section-390-0312C](#)).
- (26) Transit center (per [§ Section-390-0313A](#)).
- (27) Large developments (per [§ Section-390-0821](#)).
- (28) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) Home occupation (per [§ Section-390-0315A](#)).
- (2) Residential garage or shed (per [§ Section-390-0315I](#)).
- (3) Residential recreational facility (per [§ Section-390-0315J](#)).

- (4) On-site parking (per [§ Section 390-0315L](#)).
- (5) Company cafeteria (per [§ Section 390-0315M](#)).
- (6) Company on-site recreation (per [§ Section 390-0315N](#)).
- (7) Incidental outdoor display (per [§ Section 390-0315O](#)).
- (8) Exterior communications device (per [§ Section 390-0315R](#)).
- (9) Lawn care (per [§ Section 390-0315S](#)).
- (10) Stormwater facilities (per [§ Section 390-0315T](#)).
- (11) Small solar energy system (per [§ Section 390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Incidental light industrial (per [§ Section 390-0315Q](#)).
 - (2) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
 - (3) Filling (per [§ Section 390-0315Y](#)).
- F. Allowable temporary uses.
 - (1) Temporary farm product sales (per [§ Section 390-0316A](#)).
 - (2) Temporary outdoor sales (per [§ Section 390-0316B](#)).
 - (3) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
 - (4) Temporary shelter structure (per [§ Section 390-0316D](#)).
 - (5) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (6) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (7) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (8) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (9) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. ~~All allowed uses in the CB zoning district shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.~~
- ~~I. Landscaping regulations. Single family land uses are exempt from landscaping requirements.~~ All allowed uses in the CB Zoning District shall comply with applicable

performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.

- I. Landscaping regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the CB Zoning District~~zoning district~~ shall adhere to the applicable landscaping requirements (see Article 9).
- J. Signage regulations. All signs in the CB Zoning District~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the CB Zoning District~~zoning district~~ are detailed in Figure 390-0220. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0220

Density, Intensity, and Bulk Regulations in the Community Business Zoning District	
Minimum lot area	20,000 square feet
Maximum building coverage of lot	50%
Minimum landscape surface ratio (LSR)	20%
Minimum lot width	100 feet
Minimum front and street side yard setback	20 feet
Minimum shore yard setback	75 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	25 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet

Accessory structure rear yard setback	5 feet
Maximum accessory structure height	15 feet

§ 390-0221. LI Light Industrial District.

- A. Description and purpose. This district is intended to allow primarily indoor industrial, storage, office, and other associated business and support uses. Allowable uses are geared toward activities that are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances. Outdoor uses are limited to those that are accessory to indoor principal uses. Architectural, site design, landscaping, and other requirements are intended to ensure compatibility with nearby residential, institutional, and conservancy uses.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per [§ Section-390-0307D](#)).
 - (2) Public services and utilities (per [§ Section-390-0308D](#)).
 - (3) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (4) Active outdoor recreation (per [§ Section-390-0309B](#)).
 - (5) Office (per [§ Section-390-0310A](#)).
 - (6) Personal and professional service (per [§ Section-390-0310B](#)).
 - (7) Indoor maintenance service (per [§ Section-390-0310Q](#)).
 - (8) Light industrial (per [§ Section-390-0311A](#)).
 - (9) Indoor storage and wholesaling (per [§ Section-390-0312A](#)).
 - (10) Off-site parking (per [§ Section-390-0313E](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).
 - (5) Outdoor open space institutional (see [§ Section-390-0308C](#)).
 - (6) Intensive outdoor activity (per [§ Section-390-0309C](#)).
 - (7) Lake -related recreation (per [§ Section-390-0309D](#)).
 - (8) Artisan studio (per [§ Section-390-0310C](#)).

- (9) Artisan production shop (per [§ Section-390-0310D](#)).
- (10) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
- (11) Outdoor maintenance service (per [§ Section-390-0310R](#)).
- (12) Sexually-oriented land use (per [§ Section-390-0310U](#)).
- (13) Production greenhouse (per [§ Section-390-0311C](#)).
- (14) Indoor aquaculture (per [§ Section-390-0311D](#)).
- (15) Communication tower (per [§ Section-390-0311E](#)).
- (16) Outdoor storage and wholesaling (per [§ Section-390-0312B](#)).
- (17) Personal storage facility (per [§ Section-390-0312C](#)).
- (18) Transit center (per [§ Section-390-0313A](#)).
- (19) Distribution center (per [§ Section-390-0313B](#)).
- (20) Airport (per [§ Section-390-0313D](#)).
- (21) Large developments (per [§ Section-390-0821](#)).
- (22) Group developments (per [§ Section-390-0821](#)).

D. Accessory uses permitted by right.

- (1) On-site parking (per [§ Section-390-0315L](#)).
- (2) Company cafeteria (per [§ Section-390-0315M](#)).
- (3) Company on-site recreation (per [§ Section-390-0315N](#)).
- (4) Incidental indoor sales (per [§ Section-390-0315P](#)).
- (5) Exterior communications device (per [§ Section-390-0315R](#)).
- (6) Lawn care (per [§ Section-390-0315S](#)).
- (7) Stormwater facilities (per [§ Section-390-0315T](#)).
- (8) Small solar energy system (per [§ Section-390-0315V](#)).

E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).

- (1) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
- (2) Filling (per [§ Section-390-0315Y](#)).

F. Allowable temporary uses.

- (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section-390-0316D](#)).

- (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
- (4) Temporary construction storage (per [§ Section 390-0316F](#)).
- (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the LI [Zoning District](#) ~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the LI [Zoning District](#) ~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the LI [Zoning District](#) ~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the LI [Zoning District](#) ~~zoning district~~ are detailed in Figure 390-0221. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0221

Density, Intensity, and Bulk Regulations in the Light Industrial Zoning District	
Minimum lot area	40,000 square feet
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	15%
Minimum lot width	100 feet
Minimum front and street side yard setback	30 feet
Minimum shore yard setback	150 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal	30 feet

building separation (multi-structure developments on shared lots)	
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	35 feet

§ 390-0222. GI General Industrial District.

- A. Description and purpose. This district is intended to allow industrial, office, storage, and other supporting uses, including those land uses that may require more extensive outdoor storage, freight handling, repair, and maintenance activities than allowed in the LI ~~District~~~~district~~. Allowable uses are geared toward activities that are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances that cannot be adequately mitigated on-site. Architectural, site design, landscaping, and other requirements are intended to minimize impacts and potential nuisances to other land uses.
- B. Principal land uses permitted by right.
- (1) Selective cutting (per ~~§ Section~~ 390-0307D).
 - (2) Public services and utilities (per ~~§ Section~~ 390-0308D).
 - (3) Passive outdoor recreation (per ~~§ Section~~ 390-0309A).
 - (4) Active outdoor recreation (per ~~§ Section~~ 390-0309B).
 - (5) Office (per ~~§ Section~~ 390-0310A).
 - (6) Indoor maintenance service (per ~~§ Section~~ 390-0310Q).
 - (7) Light industrial (per ~~§ Section~~ 390-0311A).
 - (8) Indoor storage and wholesaling (per ~~§ Section~~ 390-0312A).
- C. Principal land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) Cultivation (per ~~§ Section~~ 390-0307A).
 - (2) Clear cutting (per ~~§ Section~~ 390-0307E).
 - (3) Agricultural services (per ~~§ Section~~ 390-0307G).
 - (4) Outdoor open space institutional (see ~~§ Section~~ 390-0308C).

- (5) Lake -related recreation (per [§ Section-390-0309D](#)).
- (6) Artisan studio (per [§ Section-390-0310C](#)).
- (7) Artisan production shop (per [§ Section-390-0310D](#)).
- (8) Outdoor maintenance service (per [§ Section-390-0310R](#)).
- (9) Sexually-oriented land use (per [§ Section-390-0310U](#)).
- (10) Heavy industrial (per [§ Section-390-0311B](#)).
- (11) Production greenhouse (per [§ Section-390-0311C](#)).
- (12) Indoor aquaculture (per [§ Section-390-0311D](#)).
- (13) Communication tower (per [§ Section-390-0311E](#)).
- (14) Large solar energy system (per [§ Section-390-0311G](#)).
- (15) Outdoor storage and wholesaling (per [§ Section-390-0312B](#)).
- (16) Distribution center (per [§ Section-390-0313B](#)).
- (17) Freight terminal (per [§ Section-390-0313C](#)).
- (18) Airport (per [§ Section-390-0313D](#)).
- (19) Composting (per [§ Section-390-0314B](#)).
- (20) Recycling and waste disposal (per [§ Section-390-0314C](#)).
- (21) Junk or salvage yard (per [§ Section-390-0314D](#)).
- (22) Large developments (per [§ Section-390-0821](#)).
- (23) Group developments (per [§ Section-390-0821](#)).
- (24) Community garden and market garden. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

D. Accessory uses permitted by right.

- (1) On-site parking (per [§ Section-390-0315L](#)).
- (2) Company cafeteria (per [§ Section-390-0315M](#)).
- (3) Company on-site recreation (per [§ Section-390-0315N](#)).
- (4) Incidental indoor sales (per [§ Section-390-0315P](#)).
- (5) Exterior communications device (per [§ Section-390-0315R](#)).
- (6) Lawn care (per [§ Section-390-0315S](#)).
- (7) Stormwater facilities (per [§ Section-390-0315T](#)).
- (8) Small solar energy system (per [§ Section-390-0315V](#)).

- E. Accessory uses allowed by conditional use permit (see [§ Section 390-1207](#)).
- (1) Filling (per [§ Section 390-0315Y](#)).
- (2) [Drive-through sales and service incidental to on-site principal land use. \[Added at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section 390-0316C](#)).
- (2) Temporary shelter structure (per [§ Section 390-0316D](#)).
- (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
- (4) Temporary construction storage (per [§ Section 390-0316F](#)).
- (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the GI [Zoning District](#)~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the GI [Zoning District](#)~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the GI [Zoning District](#)~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the GI [Zoning District](#)~~zoning district~~ are detailed in Figure 390-0222. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0222

Density, Intensity, and Bulk Regulations in the General Industrial Zoning District	
Minimum lot area	40,000 square feet
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	15%
Minimum lot width	100 feet

Minimum front and street side yard setback	30 feet
Minimum shore yard setback	150 feet
Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	35 feet

§ 390-0223. P&I Public and Institutional District.

- A. Description and purpose. This district is intended to establish and preserve areas for certain public and institutional uses in the Village of Williams Bay.
- B. Principal land uses permitted by right.
 - (1) Selective cutting (per [§ Section 390-0307D](#)).
 - (2) Indoor institutional ~~“~~ general (per [§ Section 390-0308A](#)).
 - (3) Public services and utilities (per [§ Section 390-0308D](#)).
 - (4) Passive outdoor recreation (per [§ Section 390-0309A](#)).
 - (5) Active outdoor recreation (per [§ Section 390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section 390-1207](#)).
 - (1) Cultivation (per [§ Section 390-0307A](#)).
 - (2) Clear cutting (per [§ Section 390-0307E](#)).
 - (3) Community garden (per [§ Section 390-0307H](#)).

- (4) Market garden (per [§ Section-390-03071](#)).
 - (5) Indoor institutional ~~“~~ intensive (per [§ Section-390-0308B](#)).
 - (6) Outdoor open space institutional (per [§ Section-390-0308C](#)).
 - (7) Institutional residential development (per [§ Section-390-0308E](#)).
 - (8) Community living arrangement (one to eight residents) (per [§ Section-390-0308F](#)).
 - (9) Community living arrangement (nine to 15 residents) (per [§ Section-390-0308G](#)).
 - (10) Community living arrangement (16+ residents) (per [§ Section-390-0308H](#)).
 - (11) Intensive outdoor activity (per [§ Section-390-0309C](#)).
 - (12) Lake ~~“~~related recreation (per [§ Section-390-0309D](#)).
 - (13) Group day-care center (9+ children) (per [§ Section-390-0310O](#)).
 - (14) Large developments (per [§ Section-390-0821](#)).
 - (15) Group developments (per [§ Section-390-0821](#)).
- D. Accessory uses permitted by right.
- (1) Home occupation (per [§ Section-390-0315A](#)).
 - (2) Residential garage or shed (per [§ Section-390-0315I](#)).
 - (3) Residential recreational facility (per [§ Section-390-0315J](#)).
 - (4) On-site parking lot (per [§ Section-390-0315L](#)).
 - (5) Company cafeteria (per [§ Section-390-0315M](#)).
 - (6) Company provided on-site recreation (per [§ Section-390-0315N](#)).
 - (7) Lawn care (per [§ Section-390-0315S](#)).
 - (8) Exterior ~~communication~~[communication](#) device (per [§ Section-390-0315R](#)).
 - (9) Stormwater facilities (per [§ Section-390-0315T](#)).
 - (10) Small solar energy system (per [§ Section-390-0315V](#)).
- E. Accessory uses allowed by conditional use permit (see [§ Section-390-1207](#)).
- (1) Drive-through sales and service incidental to on-site principal land use (per [§ Section 390-0315U](#)).
 - (2) Filling (per [§ Section-390-0315Y](#)).
- F. Allowable temporary uses.
- (1) Temporary outdoor assembly (per [§ Section-390-0316C](#)).
 - (2) Temporary shelter structure (per [§ Section-390-0316D](#)).

- (3) Temporary portable storage unit (per [§ Section 390-0316E](#)).
 - (4) Temporary construction storage (per [§ Section 390-0316F](#)).
 - (5) Temporary relocatable building (per [§ Section 390-0316G](#)).
 - (6) Temporary garage or estate sale (auction) (per [§ Section 390-0316H](#)).
 - (7) Farmers market (per [§ Section 390-0316I](#)).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance standards. All allowed uses in the P&I [Zoning District](#) ~~zoning district~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the P&I [Zoning District](#) ~~zoning district~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the P&I [Zoning District](#) ~~zoning district~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the P&I [Zoning District](#) ~~zoning district~~ are detailed in Figure 390-0223. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0223

Density, Intensity, and Bulk Regulations in the Public and Institutional Zoning District	
Minimum lot area	12,000 square feet
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	40%
Minimum lot width	90 feet
Minimum front and street side yard setback	30 feet 100 feet from the following streets: Geneva Street west of Dartmouth Road North Lakeshore Drive Theater Road Elkhorn Road north of Stark Street
Minimum shore yard setback	150 feet

Minimum interior side yard setback	15 feet
Minimum rear yard setback	30 feet
Maximum principal building height	35 feet 45 feet with conditional use permit
Minimum principal building separation (multi-structure developments on shared lots)	30 feet
Minimum pavement setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	15 feet

§ 390-0224. P&R Parks and Recreation District.

- A. Description and purpose. This district is intended to accommodate land uses serving the recreational needs and interests of residents and tourists. This district provides an environment that does not allow residential uses, business uses that are not recreation-based, or industrial uses.
- B. Principal land uses permitted by right.
 - (1) Selective cutting (per [§ Section-390-0307D](#)).
 - (2) Indoor institutional ~~“~~ general (per [§ Section-390-0308A](#)).
 - (3) Intensive outdoor activity (per [§ Section-390-0309C](#)).
 - (4) Passive outdoor recreation (per [§ Section-390-0309A](#)).
 - (5) Active outdoor recreation (per [§ Section-390-0309B](#)).
- C. Principal land uses allowed by conditional use permit (see [§ Section-390-1207](#)).
 - (1) Cultivation (per [§ Section-390-0307A](#)).
 - (2) Clear cutting (per [§ Section-390-0307E](#)).
 - (3) Community garden (per [§ Section-390-0307H](#)).
 - (4) Market garden (per [§ Section-390-0307I](#)).

- (5) Indoor institutional ~~“~~intensive (per ~~§ Section~~ 390-0308B).
- (6) Outdoor open space institutional (per ~~§ Section~~ 390-0308C).
- (7) Lake ~~re~~lated recreation (per ~~§ Section~~ 390-0309D).
- (8) Public services and utilities (per ~~§ Section~~ 390-0308D).
- (9) Outdoor entertainment (per ~~§ Section~~ 390-0310H).
- (10) Campground (per ~~§ Section~~ 390-0310N).
- (11) Large solar energy system (per ~~§ Section~~ 390-0311G).
- (12) Large developments (per ~~§ Section~~ 390-0821).
- (13) Group developments (per ~~§ Section~~ 390-0821).
- D. Accessory uses permitted by right.
 - (1) On-site parking (per ~~§ Section~~ 390-0315 390-0315L).
 - (2) Exterior ~~communication~~~~se~~communication device (per ~~§ Section~~ 390-0315R).
 - (3) Lawn care (per ~~§ Section~~ 390-0315S).
 - (4) Stormwater facilities (per ~~§ Section~~ 390-0315T).
 - (5) Small solar energy system (per ~~§ Section~~ 390-0315V).
 - (6) Concession stands and equipment rental (per ~~§ Section~~ 390-0315W).
 - (7) Bathhouses. [Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- E. Accessory uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
 - (1) Filling (per ~~§ Section~~ 390-0315Y).
- F. Allowable temporary uses.
 - (1) Temporary outdoor assembly (per ~~§ Section~~ 390-0316C).
 - (2) Temporary shelter structure (per ~~§ Section~~ 390-0316D).
 - (3) Temporary portable storage unit (per ~~§ Section~~ 390-0316E).
 - (4) Temporary construction storage (per ~~§ Section~~ 390-0316F).
 - (5) Temporary relocatable building (per ~~§ Section~~ 390-0316G).
 - (6) Temporary garage or estate sale (auction) (per ~~§ Section~~ 390-0316H).
 - (7) Farmers market (per ~~§ Section~~ 390-0316I).
- G. Overlay district requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Article 7) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay

zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance standards. All allowed uses in the P&R ~~Zoning District~~ shall comply with applicable performance standards of Article 8, except for any exemptions specifically stated in this chapter or by any other agency with jurisdiction.
- I. Landscaping regulations. All land uses in the P&R ~~Zoning District~~ shall adhere to the applicable landscaping requirements in Article 9.
- J. Signage regulations. All signs in the P&R ~~Zoning District~~ shall comply with applicable provisions of Article 10.
- K. Nonconforming situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Article 6.
- L. Density, intensity, and bulk regulations. Density, intensity, and bulk regulations specific to the P&R ~~Zoning District~~ are detailed in Figure 390-0224. See Articles 4 and 5 for additional requirements applicable to all zoning districts.

Figure 390-0224

Density, Intensity, and Bulk Regulations in the Parks and Recreation Zoning District	
Minimum lot area	n/a
Maximum building coverage of lot	30%
Minimum landscape surface ratio (LSR)	40%
Minimum lot width	n/a
Minimum front and street side yard setback	40 feet 100 feet from the following streets: Geneva Street west of Dartmouth Road North Lakeshore Drive Theater Road
Minimum shore yard setback	150 feet
Minimum interior side yard setback	40 feet
Minimum rear yard setback	40 feet
Maximum principal building height	35 feet 45 feet with conditional use permit
Minimum principal building separation (multi-structure developments on shared lots)	40 feet
Minimum pavement setback (lot line to pavement;	3 feet

excludes driveway entrances)	
Minimum off-street parking requirement	Per Article 3
Accessory structure interior side yard setback	5 feet
Accessory structure rear yard setback	5 feet
Maximum accessory structure height	35 feet 45 feet with conditional use permit

ARTICLE 3 Land Use Regulations

§ 390-0301. Purpose.

The purpose of this article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. Certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use. A further distinction is made for land uses that may locate in a given district only upon obtaining a conditional use or temporary use permit.

§ 390-0302. Regulation of allowable uses.

The allowable land uses for each zoning district are established in Article 2 of this chapter. Detailed descriptions and regulations for uses are found in ~~§§ Sections~~ 390-0305 through 390-0316. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this chapter or unless an appropriate variance has been granted pursuant to ~~§ Section~~ 390-1215.

- A. Principal land uses permitted by right. Principal land uses listed as permitted by right (designated by the letter "P" in the Table of Land Uses; see § 390-0305) are permitted per the general land use requirements of this section; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this chapter; and per any and all other applicable Village, county, state, and federal regulations.
- B. Principal land uses allowed as conditional uses. Principal land uses allowed only with a conditional use permit (designated by the letter "C" in the Table of Land Uses; see § 390-0305) may be permitted, subject to all the requirements applicable to uses permitted by right as listed in Subsection A above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in ~~§ Section~~ 390-1207. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a ~~general development plan~~ General Development Plan and

~~final development plan~~~~Final Development Plan~~ in a ~~planned development~~~~Planned Development~~ (see ~~§ Section~~ 390-0709), all uses requiring a conditional use permit shall comply with the procedural requirements of ~~§ Section~~ 390-1207.

- C. Accessory land uses. Accessory land uses are allowed subject to all the requirements and exemptions applicable to principal land uses permitted by right as listed in Subsection A above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exemptions applicable to principal land uses requiring a conditional use permit as listed in Subsection B above.
- D. Temporary land uses. Temporary land uses (designated by the letter "T" in the Table of Land Uses; see § 390-0305) are allowed on a temporary basis subject to permitting requirements ~~§ Section~~ 390-1208 of this chapter.

§ 390-0303. Regulations applicable to all land uses.

All uses of land initiated within the jurisdiction of this chapter on or following the effective date of this chapter shall comply with all of the provisions of this chapter.

- A. Land use regulations and requirements. All uses of land shall comply with all the regulations and requirements of this chapter pertaining to the types of uses allowed within particular zoning districts. Such regulations and requirements address both general and specific regulations that land uses shall adhere to and that are directly related to the protection of the health, safety, and general welfare of the residents of the Village of Williams Bay.
- B. Accessory land uses. Accessory land uses shall comply with the regulations and requirements of this chapter as well as the following listed regulations:
 - (1) No accessory structure or use shall be constructed on any lot prior to establishment of an allowable principal use, unless otherwise stated in this chapter.
 - (2) Accessory structures and uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except when there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.
 - (3) With the exception of home occupations, accessory uses and structures shall not involve the conduct of business, trade, or industry.
 - (4) With the exception of an ~~in-home suite~~~~In-Home Suite~~ (see ~~§ Section~~ 390-0315D), or ~~accessory dwelling units~~~~Accessory Dwelling Units~~ (see ~~§ Section~~ 390-0315E), in no instance shall an accessory structure, basement, tent, or recreational trailer be used as a residence.
 - (5) With the exception of farm buildings, accessory buildings located within a residential zoning district shall be constructed or finished in a complementary architectural style and with complementary building materials to the principal residential buildings in the neighborhood.

- C. Density, intensity, and bulk regulations and requirements. All development and use of land shall comply with all the applicable requirements of Article 4 of this chapter pertaining to the maximum permitted density, intensity, and bulk regulations.
- D. Overlay zoning district requirements. All land use and/or development of land shall comply with all the regulations and requirements of this chapter pertaining to the protection of sensitive natural resources and open space areas and protection of community character, as established under any applicable Overlay Zoning Districts in Article 7 of this chapter.
- E. Exterior site and building design standards. All new, remodeled, and expanded residential and nonresidential development shall comply with all the applicable building and site design guidelines as required in [§ Section 390-0802](#) of this chapter.
- F. Performance standards. All development of land shall comply with all applicable requirements established in Article 8 of this chapter, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, maximum permitted intensity of lighting, design requirements for exterior equipment such as communication systems; as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare, and smoke.
- G. Landscape and preservation regulations. All development of land shall comply with all the regulations and requirements of Article 9 of this chapter pertaining to the preservation of woodlands and mature trees, and the provision of landscaping and [buffer yards](#)~~buffer yards~~. These requirements address issues such as minimum required landscaping of developed land and minimum required provision of [buffer yards](#)~~buffer yards~~ between adjoining zoning districts, which are directly related to the effective bulk of a structure.
- H. Signage regulations. All use and/or development of land shall comply with all requirements of Article 10 pertaining to the type and amount of signage permitted on property. These requirements address issues such as the maximum area of permitted signage and the number and permitted types of signage.
- I. Number of buildings per lot. In the AH, ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, and TF [Districts](#)~~districts~~, only one principal building shall be permitted on any one lot. In the MF-12, MF-18, SB, LSB, CB, VC, P&I, P&R, LI, and GI [Districts](#)~~districts~~, more than one principal building may be permitted on any one lot upon granting of a conditional use permit for group development (Subsection K) or large development [regulations in compliance](#)~~regulations in compliance~~ (Subsection L). [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- J. Number of land uses per building. No more than one nonresidential land use shall be permitted in any building unless a conditional use permit for a group development (Subsection K) or large development (Subsection L) is obtained. With the exception of ["mixed-use dwelling units," "home occupation"](#)~~Mixed Use Dwelling Units," "Home Occupation,~~ and ["in-home suite"](#)~~In-Home Suite~~ land uses, and buildings located within an approved [planned development](#)~~Planned Development~~ project (see [§ Section 390-0709](#)), no building containing a nonresidential land use shall contain a residential land use.

- K. Group development requirements. All uses and/or development of land within a group development shall comply with the requirements of [§ Section 390-0821](#).
- L. Large development requirements. All uses and/or development of land within a large development shall comply with the requirements of [§ Section 390-0821](#).
- M. Any development proposed within 500 feet of existing or proposed rights-of-way of freeways, expressways, and interstate and controlled access traffic ways and/or within 1,500 feet of an existing or proposed interchange or turning lane right-of-way for these classifications of roadways shall be conditional uses.
- N. Planned development requirements. All uses and/or development of land within a planned development shall comply with all requirements of [§ Section 390-0709](#).
- O. Nonconforming lots, uses, structures, and site requirements. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in [§ Section 390-0602](#). Land uses located on substandard lots or nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of [§ Sections 390-0604](#).
- P. Site plan review required. All uses are subject to site plan review and approval in accordance with [§ Section 390-1206](#) of this chapter, except for the following:
 - (1) Single-family and two-family residential uses on individual lots in any zoning district.
 - (2) Agricultural land uses that are permitted by right in the AH [Zoning District](#)~~zoning district~~.
 - (3) Uses within a [final development plan](#)~~Final Development Plan~~ in a [planned development](#)~~Planned Development~~ in accordance with the procedures of [§ Section 390-0709](#), provided that the [final development plan](#)~~Final Development Plan~~ provides a similar level of detail and range of plans as a typical site plan submittal required under this chapter.
- Q. Procedural regulations and requirements. All use and/or development of land shall comply with all requirements of Article 12, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

§ 390-0304. Detailed land use descriptions and regulations.

The land use categories employed by this chapter are defined in [§§ Sections 390-0306](#) through [390-0316](#). Land use categories that are not listed in this chapter are not necessarily excluded from locating within any given zoning district. Section 390-1216 empowers the Village Board to make interpretations on matters regarding specific land use proposals that are not addressed by this chapter.

§ 390-0305. Table of Land Uses. ³

3. Editor's Note: The Table of Land Uses is included as an attachment to this chapter.

The Table of Land Uses (Figures 390-0305A through 390-0305J) is provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text in ~~§§ Sections~~ 390-0306 through 390-0316 or in other sections of this chapter and Figures 390-0305A through 390-0305J, the text shall prevail.

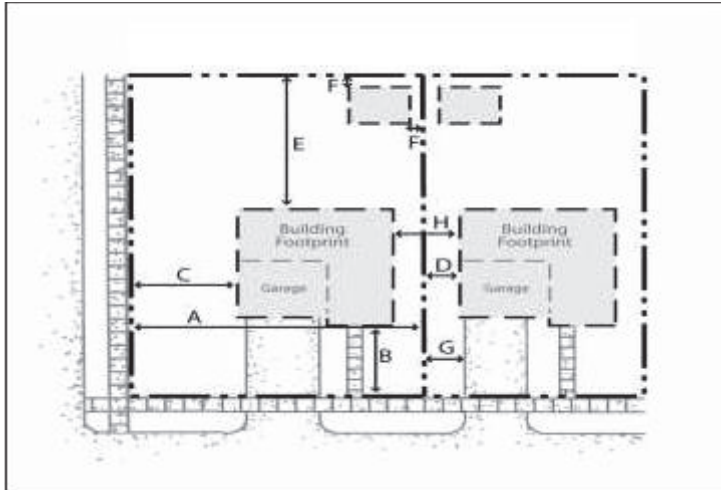
§ 390-0306. Residential land uses.

- A. Single-family. A fully detached ~~single-family~~~~Single-Family~~ residence located on an individual lot having no roof, wall, or floor in common with any other dwelling unit. ~~Single-family~~~~Family~~ land uses shall adhere to the following standards:
- (1) The dwelling unit must be a site-built structure constructed in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
 - (2) The dwelling unit must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
 - (3) The dwelling unit roof shall have a pitch of at least three feet in rise for every 12 feet in run, except by conditional use permit.
 - (4) Dwelling units may not be split into two or more dwelling units, except for permitted accessory dwellings meeting the requirements of this chapter.
 - (5) Figure 390-0306A is intended to provide a graphic depiction of the setback and dimensional requirements for ~~single-family~~~~Single-Family~~ land uses. Specific requirements for ~~single-family~~~~Single-Family~~ uses can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
 - (6) Minimum required off-street parking: two spaces.

Key to Figure 390-0306A

- A Minimum lot width (at building minimum setback line)
B Front setback (lot line to principal building or attached garage)
C Street side (corner lot) setback (lot line to principal building or attached garage)
D Interior side setback (lot line to principal building or attached garage)
E Rear setback (lot line to principal building or attached garage)
F Accessory building side and rear setback (lot line to accessory building)
G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306A



- B. Two-flat. A single structure with two separate dwelling units, with each unit having a private individual access and no shared internal access. Two ~~flats~~Flats are attached dwelling units within a two-story structure, with one unit above the other. Two ~~flats~~Flats shall adhere to the following standards:
- (1) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
 - (2) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
 - (3) Dwelling units may not be split into additional dwelling units.
 - (4) Figure 390-0306B is intended to provide a graphic depiction of the setback and dimensional requirements for ~~two-flat~~Two-Flat land uses. Specific requirements for ~~two-flats~~Two-Flats can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
 - (5) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306B

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306B



C. Twin-house. A single structure with two separate dwelling units, each having a private individual access, and no shared internal access. Similar to duplexes, [twin-housesTwin Houses](#) are attached side-by-side units, each with a shared ground floor and roof. Unlike duplexes, [twin-housesTwin Houses](#) are located on shared, single lots. [Twin-housesHouses](#) shall adhere to the following standards:

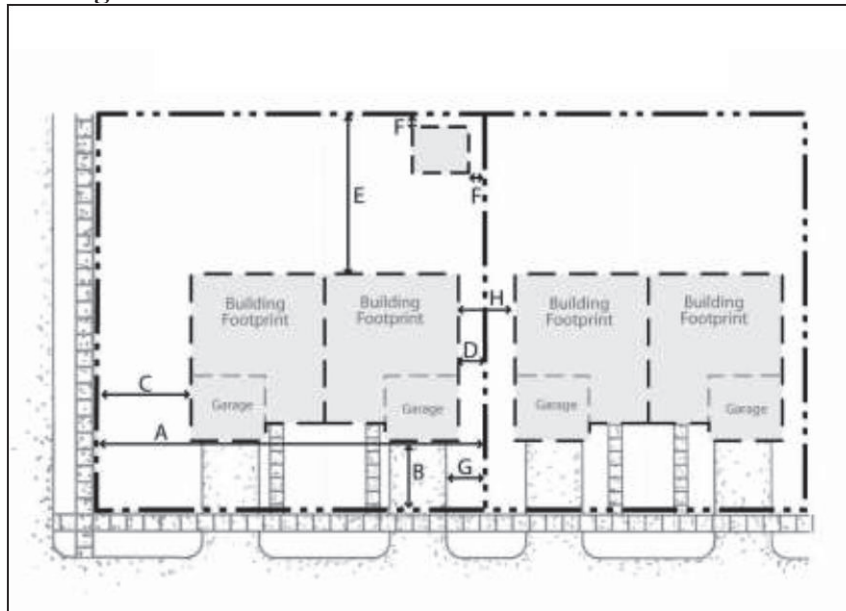
- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
- (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 390-0306C is intended to provide a graphic depiction of the setback and dimensional requirements for [twin-houseTwin House](#) land uses. Specific requirements for [twin-housesTwin Houses](#) can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306C

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)

- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306C



- D. Duplex. A single structure with two separate dwelling units, each having a private individual access and no shared internal access. Duplexes are attached side-by-side units, each with a shared ground floor and roof. Each dwelling unit in a Duplex is located on its own lot. Duplexes shall adhere to the following standards:
- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
 - (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
 - (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
 - (4) Dwelling units may not be split into additional dwelling units.
 - (5) Figure 390-0306D is intended to provide a graphic depiction of the setback and dimensional requirements for ~~duplex~~**Duplex** land uses. Specific requirements for ~~duplexes~~**Duplexes** can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
 - (6) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306D

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306D



- E. Townhouse. Attached, two-story dwelling units, each having a private, individual access. Each dwelling unit may be located on its own lot or on a single lot within a group development (see [§ Section 390-0821](#)). Each dwelling unit shares at least one common wall with an adjacent dwelling unit. Townhouses shall adhere to the following standards:
- (1) A Uniform Dwelling Code required fire-rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
 - (2) No more than six and no fewer than three ~~townhouse~~[Townhouse](#) dwelling units may be attached per group.
 - (3) All ~~townhouse~~[Townhouse](#) units within a development shall be located a minimum of 30 feet from the boundary of the development site.
 - (4) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
 - (5) Dwelling units may not be split into additional dwelling units.
 - (6) Figure 390-0306E is intended to provide a graphic depiction of the setback and

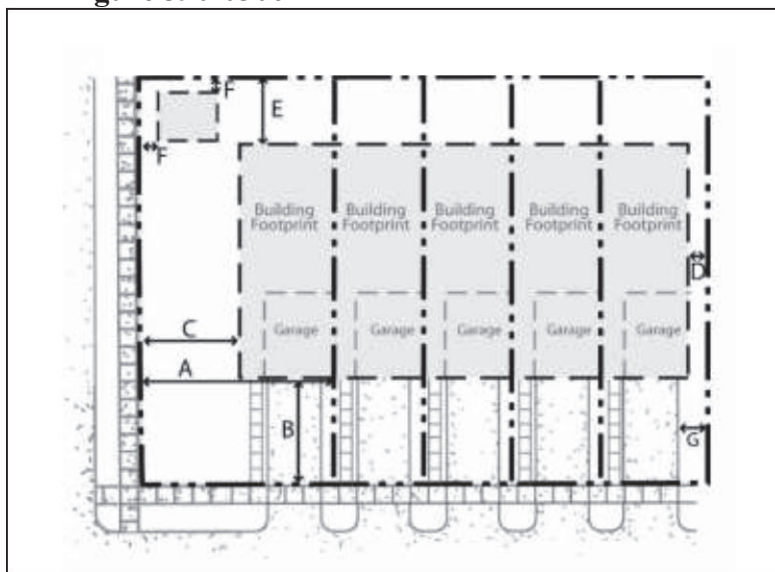
dimensional requirements for ~~townhouse~~**Townhouse** land uses. Specific requirements for ~~townhouses~~**Townhouses** can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.

- (7) Minimum required off-street parking: two spaces per dwelling unit.

Key to Figure 390-0306E

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)
- H Minimum principal building separation (multi-structure developments on shared lots)

Figure 390-0306E



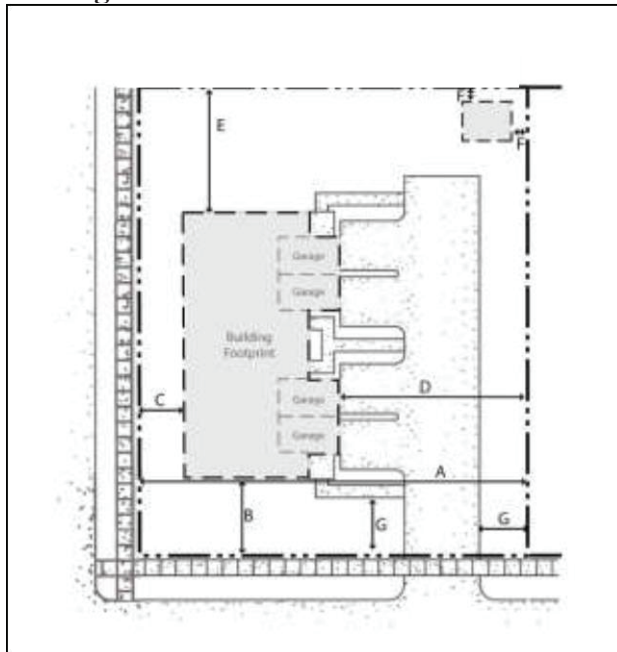
- F. Multiplex. A single structure with three or more individual attached dwelling units, each with private, individual exterior entrances. Multiplexes shall adhere to the following standards:-
- (1) A building code required fire rated wall separating living areas from the lowest level of the structure through the roof is required between each dwelling unit.
 - (2) All ~~multiplex~~**Multiplex** units within a development shall be located a minimum of 30 feet from the boundary of the development site.
 - (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.

- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 390-0306F is intended to provide a graphic depiction of the setback and dimensional requirements for ~~multiplex~~~~Multiplex~~ land uses. Specific requirements for ~~multiplexes~~~~Multiplexes~~ can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) Minimum required off-street parking: 1.25 spaces per studio apartment, 1.5 spaces per one-bedroom apartment, and two spaces per two-bedroom and larger apartments.

Key to Figure 390-0306F

- A Minimum lot width (at building minimum setback line)
B Front setback (lot line to principal building or attached garage)
C Street side (corner lot) setback (lot line to principal building or attached garage)
D Interior side setback (lot line to principal building or attached garage)
E Rear setback (lot line to principal building or attached garage)
F Accessory building side and rear setback (lot line to accessory building)
G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)

Figure 390-0306F



- G. Apartment. A single structure with three or more individual attached dwelling units, each taking access from a shared entrance or hallway. Apartments shall adhere to the following standards:-
- (1) A building code required fire ~~u~~-rated wall separating living areas from the lowest level of the structure to the underside of the roof is required between each dwelling unit.
 - (2) Must provide evidence of covenants specifying the obligations for each dwelling unit

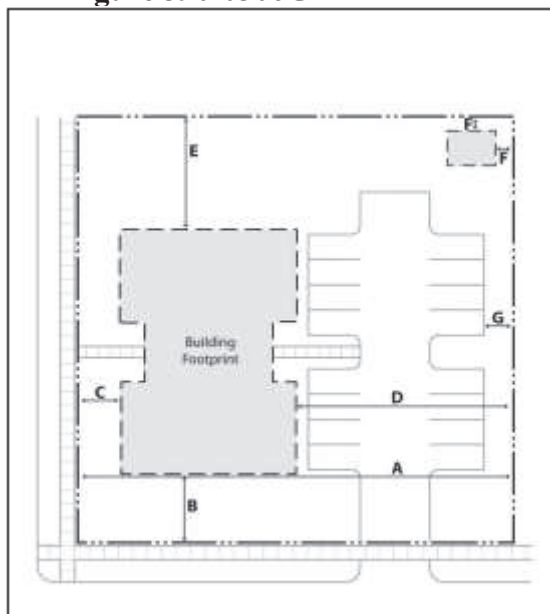
with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.

- (3) As part of the conditional use requirement for group developments (see [§ Section 390-0821](#)), any development comprised of one or more buildings that contain six or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) 390-0306G is intended to provide a graphic depiction of the setback and dimensional requirements for ~~apartment~~[Apartment](#) land uses. Specific requirements for ~~apartments~~[Apartments](#) can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) Minimum required off-street parking: 1.25 spaces per studio apartment, 1.5 spaces per one-bedroom apartment, and ~~two~~[2](#) spaces per two-bedroom and larger apartments.

Key to Figure 390-0306G

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)

Figure 390-0306G



H. Mobile home. A fully detached, single-family dwelling unit that has not received a Federal

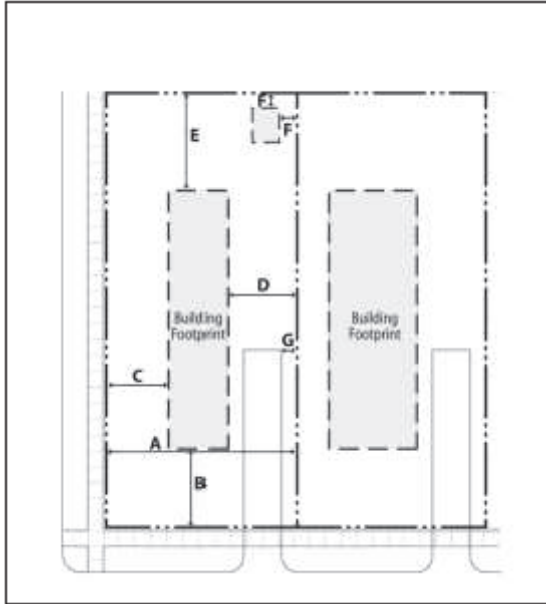
Manufactured Housing Certificate. Mobile ~~homes~~Homes shall adhere to the following standards:-

- (1) No ~~mobile home~~Mobile Home may be split into two or more dwelling units.
- (2) Each ~~mobile home~~Mobile Home shall be located on an individually defined lot of at least 5,000 square feet in area and at least 50 feet in average width.
- (3) Each ~~mobile home~~Mobile Home site shall be serviced with public sewer, water, and electric service connections and shall be placed on a permanent slab or solid foundation with appropriate skirting on all sides.
- (4) Each ~~mobile home~~Mobile Home site shall be appropriately landscaped following a plan prepared by a qualified professional.
- (5) Each ~~mobile home~~Mobile Home site shall provide an adequate, visually screened area for trash and garbage containers.
- (6) Figure 390-0306H is intended to provide a graphic depiction of the setback and dimensional requirements for ~~mobile home~~Mobile Home land uses. Specific requirements for ~~mobile homes~~Mobile Homes can be found in Article 2 under the density, intensity, and bulk requirements for each residential zoning district.
- (7) Minimum required off-street parking: two spaces per ~~mobile home~~Mobile Home.

Key to Figure 390-0306H

- A Minimum lot width (at building minimum setback line)
- B Front setback (lot line to principal building or attached garage)
- C Street side (corner lot) setback (lot line to principal building or attached garage)
- D Interior side setback (lot line to principal building or attached garage)
- E Rear setback (lot line to principal building or attached garage)
- F Accessory building side and rear setback (lot line to accessory building)
- G Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc.)

Figure 390-0306H



- I. Mobile home subdivision. A form of residential development that is exclusively reserved for individually sold lots containing mobile home~~Mobile Home~~ units. Each lot and mobile home~~Mobile Home~~ unit must meet the requirements for mobile homes~~Mobile Homes~~ listed in § Section~~390-0306H~~ above. Mobile home subdivisions~~Home Subdivisions~~ shall adhere to the following standards:-
- (1) Each lot and mobile home~~Mobile Home~~ unit must meet the requirements for mobile homes~~Mobile Homes~~ listed in § Section~~390-0306H~~ above.
 - (2) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (3) All electric, telephone, or cable television service cables or wires within a mobile home~~Mobile Home~~ park shall be located underground.
- J. Mobile home park. A form of residential development that is exclusively reserved for individually sold or rented air right pads containing mobile home~~Mobile Home~~ units. mobile home parks~~Mobile Home Parks~~ shall adhere to the following standards:-
- (1) Each air right pad and mobile home~~Mobile Home~~ unit shall meet the requirements for mobile homes~~Mobile Homes~~ listed in § Section~~390-0306H~~ above.
 - (2) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - (3) All electric, telephone, or cable television service cables or wires within a mobile home park~~Mobile Home Park~~ shall be located underground.
- K. Mixed use dwelling unit~~Use Dwelling Units~~. A residential dwelling unit located within the same structure as another land use type (i.e., a mixed-use building), such as directly above the ground floor of a building used for an office, business, or institutional land use. Mixed use dwelling units~~Use Dwelling Units~~ shall adhere to the following standards:-

- (1) The applicant must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (2) Mixed-use dwelling units~~Use Dwelling Units~~ located on the ground floor of a building used for an office, business, or institutional land use may not be located within the first 24 feet of the ground floor as measured from the front of the building.
- (3) Additional entrances shall not be added to the front elevation of an existing building, but may be added to interior side, rear, or street side elevations.
- (4) Mixed-use dwelling unit~~Use Dwelling Unit~~ entry ways located off of a rear or interior side yard shall be connected to a street frontage by a paved walkway or driveway.
- (5) Minimum required off-street parking: one space.

§ 390-0307. Agricultural land uses.

A. Cultivation. Operations primarily oriented to the on-site, outdoor raising of plants for commercial purposes. This land use includes the raising of trees as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered ~~cultivation~~Cultivation if said plants are consumed by animals that are located off-site. Cultivation land uses shall adhere to the following standards:-

- (1) On buildable lots, which are platted in final form and served by improved streets and utilities, ~~cultivation~~Cultivation is not permitted within ~~nonagricultural~~non-agricultural zoning districts except as a legal nonconforming use, or as legally ~~reestablished~~re-established per Subsection A(2)(a) below.
- (2) ~~Reestablishment~~ Re-establishment or new establishment of ~~cultivation~~Cultivation shall be subject to the following additional requirements:
 - (a) Except in the AH ~~District, cultivation~~district, ~~Cultivation~~ uses, once discontinued for a period of 12 months, shall not be reestablished or newly established except with the granting of a conditional use permit and shall be limited to hay crops.
 - (b) The applicant shall provide a site plan that clearly depicts the area proposed for ~~cultivation~~Cultivation and all structures and land uses on all adjoining properties. A current air photo may be used as a base map for this site plan. The distances from the area to be cultivated to all property lines and structures on adjoining properties shall be measured and labeled on said site plan.
 - (c) The applicant shall provide a written plan of operation describing the proposed general timing and frequency of any and all farming activities involving mechanized equipment. The plan of operation shall list the times of operation of mechanized equipment, including earliest and latest times during the day and likely months of mechanized activity. Said plan of operation shall also list any and all chemicals to be used.

- (d) Minimum required off-site parking: one space per employee on the largest work shift. [Notes: ~~Customer~~customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section~~ 390-0805F(2)].
- B. Husbandry. Operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (defined in ~~§ Section~~ 390-0114) per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered ~~husbandry~~Husbandry land uses. The ~~husbandry~~Husbandry land use category excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). "Indoor ~~aquaculture~~Aquaculture" operations, as defined in ~~§ Section~~ 390-0311D below, shall be regulated as a separate land use. Husbandry land uses shall adhere to the following standards:
- (1) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, 150 feet from any nonresidentially zoned property (other than the AH ~~District~~district), and 100 feet from all other lot lines.
 - (2) The keeping and raising of hogs or fur-bearing animals shall be prohibited.
 - (3) Not more than one head of livestock or 20 head of poultry shall be permitted for each 2 1/2 acres.
 - (4) All outdoor animal containment areas (pastures, pens, and similar areas) shall be located a minimum of 10 feet from any residentially zoned property.
 - (5) Any building housing animals and any outdoor animal containment area shall be located outside of lands mapped in the floodplain overlay districts and shall be located a minimum of 150 feet from any navigable waterway.
 - (6) Husbandry uses, once discontinued for a period of 12 months, shall not be ~~reestablished~~re-established or newly established except with the granting of a conditional use permit, and shall only be allowed in the AH ~~District~~district.
 - (7) Minimum required off-street parking: one space per employee on the largest work shift. [Note: ~~Agricultural~~agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section~~ 390-0805F(2)].
- C. On-site agricultural retail. Land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within ~~on-site agricultural retail~~On-Site Agricultural Retail operations; such activity constitutes an "Indoor Sales or Service" use (see ~~§ Section~~ 390-0310E), except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. This land use category does not include ~~market gardens~~Market Gardens, as described in ~~§ Section~~ 390-0307I. ~~On-site agricultural retail~~Site Agricultural Retail land uses shall adhere to the following standards:

- (1) No structure or group of structures shall exceed 500 square feet in gross floor area.
 - (2) No structure shall exceed 12 feet in height.
 - (3) All structures shall meet all required setbacks for nonresidential land uses.
 - (4) All structures and fencing shall be located a minimum of 300 feet from any residentially zoned property.
 - (5) Signage shall be limited to one on-site sign that shall not exceed 30 square feet in area.
 - (6) Such land use shall be served by no more than one driveway. Said driveway shall require a valid permit (per Chapter 314, Streets and Sidewalks, of the Village of Williams Bay Code of Ordinances).
 - (7) The sale of products that are grown or otherwise produced on ~~nonadjacent~~non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
 - (8) ~~On-site agricultural retail~~Site Agricultural Retail uses, once discontinued for a period of 12 months, shall not be reestablished or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH ~~District~~district.
 - (9) Minimum required off-street parking: one parking space shall be required for every 200 square feet of product display area. [Note: ~~Agricultural~~agricultural land uses are hereby made exempt from the surfacing requirements of ~~§ Section~~390-0805F(2).]]
- D. Selective cutting. Any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on the property (or up to 100% for developments approved prior to the effective date of this chapter). Selective ~~cutting~~Cutting shall be limited to areas located within development pads that are designated on recorded plats or certified survey maps. The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting (see Subsection E below).
- E. Clear cutting. The one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30% of the woodlands on a property (or up to 100% for developments approved prior to the effective date of this chapter). Clear ~~cutting~~Cutting shall adhere to the following standards:
- (1) Clear ~~cutting~~Cutting is allowed only as a conditional use. Any owner of property who intentionally clear cuts any area of his or her property or who intentionally solicits or causes another to intentionally clear cut any area of his or her property without first having secured a conditional use permit for such activity shall be subject to a forfeiture for such wrongful conduct and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas having been clear cut unintentionally as a result of fire shall not subject the owner of the property to forfeiture for such nonapproved

- ~~clear-cutting~~~~non-approved Clear-Cutting~~ activity, but shall require the satisfaction of mitigation requirements at the owner's expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements.
- (2) The applicant shall demonstrate that ~~clear cutting~~~~Clear-Cutting~~ will improve the level of environmental protection on the subject property.
 - (3) Areas of the subject property that are clear cut beyond the limitations established above shall be replanted per the requirements of Article 9. (Referenced article requires the replanting of trees in other portions of the subject property, thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.)
- F. Intensive agriculture. Operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit (as defined in [§ Section 390-0114](#)) per acre and/or agricultural activities requiring large investments in structures. This includes those animals listed under "~~husbandry.~~"~~Husbandry~~". Examples of such land uses include feed lots, hog farms, poultry operations, outdoor commercial aquaculture (but not including "~~indoor aquaculture~~"~~Indoor-Aquaculture~~" land uses, defined in [§ Section 390-0311D](#)), and certain other operations meeting these criteria. Intensive ~~agriculture~~~~Agriculture~~ land uses shall adhere to the following standards:
- (1) Intensive ~~agriculture~~~~Agriculture~~ uses shall not be located in or adjacent to an existing or platted residential subdivision.
 - (2) Intensive ~~agriculture~~~~Agriculture~~ uses shall be completely surrounded by a ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.0 (see Article 9).
 - (3) All buildings, structures, outdoor storage areas, and outdoor animal containment areas (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property, 150 feet from any nonresidentially zoned property (other than the AH ~~District~~~~distriet~~), and 100 feet from all other lot lines.
 - (4) Any building housing animals and any outdoor animal containment area shall be located outside of lands mapped in the floodplain overlay districts and shall be located a minimum of 150 feet from any navigable waterway.
 - (5) Intensive ~~agriculture~~~~Agriculture~~ uses shall be located in an area that is planned to remain commercially viable for agricultural land uses.
 - (6) Once discontinued for a period of 12 months, intensive agriculture uses shall not be reestablished or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH ~~District~~~~distriet~~.
 - (7) Minimum required off-street parking: one space per employee on the largest work shift. ~~[Note: Customer~~~~Notes: customer~~ parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of [§ Section 390-0805F\(2\).](#))].
- G. Agricultural services. Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily

used or produced by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see [§ Section 390-0314B](#)). Agricultural ~~service~~~~Service~~ land uses shall adhere to the following standards:

- (1) Agricultural ~~service~~~~Service~~ uses shall not be located in, or adjacent to, an existing or platted residential subdivision.
- (2) All buildings, structures, outdoor storage areas, and outdoor animal containment areas (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
- (3) If within the AH ~~District, agricultural service~~~~district, Agricultural Service~~ uses shall be located in an area that is planned to remain commercially viable for agricultural land uses.
- (4) Once discontinued for a period of 12 months, ~~agricultural service~~~~Agricultural Service~~ uses shall not be ~~reestablished~~~~re-established~~ or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH or GI ~~Districts~~~~districts~~.
- (5) Minimum required off-street parking: one space per employee on the largest work shift. [Notes: ~~Customer~~~~customer~~ parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of [§ Section 390-0805F\(2\).1](#)].]

H. Community garden. Areas of land managed and maintained for cultivation and related activities, which are often divided into two or more plots to be cultivated by different persons or parties. Community ~~gardens~~~~Gardens~~ may also be farmed collectively by members of the garden and may include common areas maintained and used by group members. Community ~~gardens~~~~Gardens~~ may be located on public or private lands. Community ~~gardens~~~~Gardens~~ shall adhere to the following standards:

- (1) All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
- (2) Prior to the establishment of a ~~community garden~~~~Community Garden~~, the applicant shall submit a site plan that includes the following information:
 - (a) Name of the property owner, established sponsoring organization and garden manager.
 - (b) Indicates the locations of all structures; materials storage; trash, waste, and compost areas; equipment storage; access for deliveries and ~~pickups~~~~pick-ups~~; water availability; shaded rest area; and availability of public parking.
- (3) The following structures are permitted in ~~community gardens~~~~Community Gardens~~: tool sheds, shade pavilions, hoop houses, barns, ~~restroom~~~~rest-room~~ facilities with composting toilets, planting preparation houses, benches, bike racks, raised/accessible

- planting beds, compost bins, picnic tables, fences, garden art, rain barrel systems, beehives, and children's play areas.
- (4) Signs shall not exceed a total aggregate area of 48 square feet.
 - (5) Fences shall comply with the regulations in § Section 390-0809. Chicken wire, woven wire, and related garden fencing shall be permitted only around and within active garden areas.
- I. Market garden. Land uses that meet the definition of a community garden~~Community Garden~~ per § Section 390-0307H, but that also involve the on-site sales of food or plants grown on-site. Market gardens~~Gardens~~ shall adhere to the following standards:
- (1) All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
 - (2) Prior to the establishment of a market garden~~Market Garden~~, the applicant shall submit a site plan that includes the following information:
 - (a) Name of the property owner, established sponsoring organization and garden manager.
 - (b) Indicates the locations of all structures; materials storage; trash, waste, and compost areas; equipment storage; access for deliveries and pickups~~pick-ups~~; water availability; shaded rest area; and availability of public parking.
 - (3) The following structures are permitted within market gardens~~Market Gardens~~: tool sheds, shade pavilions, hoop houses, barns, restroom~~rest-room~~ facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.
 - (4) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
 - (5) Signs shall not exceed a total aggregate area of 48 square feet.
 - (6) Fences shall comply with the regulations in § Section 390-0809.

§ 390-0308. Institutional land uses.

- A. Indoor institutional ~~“general”~~ general. Indoor public and not-for-profit community facilities that are 20,000 gross square feet or less, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, and similar land uses. Indoor institutional - general~~Institutional “General”~~ land uses shall adhere to the following standards:-
- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
 - (2) All structures shall be located a minimum of 50 feet from any residentially zoned

- property.
- (3) Minimum required off-street parking: generally, one space per three expected patrons at maximum capacity; however, the following specific requirements shall apply:
- (a) Church: one space per four seats at the maximum capacity.
 - (b) Community or recreation center: one space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - (c) Funeral home: one space per four patron seats at the maximum capacity, or 35 spaces per chapel unit, whichever is greater. Plus, one space per employee on the largest work shift.
 - (d) Library or museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - (e) Nursery or ~~preschools~~~~pre-schools~~: one space per each employee on the largest work shift, plus one space per each six students at maximum capacity.
 - (f) Elementary and junior high: one space per each employee.
 - (g) Senior high: one space per each employee, plus one space per each 10 students age 16 and older (based on maximum school capacity).
 - (h) College or trade school: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.
 - (i) Fraternal organizations: one space per bed.
- B. Indoor institutional ~~“~~intensive. Indoor public and not-for-profit community facilities that are over 20,000 gross square feet, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, and all arenas, convention centers, hospitals, jails, prisons, and similar uses of a size and character that typically serve the needs of the whole community and region. Indoor ~~institutional~~ ~~“~~intensive~~”~~ land uses shall adhere to the following standards:
- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
 - (2) All structures shall be located a minimum of 50 feet from any residentially zoned property.
 - (3) Minimum required off-street parking: generally, one space per three expected patrons at maximum capacity; however, the following specific requirements shall apply:
 - (a) Church: one space per four seats at the maximum capacity.
 - (b) Community or recreation center: one space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is

greater, plus one space per employee on the largest work shift.

- (c) Funeral home: one space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.
 - (d) Library or museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.
 - (e) Nursery or ~~preschools~~~~pre-schools~~: one space per each employee on the largest work shift, plus one space per each six students at maximum capacity.
 - (f) Elementary and junior high: one space for each employee.
 - (g) Senior high: one space per each employee, plus one space per each 10 students age 16 and older (based on maximum school capacity).
 - (h) College or trade school: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.
 - (i) Fraternal organizations: one space per bed.
 - (j) Hospitals: two spaces per three patient beds, plus one space per staff doctor, and one space for each other employee on the largest work shift.
- C. Outdoor open space institutional. Privately held permanently protected green space areas, cemeteries, open grassed areas not associated with any particular active recreational use, and similar land uses. Outdoor ~~open space institutional~~~~Open Space Institutional~~ land uses shall adhere to the following standards:-
- (1) All structures shall be located a minimum of 50 feet from any residentially zoned property.
 - (2) Minimum required off-street parking. No parking is required for ~~outdoor open space institutional~~~~Outdoor Open Space Institutional~~ land uses; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.
- D. Public services and utilities. All Village, county, state, and federally owned facilities (except those defined in other land use categories in this chapter), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses. Public ~~services~~~~Services~~ and ~~utilities~~~~Utilities~~ land uses shall adhere to the following standards:
- (1) All structures shall be located a minimum of 20 feet from any residentially zoned property.
 - (2) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
 - (3) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

- (4) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a ~~buffer yard~~buffer yard with a minimum opacity of 0.60 (see Article 9). Said ~~buffer yard~~buffer yard shall be located at the property line adjacent to said residentially zoned property.
 - (5) Wastewater treatment plants shall require a conditional use permit in all districts in which ~~public services~~Public Services and ~~utilities~~Utilities land uses are allowed.
 - (6) Minimum required off-street parking: one space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.
- E. Institutional residential. A form of residential development designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of § 62.23, Wis. Stats. (see ~~§§ Sections~~§§ Sections—390-0308F, 390-0308G, and 390-0308H). Institutional ~~residential~~Residential land uses shall adhere to the following standards:-
- (1) No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
 - (2) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
 - (3) A minimum of 30% of the development's gross site area shall be held as permanently protected green space.
 - (4) Minimum required off-street parking. The following specific parking requirements shall apply:
 - (a) Senior housing or retirement housing: one space per dwelling unit.
 - (b) Assisted ~~living~~ or limited ~~care~~ facility: one space per dwelling unit.
 - (c) Monastery, convent, or dormitory: one space per three residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.
 - (d) Nursing home or hospice: one space per three patient beds, plus one space per each employee on the largest work shift.
- F. Community living arrangement (one to eight residents). Facilities provided for in § 46.03(22), Wis. Stats., including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community ~~based~~ residential facilities. Community living arrangements do not include group day-care centers (see ~~§ Section~~§ Section—390-03100); nursing homes (an ~~institutional residential~~Institutional Residential land use); hospitals, prisons, or jails (all ~~indoor institutional - intensive~~Indoor Institutional ~~and Intensive~~ land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in § 62.23(7)(i), Wis. Stats., provided any such regulations do not violate federal or state housing or ~~antidiscrimination~~anti-discrimination laws. Community ~~living arrangements~~Living Arrangements housing up to eight residents

shall adhere to the following standards:

- (1) No community living arrangement~~Community Living Arrangement~~ shall be established within 2,500 feet of any other such facility regardless of its capacity unless the Plan Commission and Village Board agree to a reduction in spacing.
- (2) The applicant shall demonstrate that the total capacity of all community living arrangements~~Community Living Arrangements~~ (of all sizes) in the Village shall not exceed 1% of the Village's population unless specifically authorized by the Village Board following a public hearing.
- (3) Foster homes housing four or fewer children and licensed under § 48.62, Wis. Stats., shall not be subject to Subsection F(1) above and shall not be subject to, or count toward, the total arrived at in Subsection F(2) above.
- (4) Minimum required off-street parking: three spaces.

G. Community living arrangement (nine to 15 residents). See description under Subsection F above. Community living arrangements~~Living Arrangements~~ housing nine to 15 residents shall adhere to the following standards:

- (1) No community living arrangement~~Community Living Arrangement~~ shall be established within 2,500 feet of any other such facility, regardless of capacity unless the Plan Commission and Village Board agree to a reduction in spacing.
- (2) The applicant shall demonstrate that the total capacity of all community living arrangements~~Community Living Arrangements~~ (of all sizes) in the Village shall not exceed 1% of the Village's population unless specifically authorized by the Village Board following a public hearing.
- (3) Minimum required off-street parking: four spaces.

H. Community living arrangement (16+ residents~~Residents~~). See description under Subsection F above. Community living arrangements~~Living Arrangements~~ housing 16 or more residents shall adhere to the following standards:

- (1) No community living arrangement~~Living Arrangement~~ shall be established within 2,500 feet of any other such facility, regardless of capacity unless the Plan Commission and Village Board agree to a reduction in spacing.
- (2) The total capacity of all community living arrangements~~Community Living Arrangements~~ (of all sizes) in the Village shall not exceed 1% of the Village's population unless specifically authorized by the Village Board following a public hearing.
- (3) Minimum required off-street parking: one space per every three residents.

§ 390-0309. Recreational land uses.

A. Passive outdoor recreation. Recreational land uses located on public property that involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic

shelters, botanical gardens, fishing areas, and similar land uses. Passive outdoor recreation~~Outdoor Recreation~~ land uses shall adhere to the following standards:

- (1) Minimum required off-street parking: one space per four expected patrons at maximum capacity for any use requiring over five spaces.

- B. Active outdoor recreation. Recreational land uses located on public or private property (including school district property) where low impact, active recreational activities are provided. Such land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), neighborhood parks, tot lots, swimming beach areas, fitness courses, golf courses, and similar land uses. Active outdoor public recreation~~Outdoor Public Recreation~~ land uses shall adhere to the following standards:

- (1) Facilities that adjoin residentially zoned property and use recreational facility night lighting shall install and continually maintain a buffer yard~~bufferyard~~ with a minimum opacity of 0.60 (see Article 9). Said buffer yard~~bufferyard~~ shall be located at the property line adjacent to said residentially zoned property.
- (2) All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- (3) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (4) Minimum required off-street parking. Generally, one space per four expected patrons at maximum capacity for any use requiring over five spaces; however, the following specific requirements shall apply:
 - (a) Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurant).
 - (b) Tennis court: two spaces per court.

- C. Intensive outdoor activity. Land uses located on public or private property that require intensive lighting and that generate regional traffic and noise beyond property lines. Such land uses include amusement parks, water parks, fairgrounds, outdoor stadiums, race tracks, ski hills, drive-in theaters, miniature golf, driving ranges, competition oriented athletic facilities, marinas, yacht clubs, and similar land uses. Intensive outdoor activity~~Outdoor Activity~~ land uses shall adhere to the following standards:

- (1) Facilities that adjoin residentially zoned property and use night lighting shall install and continually maintain a buffer yard~~bufferyard~~ with a minimum opacity of 1.0 (see Article 9). Said buffer yard~~bufferyard~~ shall be located at the property line adjacent to said residentially zoned property.
- (2) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (3) A minimum setback of 100 feet shall be required to any activity area other than parking.

(4) Minimum required off-street parking: one space per four expected patrons at maximum capacity.

D. Lake ~~related~~ recreation. Facilities include marinas, yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, liveries, and boat repair and maintenance facilities, including fuel pumps and dump stations for marine use. Lake ~~related recreation~~ Related Recreation land uses shall adhere to the following standards:

- (1) Outdoor lighting installations shall be located and shielded (see § Section 390-0807).
- (2) Parking requirements shall be specific to the proposed development.

§ 390-0310. Business land uses.

A. Office. Exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis. Office land uses shall adhere to the following standards:

- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.

B. Personal or professional service. Exclusively indoor land uses whose primary function is the provision of services directly to persons on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, hospitals, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses. Personal or professional service~~Professional Service~~ land uses shall adhere to the following standards:

- (1) Minimum required off-street parking:
 - (a) One space per 300 square feet of gross floor area.
 - (b) Hospital: one space per two patient beds shall be provided, plus one space per staff doctor and one space per two employees on the largest work shift.

C. Artisan studio. A building or portion thereof used by no more than three artists or artisans for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use. For similar uses used by more than three artists or artisans, see artisan production shop~~Artisan Production Shop~~ in § Section 390-0310D. Artisan studios~~Studies~~ shall adhere to the following standards:

- (1) A buffer yard~~bufferyard~~ with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) Minimum required off-street parking: one space per 300 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.

D. Artisan production shop. An artisan studio used by more than three artists or artisans (see § Section 390-0310C above). Artisan production shops~~Production Shops~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (Article 9).
 - (2) Minimum required off-street parking: one space per 300 square feet of gross floor area. Adequate off-street parking is required for all customer and employee vehicles.
- E. Indoor sales or service. Land uses that conduct sales or display merchandise or equipment, provide ~~nonpersonal~~non-personal or ~~nonprofessional~~non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated ~~laundromats~~Laundromats. Indoor ~~sales~~Sales or ~~service~~Service land uses shall adhere to the following standards:
- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.
- F. Outdoor display. Land uses that conduct sales and display merchandise or equipment outside of an enclosed building. Examples of such land uses include outdoor vehicle rental, outdoor garden centers, outdoor recreation equipment sales, monument sales, and manufactured and mobile housing sales. Such land uses do not include the storage or display of inoperable equipment, or other materials typically associated with a ~~junk~~Junk or ~~salvage yard~~Salvage Yard (see ~~§ Section~~§ Section 390-0314D). If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered an ~~incidental outdoor display~~Incidental Outdoor Display accessory use under ~~§ Section~~§ Section 390-03150. Outdoor ~~display~~Display land uses shall adhere to the following standards:
- (1) The area of outdoor sales shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner that completely encloses all materials displayed outdoors.
 - (2) The display of items shall not be permitted in required setback areas, landscape areas, ~~buffer yards~~buffer yards, or permanently protected green space areas.
 - (3) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - (4) Display areas shall be separated from any traffic circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - (5) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians or bicyclists.
 - (6) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all borders of the display area abutting residentially zoned property, except per Subsection F(5) above. (see Article 9).

- (7) The display of merchandise or equipment outdoors shall be permitted during the entire calendar year. However, if and when goods are removed from any display area, all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 - (8) Inoperable vehicles or equipment, or other items typically stored or displayed in a ~~junk~~buffer yard or ~~salvage yard~~buffer yard, shall not be displayed for this land use.
 - (9) Minimum required off-street parking: one space per 300 square feet of gross floor area.
- G. Indoor commercial entertainment. Land uses that provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend beyond most other commercial land uses. Examples include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls. Indoor ~~commercial entertainment~~entertainment land uses shall adhere to the following standards:
- (1) If located on the same side of the building that abuts residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of the residentially zoned property.
 - (2) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all borders of the property abutting residentially zoned property (see Article 9).
 - (3) Minimum required off-street parking: one space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).
- H. Outdoor entertainment. Land uses where entertainment services are provided partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor eating and drinking areas, outdoor assembly areas, outdoor public or commercial swimming pools. Outdoor ~~entertainment~~entertainment land uses shall adhere to the following standards:
- (1) Activity areas shall not be located closer than 300 feet to a residentially zoned property.
 - (2) Where the use involves amplified sound, a ~~buffer yard~~buffer yard with a minimum opacity of 0.80 shall be provided along all borders of the property abutting residentially zoned property (see Article 9). Where the use does not involve amplified sound, a ~~buffer yard~~buffer yard with a minimum opacity of 0.50 shall be provided along all borders of the property abutting residential zoned property.
 - (3) Activity areas (including drive-in movie screens) shall not be visible from any residentially zoned property.
 - (4) Activities proposed in a public right-of-way or on Village-owned property must receive Village Board approval for such use, in addition to any required conditional use permit.

- (5) Minimum required off-street parking: one space for every three persons at the maximum capacity of the establishment.

I. Drive-through sales and/or service. Land uses that involve sales and/or services to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity. Such land uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (e.g., a convenience store, restaurant, or bank), ~~drive-through sales~~~~Drive-Through-Sales~~ and ~~service~~~~Service~~ land uses shall be considered an accessory use (see ~~§ Section~~~~390-0315U~~). This land use category does not include vehicle repair or maintenance services, which are handled as a separate land use (see ~~§ Section~~~~390-0310S~~). ~~Drive-through sales~~~~Through-Sales~~ or Service land uses shall adhere to the following standards:

- (1) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
- (2) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement; or exacerbate the potential for pedestrian/vehicular conflicts.
- (3) In no instance shall a ~~drive-through sales~~~~Drive-Through-Sales~~ or ~~service~~~~Service~~ land use be permitted to operate if it endangers public safety, even if such land use has been permitted under the provisions of this section.
- (4) The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street right-of-way lines, a minimum of 20 feet from all residentially zoned property lines, and shall be a minimum of five feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet per the measurement of roof height.
- (5) Gasoline pumps associated with vehicular fuel stations shall be set back a minimum of 20 feet from all street rights-of-way.
- (6) All vehicular areas of the site shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum four-ton axle load.
- (7) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 0.50 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (8) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscape islands. Said curbs shall be a minimum of six inches high and shall be of a ~~nonmountable~~~~non-mountable~~ design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
- (9) Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding sign subject to regulation under Article 10 of this chapter.

- (10) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass ~~through~~ window and 40 feet beyond the pass ~~through~~ window. This requirement may be adjusted by the Plan Commission through the conditional use process (see ~~§ Section~~ 390-1207).
 - (11) Minimum required off-street parking. Refer to the parking requirements of the other land use activities on the site, such as indoor sales and service land uses for a gas station/convenience store, or office land uses for a bank.
- J. Bed-and-breakfast establishment. Exclusively indoor lodging facilities that provide breakfast only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers. Bed-and-breakfast ~~establishments~~Establishments shall adhere to the following standards:
- (1) Bed-and-breakfast ~~establishments~~Establishments shall provide no more than eight rooms for rent, and shall not rent rooms to more than 20 persons at one time.
 - (2) Bed-and-breakfast ~~establishments~~Establishments may only be located in structures that were formerly occupied as a single-family residence.
 - (3) If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village of Williams Bay and state regulations.
 - (4) Each such establishment shall be inspected annually by the Building Inspector to verify that the land use continues to meet all applicable regulations. A fee for such annual inspection shall be imposed by the Village.
 - (5) One wall or monument sign, with a maximum area of 10 square feet, and maximum height of eight feet, shall be permitted on the property. Backlit signage shall be prohibited. Signage shall be constructed of materials compatible with a residential character, such as stone, brick, and/or wood, as determined by the Plan Commission.
 - (6) The ~~bed~~Bed-and-breakfast ~~establishment~~Establishment shall be surrounded by a ~~buffer yard~~bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Article 9).
 - (7) The dwelling unit in which the ~~bed~~Bed-and-breakfast ~~establishment~~Establishment takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the ~~bed~~Bed-and-breakfast ~~establishment~~Establishment is in operation.
 - (8) Breakfast shall be the only meal served to overnight guests.
 - (9) Each operator shall keep a list of names of all persons staying at the bed-and-breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by Village officials at any time.
 - (10) All ~~bed~~Bed-and-breakfast ~~establishments~~Establishments shall have completed all structural additions to the dimensions of the original structure before the effective date of this subsection, May 11, 1990. After May 11, 1990, a renovation to the structure may be made only within the dimensions of the original structure.

(11) Additional requirements.

- (a) Application requirements. Applicants for a license to operate a ~~bed~~Bed-and-breakfast ~~establishment~~Establishment shall submit a floor plan of the ~~single-family~~Single-Family dwelling unit illustrating that the proposed operation will comply with the requirements of this chapter and other applicable Village codes and ordinances.
- (b) Consideration of issuance. After the application has been filed with the Village Clerk, the Plan Commission shall review and provide a recommendation to the Village Board for a conditional use permit. The Plan Commission shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the Village. In the Village's determination of the number of ~~bed~~Bed-and-breakfast ~~establishments~~Establishments required to provide for such public convenience and necessity, the Village Board shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.
- (c) Public nuisance violations. Bed-and-breakfast ~~establishments~~Establishments shall not be permitted whenever the operation endangers, offends, or interferes with the safety or rights of others so as to constitute a nuisance.
- (d) Suspension, revocation, and renewal. Any license issued under the provisions of this subsection may be revoked by the Village Board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation, the compliance or noncompliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

(12) Minimum required off-street parking: one space per each bedroom in addition to requirements for principal residents.

K. Commercial indoor lodging. Facilities that provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, lounges, fitness centers, and other on-site facilities available to non-lodgers are considered accessory uses and therefore require review as a separate land use. Commercial ~~indoor lodging~~Indoor-Lodging land uses shall adhere to the following standards:-

- (1) If located on the same side of the building that abuts residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of such residentially zoned property.
- (2) The lodging facility shall be surrounded by a ~~buffer yard~~bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Article 9).
- (3) Each and every room in the facility must take primary access via an individual

interior door, and may not be accessed via an external balcony, porch, or deck, except for emergency purposes.

- (4) Minimum required off-street parking: one space per bedroom, plus one space for each employee on the largest work shift, plus, where applicable, one space per every three persons at maximum occupancy of any public meeting or banquet spaces.
- L. Boarding house. Any residential use that rents rooms that do not contain private bathroom facilities. Boarding ~~houses~~Houses shall adhere to the following standards:-
- (1) A ~~buffer yard~~bufferyard with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (see Article 9).
 - (2) Boarding ~~houses~~Houses may only be located in an area of transition from residential land uses to nonresidential land uses, as determined by the Zoning Administrator.
 - (3) Minimum required off-street parking: one space per each bedroom for rent, in addition to requirements for principal residents.
- M. Tourist rooming house. A dwelling unit available for stays for one to six consecutive days by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are rented for more than six but less than 29 consecutive days, such use shall not be considered tourist rooming houses but instead shall be considered short-term rentals, separately described and regulated in Chapter 205, Article III, Short-Term Rental of Residential Dwellings, of the Village Code. Where such units are leased for periods longer than 28 consecutive days, such use shall also not be considered tourist rooming houses, but shall instead be considered "single-family" dwellings, separately described and regulated under this chapter. Also not included within this land use category are "~~bed~~Bed-and-breakfast ~~establishments,~~" "~~commercial indoor lodging~~Establishments," "~~Commercial Indoor Lodging,~~" or "~~boarding houses~~Boarding Houses." Tourist ~~rooming houses~~Rooming Houses shall adhere to the following standards: [Amended 8-20-2018 by Ord. No. 2018-6]
- (1) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number bedrooms in the dwelling unit.
 - (2) The maximum stay for any party other than the owner of the premises shall be six consecutive days.
 - (3) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.
 - (4) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
 - (5) The availability of the ~~tourist rooming house~~Tourist Rooming House to the public

shall not be advertised on site.

- (6) The ~~tourist rooming house~~Tourist Rooming House must be licensed by the State of Wisconsin.
 - (7) Minimum required off-street parking: one space per each bedroom.
 - (8) The total number of ~~tourist rooming houses~~Tourist Rooming Houses permitted in the Village shall not exceed five.
- N. Campground. Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles. Campgrounds shall adhere to the following standards:
- (1) Campgrounds shall be surrounded by a ~~buffer yard~~bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property (see Article 9).
 - (2) Minimum required off-street parking: 1.5 spaces per campsite.
- O. Group day-care center (9+ ~~children~~Children). Centers where qualified persons provide childcare services for nine or more children. Examples of such land uses include day-care centers and nursery schools. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day-care centers are not considered accessory uses and therefore require review as a separate land use. For in-home day care, see ~~§ Section~~390-0315B. Group day-care centers shall adhere to the following standards:
- (1) Group ~~day~~Day-care ~~centers~~Centers shall not be located within a residential dwelling unit.
 - (2) A ~~buffer yard~~bufferyard with a minimum opacity of 0.50 shall be provided along all property borders abutting residentially zoned property (see Article 9).
 - (3) The property owner's permission and signature is required as part of the conditional use permit application.
 - (4) Minimum required off-street parking: one space per five students, plus one space for each employee on the largest work shift.
- P. Commercial animal boarding. Facilities that provide short-term and/or long-term boarding for animals, commercial kennels, and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to the principal use and do not require separate consideration. Commercial ~~animal boarding~~Animal Boarding facilities shall adhere to the following standards:-
- (1) Each animal shall be provided with an indoor containment area.
 - (2) The minimum permitted size of a horse or similar animal stall shall be 100 square feet.
 - (3) Special events such as shows, exhibitions, and contests shall only be permitted when

a temporary use permit has been secured.

- (4) Minimum required off-street parking: one space per every 1,000 square feet of gross floor area.

Q. Indoor maintenance service. Land uses that involve maintenance and repair services and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered an outdoor maintenance service~~Outdoor Maintenance Service~~ land use (see § Section 390-0310R).

- (1) Minimum required off-street parking: one space per 300 square feet of gross floor area.

R. Outdoor maintenance service. Land uses that perform maintenance and repair services and have all, or any portion, of their operations located outside of an enclosed building. Outdoor maintenance services~~Maintenance Services~~ shall adhere to the following standards:

- (1) All outdoor activity areas shall be completely enclosed by a minimum six-foot-high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a buffer yard~~buffer yard~~ with a minimum opacity of 0.60 (see Article 9).
- (2) Outdoor storage of abandoned or inoperable vehicles is prohibited.
- (3) Minimum required off-street parking: one space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.

S. Vehicle sales. The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses may also include a repair shop associated with the vehicle display lot and sales building. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junk~~Junk~~ or salvage yard~~Salvage Yard~~ (see § Section 390-0314D). Vehicles sales~~Sales~~ land uses shall adhere to the following standards:

- (1) The outdoor display and sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner that completely encloses all vehicles displayed outdoors.
- (2) The display of vehicles shall not be permitted within required setback areas for the principal structure.
- (3) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required buffer yards~~buffer yards~~.
- (4) In no event shall the display of vehicles reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

- (5) Display areas shall be separated from any traffic circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (6) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles or visibility between vehicles and pedestrians or bicyclists.
- (7) A ~~buffer yard~~bufferyard with a minimum opacity of 0.60 shall be provided along all borders of the display area abutting residentially zoned property, except per Subsection S(6) above (see Article 9).
- (8) Vehicle sales shall be permitted during the entire calendar year. However, if and when vehicles are removed from the display area, all support fixtures used to display the vehicles shall be removed within 10 calendar days of the vehicles' removal.
- (9) Inoperable vehicles or equipment, or other items typically stored or displayed in a ~~junk~~Junk or ~~salvage yard~~Salvage Yard, shall be prohibited.
- (10) Minimum required off-street parking: one space per 300 square feet of gross floor area.

T. Commercial greenhouse/garden center. Any business whose principal activity is the retail selling of plants or plant by-products (including fruits and vegetables) that are either grown or stored within an enclosed building and/or structure constructed chiefly of glass or glasslike material, cloth, or other transparent material. Such uses also often involve the seasonal display of plants and related products outdoors. Commercial ~~greenhouses~~Greenhouses shall adhere to the following standards:

- (1) The display of items shall not be permitted in required landscaped areas or ~~buffer yards~~bufferyards (Article 9).
- (2) The outdoor display of items shall not be permitted within required setback areas for the principal structure.
- (3) In no event shall the outdoor display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this chapter. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (4) Outdoor display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (6) The business shall provide a ~~buffer yard~~bufferyard with a minimum opacity of 0.60 along all borders of outdoor display areas abutting residentially zoned property (see

Article 9).

- (7) Minimum required off-street parking: one space per 300 square feet of gross floor area.

U. Sexually-oriented land uses. Any facility oriented to the display of "sexually-oriented materials" such as videos, movies, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas; including the provision of body piercing or tattooing services to "sexually specified areas." For the purpose of this chapter, "sexually specified areas" include any of the following: genitals, anal area, female areola or nipple. "Sexually-oriented materials" include any media that displays sexually specified area(s). Establishments that sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas. Sexually oriented land uses ~~Oriented Land Uses~~ shall adhere to the following standards:

- (1) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- (2) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers or affect the marketability of properties in the vicinity for sale at their assessed values.
- (3) Minimum required off-street parking: one space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.

§ 390-0311. Industrial land uses.

A. Light industrial. Industrial facilities at which all operations (with the exception of loading operations) are conducted entirely within an enclosed building; are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation that are detectable at the property line; do not pose a significant safety hazard (such as danger of explosion); and comply with the performance standards listed in Article 8. Light industrial ~~Industrial~~ land uses may conduct indoor sales as an accessory use, provided they are in compliance with the requirements of § Section ~~390-0315Q~~. Light industrial ~~Industrial~~ land uses shall adhere to the following standards:

- (1) All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
- (2) Minimum required off-street parking: one space per each employee on the largest work shift.

B. Heavy industrial. Land uses that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances that are detectable at the property line; and may involve materials that pose a significant safety hazard. Examples of heavy industrial land uses include meat product producers; paper, pulp or paperboard

producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Ch. 125, Wis. Stats. Heavy industrial land uses shall adhere to the following standards:

- (1) A ~~buffer yard~~buffer yard with a minimum opacity of 1.00 shall be provided along all borders of the property other than those abutting permanent open space areas are not zoned General Industrial (see Article 9).
 - (2) All buildings and outdoor activity areas shall be located a minimum of 600 feet from all property zoned in a residential zoning district or the P&I ~~Zoning District~~zoning district. This distance may be increased at the discretion of the Plan Commission and/or Village Board for certain heavy industrial uses where it is determined, by the Plan Commission and/or Village Board, that additional distance is needed to adequately mitigate the potential negative impacts of the specific land use being proposed.
 - (3) No equipment or materials shall be stacked or otherwise stored so as to be visible over ~~buffer yard~~buffer yard screening elements.
 - (4) In no instance shall a ~~heavy industrial~~Heavy Industrial land use exceed the performance standards listed in Article 8.
 - (5) Minimum required off-street parking: one space per each employee on the largest work shift.
- C. Production greenhouse. Any business whose principal activity is the growing and wholesaling of plants or plant by-products (including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other transparent material. Such uses also often involve the seasonal display of plants and related products outdoors. Production ~~greenhouses~~Greenhouses shall adhere to the following standards:
- (1) The outdoor display of items shall not be permitted in required setbacks, ~~buffer yards~~buffer yards, or landscaped areas.
 - (2) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - (3) Storage and/or outdoor display areas shall be separated from any vehicular parking or traffic circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line

of planters, or by a clearly marked paved area.

- (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians or bicyclists.
- (5) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 shall be provided along all borders of outdoor display areas abutting residentially zoned property (see Article 9).
- (6) Minimum required off-street parking: one space per 300 square feet of gross floor area.

D. Indoor aquaculture. The farming of aquatic organisms (plants and animals) under controlled conditions, located entirely within an enclosed building, and utilizing recirculating (closed) system technology. Such operations may also incorporate aquaponics, which is the symbiotic cultivation of plants and aquatic organisms in a recirculating system. Indoor ~~aquaculture~~Aquaculture land uses shall adhere to the following standards:

- (1) Indoor ~~aquaculture~~Aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (2) Prior to the issuance of a conditional use permit, applicants wishing to establish ~~indoor aquaculture~~Indoor Aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the Director of Public Works.
- (3) On-site processing of seafood is permitted provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
- (4) The on-site retail sale of seafood or vegetables shall be considered an ~~incidental indoor sales~~Incidental Indoor Sales accessory use subject to the provisions of ~~§ Section~~ 390-0315P, provided the area devoted to sales does not exceed 25% of the total area of the building(s) within which the operation is located. Retail areas that exceed 25% of the total area of the building(s) within which the operation is located shall be considered an ~~indoor sales~~Indoor Sales and ~~service~~Service principal land use and shall be considered separately from the ~~indoor aquaculture~~Indoor Aquaculture use.
- (5) Site plans shall be provided that indicate the location of any and all outdoor activity areas, including areas for composting.
- (6) On-site composting shall be permitted, subject to the following regulations:
 - (a) Compost areas shall be fully screened on all four sides.
 - (b) Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (7) No outdoor activity areas (including composting) shall be located in buffer

- ~~yard~~~~buffer~~~~yard~~ areas. No materials shall be stacked or otherwise stored so as to be visible over ~~buffer~~ ~~yard~~~~buffer~~~~yard~~ screening elements.
- (8) Minimum required off-street parking: one space for each 500 square feet of principal building area.
- E. Communication tower. All freestanding broadcasting, receiving, or relay structures, and similar principal land uses, and any office, studio, or other land uses directly related to the function of the communication tower. Communication ~~towers~~~~Tower~~. ~~Communication Towers~~ shall adhere to the following standards:-
- (1) Communication ~~towers~~~~Towers~~ shall be erected and installed in accordance with the State Electrical Code adopted by reference in Chapter 153, Building Construction, of the Village Code, National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (2) Communication ~~towers~~~~Towers~~ shall adhere to performance standards and requirements included in § Section 390-0811.
- (3) Minimum required off-street parking: one space per employee on the largest work shift.
- F. Large wind energy system. Unless otherwise defined in Ch. PSC 128, Wis. Adm. Code, consists of a wind turbine(s), a supporting tower(s), and associated control or conversion electronics that generate electrical power primarily for off-site consumption and that has an installed nameplate capacity of greater than 100 kilowatts per turbine and a total installed nameplate capacity of greater than 300 kilowatts. This use does not include wind energy systems subject to Public Services Commission review under Wisconsin Statutes, where Village review does not apply. Large wind energy systems~~Wind Energy Systems~~ shall adhere to the following standards:
- (1) The requirements of Wisconsin Statutes, including but not limited to §§ 66.0401 and 66.0403, shall apply to all large wind energy systems~~Large Wind Energy Systems~~.
- (2) The applicant shall meet all the application and procedural requirements of Ch. PSC 128, Wis. Adm. Code, and the application and procedural requirements for a conditional use in § Section 390-1207.
- (3) After receiving an application for approval of a large wind energy system~~Large Wind Energy System~~, the Zoning Administrator shall:
- (a) Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 45 days after the day the application is filed.
- (b) Publish a Class 1 notice per § 66.0401(4)(a)l, Wis. Stats., including a brief description of the proposed large wind energy system~~Large Wind Energy System~~ and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by

the Village.

- (c) Make the application available for public review at the local library and at Village Hall.
 - (d) Accept written public comments on the application for 30 days after the Class 1 notice is published.
 - (e) Adhere to other requirements in ~~§ Section~~ 390-1207 for the processing of conditional use permit.
- (4) The Village shall use all other the technical and procedural requirements of Ch. PSC 128, Wis. Adm. Code, and this chapter in its review of conditional use permit requests for such uses.
- (5) In the AH ~~Zoning District~~, ~~zoning-district~~ the ~~large wind energy system~~ ~~Large Wind Energy System~~ shall be subject to the following standards:
- (a) The use and its location are consistent with the purpose of the Agricultural Holding ~~Zoning District~~, ~~zoning-district~~.
 - (b) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- G. Large solar energy system. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is a principal use of the land and designed primary to generate energy for commercial sale off-site. Large ~~solar energy systems~~ ~~Solar Energy Systems~~ shall adhere to the following standards:
- (1) The requirements of Wisconsin Statutes, including but not limited to §§ 66.0401 and 66.0403, shall apply to all solar energy systems.

§ 390-0312. Storage land uses.

- A. Indoor storage and wholesaling. Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with these uses shall be considered accessory uses per ~~§ Section~~ 390-0315P.
- (1) Minimum required off-street parking: one space per 2,000 square feet of gross floor

area.

- B. Outdoor storage and wholesaling. Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such land uses are not entirely contained within an enclosed building. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperable vehicles or equipment, or other materials typically associated with a ~~junk~~Junk or ~~salvage yard~~Salvage Yard (see § Section 390-0314D). Outdoor ~~storage~~Storage and ~~wholesaling~~Wholesaling land uses shall adhere to the following standards:

- (1) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of eight feet in height and shall be designed to completely screen all stored materials from view of ~~nonindustrialized~~non-industrialized areas at an elevation of five feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a ~~buffer yard~~buffer yard with a minimum opacity of 0.80 (see Article 9).
- (2) The storage of items shall not be permitted in required frontage landscaping areas, ~~buffer yard~~buffer yard areas, or permanently protected green space areas.
- (3) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this section. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (4) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians and bicyclists.
- (6) Inoperable vehicles or equipment, or other items typically stored in a ~~junk~~Junk or ~~salvage yard~~Salvage Yard, shall not be stored under the provisions of this land use.
- (7) Minimum required off-street parking: one space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

- C. Personal storage facility. Land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area (also known as "mini-warehouses"). Storage areas may be available on either a condominium or rental basis. Personal ~~storage facilities~~Storage Facilities shall adhere to the following standards:

- (1) The facility shall be designed so as to minimize adverse visual impacts on nearby

developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.

- (2) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 0.80 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (3) No electrical power shall be run to the storage facilities, except for exterior lighting.
- (4) Minimum required off-street parking: one space for each employee on the largest work shift, plus one space for each 10 storage units.

§ 390-0313. Transportation land uses.

A. Transit center. A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include bus stations, train stations, and park and ride stations. Transit ~~centers~~~~Centers~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.0 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) Minimum required off-street parking: as sufficient to accommodate parking needs.

B. Distribution center. Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per [§ Section 390-0315P](#). Distribution ~~centers~~~~Centers~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any ~~buffer yard~~~~bufferyard~~ areas.
- (4) Minimum required off-street parking: one space per each employee on the largest work shift.

C. Freight terminal. Land and buildings representing either end of one or more truck carrier line(s) that may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses requiring trans-shipment. Freight ~~terminals~~~~Terminals~~ shall adhere to the following standards:

- (1) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all

- property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any ~~buffer yard~~~~bufferyard~~ areas.
 - (4) Minimum required off-street parking: one space per each employee on the largest work shift.
- D. Airport. Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this chapter shall occur only in conjunction with an approved airport. Airports shall adhere to the following standards:
- (1) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - (2) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Article 9).
 - (3) Minimum required off-street parking: one space per each employee on the largest work shift, plus one space per every five passengers based on average daily ridership.
- E. Off-site parking. Areas used for the temporary parking of vehicles that are fully registered, licensed, and operable. See also ~~§ Section~~ 390-0805 for additional parking regulations. ~~Off-site parking~~~~Site Parking~~ facilities shall adhere to the following standards:
- (1) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

§ 390-0314. Extraction and disposal land uses.

- A. Extraction. Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities. Extraction land uses shall adhere to the following standards:
- (1) No ~~extraction~~~~Extraction~~ use shall be permitted without approval from the county prior to action by the Village of Williams Bay. The ~~extraction~~~~Extraction~~ use shall comply with all county, state, and federal regulations.
 - (2) A ~~buffer yard~~~~bufferyard~~ with a minimum opacity of 1.00 shall be provided along all borders of the property other than permanent open space (see Article 9).
 - (3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (4) Required site plans shall include detailed site restoration plans, which shall include at minimum detailed grading and ~~revegetation~~~~re-vegetation~~ plans, and a detailed written

statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly owned waste disposal facilities.)

- (5) Minimum required off-street parking: one space per each employee on the largest work shift.
- B. Composting. Land uses devoted to the collection, storage, processing, and/or disposal of vegetation. Composting land uses shall adhere to the following standards:
- (1) Composting operations shall comply with all county, state, and federal regulations.
 - (2) A ~~buffer yard~~buffer yard with a minimum opacity of 1.00 shall be provided along all borders of the property occupied by ~~nonagricultural~~non-agricultural land uses (see Article 9).
 - (3) All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
 - (4) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.
 - (5) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by ~~state statutes~~State Statutes in any manner.
 - (6) Minimum required off-street parking: one space for each employee on the largest work shift.
- C. Recycling and waste disposal. Includes any recycling facilities not involving the on-site storage of salvage materials and waste disposal facilities used for the disposal of solid wastes including those defined by § 289.01(33), Wis. Stats., but not including composting operations (see ~~§ Section~~390-0314B). Recycling and ~~waste disposal~~Waste Disposal facilities shall adhere to the following standards:
- (1) Facilities shall comply with all county, state, and federal regulations.
 - (2) A ~~buffer yard~~buffer yard with a minimum opacity of 1.00 shall be provided along all borders of the property (see Article 9).
 - (3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (4) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by ~~state statutes~~State Statutes in any manner.
 - (5) Required site plans shall include detailed site restoration plans, which shall include at minimum detailed grading and ~~revegetation~~re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount

equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for recycling and waste disposal facilities owned by public agencies.)

- (6) Minimum required off-street parking: one space for each employee on the largest work shift.

D. Junk or salvage yard. Any land or structure used for a salvaging operation including but not limited to: the ~~aboveground~~above-ground, outdoor storage of waste, discarded, or salvage materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of two or more unlicensed and/or inoperable vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use. Junk or ~~salvage yard~~Salvage Yard land uses shall adhere to the following standards:

- (1) A ~~buffer yard~~bufferyard with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Article 9).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and 100 feet from all lot lines.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any ~~buffer yard~~bufferyard areas.
- (4) The facility shall not involve the storage, handling, or collection of hazardous materials as defined by ~~state statutes~~State Statutes.
- (5) Minimum required off-street parking: one space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

§ 390-0315. Accessory land uses.

A. Home occupation. Provides a means to accommodate a small home-based family or professional business within a dwelling unit without having to rezone to a commercial district. Examples of allowable ~~home occupations~~Home Occupations include personal and professional services and handicrafts. Home ~~occupations~~Occupations are limited to service-oriented businesses and businesses that do not generate customer visits. Home ~~occupations~~Occupations shall adhere to the following standards:

- (1) The ~~home occupation~~Home Occupation must be clearly incidental and secondary to the principal use as a residence and shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
- (2) The ~~home occupation~~Home Occupation may not constitute more than 25% of the area of any floor in the dwelling unit.
- (3) The appearance of the dwelling unit or attached garage that contains the ~~home occupation~~Home Occupation shall not be altered or the occupation conducted in a manner that would cause the premises to differ from its residential character either by

the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations that carry beyond the premises.

- (4) Such use shall not include the operation of any machinery, tools, or other appliances in a manner that would create noise or other nuisance factors in excess of those typical to residential uses.
 - (5) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed three square feet.
 - (6) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation~~Home Occupation~~ shall be visible outside any structure located on the premises.
 - (7) Home occupations~~Occupations~~ shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
 - (8) No person other than a permanent resident of the dwelling unit shall be employed on the premises by the home occupation~~Home Occupation~~.
 - (9) Any off-street parking area shall be limited to that which is compatible with the residential character of the neighborhood and shall conform to the standards set forth in § Section~~390-0805~~.
 - (10) No home occupation~~Home Occupation~~ may involve the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
 - (11) Sale or transfer of the dwelling unit for which the conditional use permit was issued shall cause the conditional use permit to be null and void.
- B. Family day-care home (four to eight children). Occupied residential dwelling units in which a qualified person or persons provide child care for four to eight children (including any children who live in the home). The care of fewer than four children is not subject to the regulations of this chapter.
- C. Intermediate day-care home (nine to 15 children). Occupied residential dwelling units in which a qualified person or persons provide child care for nine to 15 children (including any children who live in the home).
- D. In-home suite. The area within a dwelling unit that may contain dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios, and decks. In home suites~~Home Suites~~ shall maintain at all times an interior physical connection with the remainder of the dwelling unit; however, separate outdoor access or separate access to the garage may also be provided. External stairs serving as the primary access to the in-home suite~~In-Home Suite~~ are prohibited. In home suites~~Home Suites~~ shall adhere to the following standards:
- (1) In home suites~~Home Suites~~ may not be occupied by a non-family member.
 - (2) In home suites~~Home Suites~~ should be considered and regulated as part of the single-family~~Single Family~~ dwelling unit.

- (3) The principal dwelling unit and the In-Home suite shall together appear as a ~~single-family~~Single-Family dwelling.
 - (4) A separate walled garage area or driveway serving the ~~in-home suite~~In-Home Suite is not permitted.
 - (5) A separate kitchen within the ~~in-home suite~~In-Home Suite is not permitted.
 - (6) A separate address for the ~~in-home suite~~In-Home Suite is not permitted.
 - (7) A separate utility connection or meters for the ~~in-home suite~~In-Home Suite are not permitted.
 - (8) A physical all-weather connection between the main living area of the dwelling and the ~~in-home suite~~In-Home Suite must be present. This required connection may not occur through an unfinished attic, basement, garage, porch, or other non-living area. A door may be used to separate the ~~in-home suite~~In-Home Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the ~~in-home suite~~In-Home Suite.
 - (9) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an ~~in-home suite~~In-Home Suite, the building plan shall be marked as "not a separate dwelling unit or apartment," and a signed letter from the applicant stating agreement with this condition shall be filed.
- E. Accessory dwelling unit. Residential dwelling unit located on the same lot as a ~~single-family~~Single-Family dwelling unit, either as part of the same building as the ~~single-family~~Single-Family dwelling unit or in a detached building. Accessory ~~dwelling units~~Dwelling Units are different from ~~in-home suites~~In-Home Suites in that a interior physical connection between the ~~accessory dwelling unit~~Accessory Dwelling Unit and primary ~~single-family~~Single-Family dwelling unit is not required. Accessory ~~dwelling units~~Dwelling Units shall adhere to the following standards:
- (1) The ~~single-family~~Single-Family dwelling must be owner-occupied.
 - (2) The floor area of the ~~accessory dwelling unit~~Accessory Dwelling Unit shall not exceed 50% of the principal dwelling's floor area, or 1,500 square feet, whichever is less.
 - (3) The appearance or character of the ~~single-family~~Single-Family dwelling must not be significantly altered so that its appearance is no longer that of a ~~single-family~~Single-Family dwelling.
 - (4) The ~~accessory dwelling unit~~Accessory Dwelling Unit shall not be sold separately from the ~~single-family~~Single-Family dwelling.
 - (5) Accessory ~~dwelling units~~Dwelling Units shall not be located in the shore yard of a shoreland lot.
 - (6) For ~~accessory dwelling units~~Accessory Dwelling Units attached to the principal structure, such units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. For ~~accessory dwelling~~accessory dwelling

- ~~units~~Accessory Dwelling Units detached from the principal structure, such units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.
- (7) The occupants of the ~~accessory dwelling unit~~Accessory Dwelling Unit shall not exceed one family plus one unrelated person or two unrelated individuals.
 - (8) Additional entrances shall not be added to the front elevation of an existing dwelling, but may be added to interior side, rear, or street side elevations.
 - (9) Accessory ~~dwelling unit~~Dwelling Unit entryways located off of a rear or interior side yard shall be connected to a street frontage by a paved walkway or driveway.
- F. Caretaker house or guesthouse. A ~~caretaker house~~Caretaker House or ~~guesthouse~~Guesthouse is a separate residential dwelling unit located on the same lot as a ~~single-family~~Single-Family dwelling unit that is designed for or occupied exclusively by non-paying guests of the owner of the ~~single-family~~Single-Family dwelling unit. A ~~cretaker~~Caretaker house is a separate residential dwelling unit located on the same lot as a ~~single-family~~Single-Family dwelling unit that is designed for or occupied exclusively by a ~~nonpaying~~non-paying person or family at least one member of which is employed by the owner of the ~~single-family~~Single-Family dwelling unit as a caretaker or domestic assistant working on the same premises. No rent or other consideration shall be charged to or paid by any occupant. Caretaker ~~house~~House or ~~guesthouse~~Guesthouse land uses shall adhere to the following standards:
- (1) Either one ~~guesthouse~~Guesthouse or one ~~caretaker house~~Caretaker House, but not both, may be located on residential lots in zoning districts in which such uses are allowed. Lots must be a minimum of 130,000 square feet.
 - (2) Caretaker ~~houses~~Houses or ~~guest houses~~Guest Houses shall not be located in the shore yard of a shoreland lot.
 - (3) The ~~single-family~~Single-Family dwelling must be owner-occupied.
 - (4) The floor area of the ~~caretaker house~~Caretaker House or ~~guesthouse~~Guesthouse shall not exceed 50% of the principal dwelling's floor area, or 2,100 square feet, whichever is less.
 - (5) The ~~caretaker house~~Caretaker House or ~~guesthouse~~Guesthouse shall not be sold separately from the ~~single-family~~Single-Family dwelling.
 - (6) The ~~caretaker house~~Caretaker House or ~~guesthouse~~Guesthouse shall adhere to the setback requirements and standards for the applicable zoning district.
 - (7) The occupants of a ~~caretaker house~~Caretaker House shall not exceed one family or two unrelated individuals.
- G. Farm residence. A single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in ~~§ Section~~§ 390-0307. Farm ~~residences~~Residences shall adhere to the following standards:
- (1) No ~~farm residence~~Farm Residence shall be less than 900 square feet in area.

- H. Migrant employee housing. Any facility subject to the regulation of § 103.90(3)(a), Wis. Stats. Migrant ~~employee housing~~Employee Housing shall adhere to the following standards:
- (1) A ~~buffer yard~~buffer yard with a minimum opacity of 0.60 (see Article 9) shall be provided along all property lines adjacent to all properties in residential, office, or business zoning districts.
 - (2) Migrant ~~employee housing~~Employee Housing shall be an accessory use to an active principal land use and shall be maintained under the same ownership as said principal use.
- I. Residential garage or shed. A portion of a principal residential building or a detached accessory building, including carports, that is used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not in excess of 10,000 pounds. Residential ~~garages~~Garages do not include temporary enclosures. A ~~residential shed~~Residential Shed is a structure used primarily to store residential maintenance equipment for the subject property. Residential ~~sheds~~Sheds do not include temporary enclosures. Residential ~~garages~~Garages or ~~sheds~~Sheds shall adhere to the following standards:-
- (1) One attached or detached garage and one shed shall be permitted by right.
 - (2) Within the SF-CPP ~~District~~district, no more than one attached or detached garage shall be allowed, and no garage shall have a capacity greater than three cars. See ~~§ Section~~ 390-0213 for additional standards in the SF-CPP ~~District~~district.
 - (3) To minimize the visual impact of garage doors as seen from the public street, attached residential garages should be side- or rear-loaded whenever practical.
 - (4) Except in the SF-CPP ~~District~~district, for garage doors facing a public street, the following shall apply:
 - (a) The first two garage bays shall be set back a minimum of two feet behind the front or street side facade of the house, except through the issuance of a conditional use permit.
 - (b) Additional garage bays (beyond two) shall be set back a minimum of two additional feet behind the first two garage bays, except through the issuance of a conditional use permit.
 - (c) In no instance shall the combined total of the garage face, measured as the interior width of all garage bays that are along the front or street side wall, exceed 50% of the overall width of the principal structure.
 - (5) The combined area of all detached garages and sheds on a lot shall not occupy more than 20% of the rear yard area (or shore yard where applicable).
 - (6) Garages shall conform to the most restrictive of the following standards:
 - (a) No detached garage shall have a floor area that exceeds 60% of the gross floor area of the principal building on the lot.

- (b) No detached garage shall have a floor area that exceeds 10% of the total lot area.
 - (c) No detached garage shall exceed 1,000 square feet.
- (7) No detached garage shall exceed 15 feet in height.
- (8) Residential sheds shall adhere to the following standards:
 - (a) Sheds shall not exceed 160 square feet in area on a lot that also has a detached garage.
 - (b) Sheds shall not exceed 240 square feet in area if the lot has an attached garage or does not have any garage.
 - (c) Shed shall not exceed 12 feet in height.
- J. Residential recreational facility. All active outdoor recreational facilities located on a private residential lot that are not otherwise listed in the Tables of Land Uses in [§ Section 390-0305](#). Common examples include swing sets, tree houses, basketball courts, tennis courts, private residential swimming pools, and recreation-type equipment. This use category also includes private snowmobile trails. Residential [recreational facilities](#)~~Recreational Facilities~~ shall adhere to the following standards:-
 - (1) All [residential recreation facilities](#)~~Residential Recreation Facilities~~ and their attendant structures shall comply with the bulk requirements for accessory structures (see Article 2).
 - (2) Materials and lighting at said property line are to be equal to or less than 0.5 footcandle (see [§ Section 390-0807](#)).
 - (3) Swimming pools shall be regulated by the performance standards provided in [§ Section 390-0810](#).
 - (4) Tennis courts shall adhere to the following standards:
 - (a) All tennis courts shall be surrounded by a fence not less than 10 feet in height.
 - (b) All exterior lighting installed on or around a tennis court shall meet the exterior lighting requirements of [§ Section 390-0807](#).
 - (5) Tree houses and similar platforms shall not exceed a platform height of eight feet and shall be set back a distance equal to twice their elevation from any property line.
 - (6) Private snowmobile trails may be designated for use by the property owner following specific approval from the Zoning Administrator and subject to the procedural requirements for the issuance of a zoning permit in [§ Section 390-1209](#). Private snowmobile trails may only be located on lands zoned AH and ER, must be limited to marked, designated areas, and may only be used for the period between December 1 and March 1, annually. All-terrain vehicle use is prohibited.
- K. Residential kennel or stable. A residential kennel is the housing of any combination of more than three dogs and/or cats over six months of age within a residential dwelling unit.

A residential stable is an accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire. Residential ~~kennels~~Kennels and ~~stables~~Stables shall adhere to the following standards:

- (1) Outdoor containment areas for animals shall be located a minimum of 25 feet from any residentially zoned property.
- (2) A minimum lot area of 175,000 square feet (four acres) is required for a residential stable~~.Residential Stable.~~
- (3) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
- (4) The minimum permitted size of horse or similar animal stall shall be 100 square feet.

L. On-site parking. Any area used for the temporary parking of vehicles that are fully registered, licensed, and operable, and located on the same site as the principal land use for which the parking is dedicated. An area designed and designated for the storage of boats, or for the storage of motor vehicles that are for sale is not considered on-site parking~~. On-site parking~~On-Site Parking~~On-Site Parking~~ areas shall adhere to the following standards:

- (1) Access and vehicular circulation shall be designed to discourage cut-through traffic.
- (2) On-site parking~~Site Parking~~ located within a structure that is either part of or detached from the principal structure(s) it serves (i.e., a parking garage) shall adhere to all setback and yard requirements applicable to the principal structure.

M. Company cafeteria. A company cafeteria is a food service operation that provides food only to company employees and their guests. Company cafeterias~~Cafeterias~~ shall adhere to the following standards:

- (1) Company cafeterias~~Cafeterias~~ shall meet state food service requirements.
- (2) Company cafeterias~~Cafeterias~~ shall be located on the same property as a principal land use that is engaged in an operation other than food service.

N. Company on-site recreation. Any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Company on-site~~On-Site~~ recreational facilities shall adhere to the following standards:-

- (1) All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
- (2) Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a buffer yard~~bufferyard~~ with a minimum opacity of 0.60 (see Article 9). Said buffer yard~~bufferyard~~ shall be located at the property line adjacent to said residentially zoned property.
- (3) Facilities using night lighting shall require a conditional use permit.

O. Incidental outdoor display. The sales and display of merchandise or equipment outside of

an enclosed building and incidental to an indoor principal business or industrial land use. Incidental ~~outdoor display~~Outdoor Display land uses shall comply with all regulations of ~~§ Section~~ 390-0310F and the display area shall not exceed 25% of gross floor area of principal building on the site.

- P. Incidental indoor sales. Any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any light industrial land use on the same site. Incidental ~~indoor sales~~Indoor Sales shall adhere to the following standards:
- (1) The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property. Areas devoted to artisan studio uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit for such use.
 - (2) ~~Restroom~~Rest room facilities shall be directly accessible from retail sales area.
 - (3) The retail sales area shall be physically separated by a wall from all other activity areas.
 - (4) Minimum required off-street parking. Adequate parking, per the requirements of ~~§ Section~~ 390-0805, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
- Q. Incidental light industrial. Any light industrial activity conducted exclusively indoors and that is incidental to a principal land use, such as indoor sales or service, on the same site as such principal use. Incidental ~~light industrial~~Light Industrial uses shall adhere to the following standards:
- (1) The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
 - (2) The production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by ~~§ Section~~ 390-0819 for all adjacent properties.
 - (3) Minimum required off-street parking: per ~~§ Section~~ 390-0311A.
- R. Exterior ~~communication~~communication device. This land use includes any antennas used for communication reception, such as satellite dishes and antennas used by amateur radio operators licensed by the Federal Communications Commission (i.e., ham radios). This does not include "~~communication towers~~Communication Towers," which are considered principal land uses and described in ~~§ Section~~ 390-0311E. Exterior ~~communications devices~~Communications Devices shall adhere to the following standards:
- (1) Exterior ~~communications devices~~Communications Devices located in nonresidential zoning districts, excluding ham/shortwave radio antennas [see Subsection R(3) below], the following standards shall apply:
 - (a) No ~~exterior communications device~~Exterior Communication Device shall be erected or installed within a front, street side, or interior side yard.

- (b) Devices mounted to a principal structure shall adhere to all setback requirements applicable to principal buildings in the respective zoning district.
 - (c) Ground-mounted ~~devices~~Devices or ~~devices~~Devices mounted to an accessory structure shall adhere to all applicable accessory structure setback and rear yard requirements of the respective zoning district.
 - (d) No ~~device~~Device shall exceed a height of 20 feet above the roofline of the principal building on the property upon which the antenna is located, or 60 feet above the ground measured at grade level, whichever is less.
 - (e) Devices shall be constructed and anchored in such a manner to withstand winds of 80 miles per hour; shall be constructed of noncombustible and corrosive-resistant materials; shall be black, grey, or earthtone in color; and should be shielded and/or filtered to prevent the emission and/or reflection or ~~electromagnetic~~electro-magnetic radiation that would interfere with radio and television reception on adjacent properties.
 - (f) No advertising shall be displayed on an ~~exterior communications device~~Exterior Communication Device, except for a nameplate not to exceed one square foot in area displaying the name and address of the manufacturer, distributor, and/or retailer of the ~~device~~Device.
 - (g) Exterior ~~communications devices~~Communication Devices shall be erected and installed in accordance with the state electrical code adopted by reference in Chapter 153, Building Construction, of the Village Code, National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (2) Exterior ~~communications devices~~Communication Devices, excluding ham/shortwave antennas, located in all residential zoning districts shall adhere to the following standards:
- (a) Residential properties shall be limited to not more than one satellite dish antenna.
 - (b) Antennas mounted to a principal structure shall not exceed a height of 10 feet above the roofline of the principal structure.
 - (c) Ground-mounted antennas or antennas mounted to an accessory structure shall not exceed 15 feet in height (includes height of the accessory structure to which the antenna is attached).
 - (d) The area of ground-mounted antennas or antennas mounted to an accessory structure shall not exceed 20% of the rear yard area, in combination with any and all "~~private residential garages~~Private Residential Garages or ~~sheds~~Sheds" located on the premises.
- (3) Ham/shortwave antennas and towers in all zoning districts shall adhere to the following standards:
- (a) Regulations under this subsection only apply to towers and antennas used for

communication reception by an amateur radio operator licensed by the Federal Communications Commission.

- (b) Installations may not be located in a front or street side yard. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
- (c) Height requirements.
 - [1] Installations of 45 feet or less must meet the setback requirements for an accessory structure.
 - [2] Installations with heights between 45 feet and 75 feet must meet the setback requirements for a principal structure and will require a written notice to the abutting property owners.
 - [3] Installations of 75 feet or higher must have a setback of at least 1/3 of the total height of the structure.
 - [4] Installations of 75 feet or higher that do not meet all of the requirements for installations less than 75 feet will require a conditional use permit.
- (d) Installation requirements. Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
 - [1] Setbacks. Any signal receiving antenna and its mounting post shall be located a minimum of 10 feet from any property line.
 - [2] Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - [3] Wind pressure. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 mph.
 - [4] Electrical installations. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of

conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude installation underground. If a signal ~~receiving~~ antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal ~~receiving~~ antennas shall be grounded against direct lightning strikes.

- [5] Temporary placement. No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five days. However, such trial placement shall be in accordance with all provisions of this section. Failure to comply shall result in a citation being issued for violation of this section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
- [6] Advertising. No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
- [7] Interference with broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of any electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- [8] Compliance with federal regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- [9] Aesthetic considerations. Signal ~~receiving~~ antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

(e) All installations will require the proper building permits.

- S. Lawn care. Lawn care includes any activity involving the preparation of the ground and/or installation and maintenance of vegetative ground cover (including gardens). Lawn care is not permitted in certain permanently protected green space areas.
- T. Stormwater facilities. All improvements including, but not limited to, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to affect the direction, rate, and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within, and/or away from a

site. Stormwater ~~facilities~~Facilities shall also adhere to applicable state regulations and regulations in the Village of Williams Bay Municipal Code.

- U. Drive-through sales and service incidental to on-site principal land use. See § Section 390-0310I.
- V. Small solar energy system. An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the land (e.g., solar panels providing energy for a dwelling on the same lot). Small solar energy systems are permitted uses in all zoning districts. Small solar energy systems~~Solar Energy Systems~~ shall adhere to the following standards:
 - (1) Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.
 - (2) The requirements of Wisconsin Statutes, including but not limited to §§ 66.0401 and 66.0403, shall apply to all solar energy systems.
- W. Concession stands and equipment rental. Structures located on public property devoted to the sale of confections, snacks, or other light meals, but providing no indoor seating or drive-through services. This does not include mobile, temporary vendor carts, which are instead regulated as "temporary outdoor sales~~Temporary Outdoor Sales~~" uses. Also included in this use are structures devoted to the rental of recreation equipment associated with the principal use, such as kayaks, umbrellas, beach chairs, and other similar items.
- X. Bathhouses. Structures located on public property that include public restroom~~rest-room~~ facilities and/or indoor or outdoor showers typically associated with recreation areas, parks with waterfront access.
- Y. Filling. Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state. Filling uses shall adhere to the following standards:
 - (1) Shall comply with Article 9 regarding filling activities in permanently protected green space areas and regarding protection measures for natural resources.
 - (2) Shall not create drainage onto other properties.
 - (3) Shall not impede on-site drainage.

§ 390-0316. Temporary land uses.

- A. Temporary farm product sales. The temporary outdoor display and sales of farm products, typically from a roadside stand. Temporary farm product~~Farm Product~~ sales shall adhere to the following standards:
 - (1) Shall comply with § Section 390-1208, standards and procedures applicable to all temporary uses.
 - (2) The display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.

- (3) If the subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
 - (4) Adequate parking shall be provided.
- B. Temporary outdoor sales. The display of any items outside the confines of a building that is not otherwise allowed as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, and bratwurst stands. Temporary ~~outdoor sales~~Outdoor Sales shall adhere to the following standards:-
- (1) Shall comply with ~~§ Section~~§ 390-1208, standards and procedures applicable to all temporary uses.
 - (2) The user shall provide a layout of the area to be used for the ~~temporary outdoor sales~~Temporary Outdoor Sales activities to the Zoning Administrator for approval prior to any event or sales activity.
- C. Temporary outdoor assembly. Any organized outdoor assembly of more than 100 persons, such as an outdoor wedding or tent meetings. Temporary ~~outdoor assembly~~Outdoor Assembly uses shall adhere to the following standards:
- (1) Shall comply with ~~§ Section~~§ 390-1208, ~~Standards~~standards and procedures applicable to all temporary uses.
 - (2) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - (3) If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.
 - (4) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.
 - (5) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.
- D. Temporary shelter structure. These shelters are typically supported by poles, have a fabric roof and/or sides, and are usually used to cover automobiles, boats, recreational vehicles, or firewood on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months. Temporary ~~shelter structures~~Shelter Structures shall adhere to the following standards:
- (1) Shall comply with ~~§ Section~~§ 390-1208, ~~Standards~~standards and procedures applicable to all temporary uses.
 - (2) Temporary ~~shelter structure~~Shelter Structure shall conform to the building and height requirements of the district in which it is located except as may otherwise be provided.
- E. Temporary portable storage unit. Structures designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on

residential property. Temporary ~~portable storage unit~~Portable Storage Unit shall adhere to the following standards:

- (1) Shall comply with ~~§ Section~~ 390-1208, standards and procedures applicable to all temporary uses.
- (2) The unit shall not exceed outside dimensions of 16 feet in length, eight feet in width, and nine feet in height.
- (3) The unit shall be permitted on the property for up to 14 days in association with each change in the occupancy of the dwelling unit, as documented by a recorded change in property ownership or valid lease.
- (4) The unit shall not be placed in a location in which it encroaches on the public right-of-way (including the sidewalk and street), or on neighboring property.
- (5) The unit must be placed on asphalt, concrete, gravel, or other hard-paved surface.
- (6) For all multifamily residential uses, including multiplexes, apartments, and townhouses, use of temporary portable storage units shall require review and approval by the Zoning Administrator. The applicant shall provide written permission from the landowner to place the ~~temporary portable storage unit~~Temporary Portable Storage Unit on the property in accordance with the regulations listed in this section.

F. Temporary construction storage. Any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project. Temporary ~~construction storage~~Construction Storage shall adhere to the following standards:

- (1) The structure or storage area shall comply with ~~§ Section~~ 390-1208, ~~Standards~~standards and procedures applicable to all temporary uses.
- (2) The structure or storage area shall be removed within 10 days of issuance of occupancy permit for the property that was under construction.
- (3) Projects requiring the structure or storage area to be in place for more than 365 consecutive days shall require a conditional use permit. Said time limit may be extended with Village Board approval.
- (4) The structure or storage area shall be limited to a maximum area not exceeding 10% of the property's gross site area.

G. Temporary relocatable building. Any manufactured building that serves as a temporary building for less than six months. Temporary ~~relocatable buildings~~Relocatable Buildings shall adhere to the following standards:

- (1) The building shall comply with ~~§ Section~~ 390-1208, standards and procedures applicable to all temporary uses.
- (2) Buildings serving for more than six months shall require a conditional use permit and are subject to the general standards and procedures presented in ~~§ Section~~ 390-1208.
- (3) The building must be placed on asphalt, concrete, gravel, or other hard-paved surface.

- H. Temporary garage or estate sale (auction). The sale or offering for sale of miscellaneous used items commonly associated with residential use. Temporary garage or estate sales shall adhere to the following standards:
 - (1) Sales shall be limited to a period of no more than three consecutive days.
 - (2) Sales shall occur only during daylight hours.
- I. Farmers market. The temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right-of-way. Farmers markets shall adhere to the following standards:
 - (1) The market shall have vehicular access to a collector or arterial street.
 - (2) Minimum required off-street parking: one space per vendor, plus adequate parking to accommodate customer traffic.

ARTICLE 4 **Density and Intensity Standards**

§ 390-0401. Purpose.

This article regulates the development potential of all property within the jurisdiction of this chapter in order to protect and enhance the desired community character of the Village of Williams Bay. The purpose of this article is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this chapter.

§ 390-0402. Intent.

This article is intended to implement the goals and objectives in the Village of Williams Bay Comprehensive Plan. Many of the Village's goals are difficult to address using conventional zoning techniques, particularly those that rely on minimum lot area requirements to establish maximum permitted residential densities to establish the character of nonresidential developments. Such approaches provide for minimum flexibility and/or the needless destruction of sensitive natural resources.

§ 390-0403. Approach.

The approach to regulating density and intensity that is employed by this article addresses both the development potential of a given lot as well as the goal of preserving sensitive natural resources located on the site.

- A. The following methods are applied to ensure a high degree of site design flexibility and the protection of community character and natural resources:
 - (1) Maximum gross densities (MGD).
 - (2) Minimum green space ratios (GSR).
 - (3) Minimum landscape surface ratios (LSR).

- B. The development potential of any site is determined by a variety of factors, including but not limited to:
- (1) Area of the site.
 - (2) Proportion of the site not containing sensitive natural resources.
 - (3) Zoning district(s) in which the site is located.
 - (4) Development option(s) for the site.
 - (5) Use(s) being considered for development.

§ 390-0404. Natural resources site evaluation.

- A. Purpose. An important goal of the Village of Williams Bay is to protect natural resources that are sensitive to disruption caused by development and/or other land use activities. These resources include floodways, floodplain areas, ~~flood fringe~~~~floodfringe~~, shorelands, wetlands, ~~lake shores~~~~lakeshores~~, steep slopes, and woodlands. These resources serve important functions that may be lost in the absence of correct mitigation approaches when these areas are subject to development and/or other land use activities. In many instances, these functions cannot be provided as well by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of air, surface water, ground water, and soil quality; habitat provisions and diversification; aesthetic diversification; and buffering effects.
- B. Natural Resources Site Evaluation Worksheet. This worksheet is intended to determine which areas of a site may be considered natural areas requiring protection and preservation and which areas are most suited for development.

Figure 390-0404: Natural Resources Site Evaluation Worksheet

Step 1: Determine the Gross Site Area (GSA) of the Site

- A. Total site area as determined by site survey _____ acres
- B. Sum up areas located within proposed street rights-of-way and within the proposed boundaries of public facilities designated in the Village's Comprehensive Plan and/or required for dedication per subdivision regulations _____ acres
- C. Sum up land that, although part of the same parcel, is not contiguous to or is not accessible from the road network proposed to serve the project _____ acres
- D. Sum up land that is proposed for a different development option or a different zoning district _____ acres
- E. Sum up areas covered by navigable waters (lakes and streams) _____ acres
- F. Add up Rows B through E _____ acres
- G. Subtract Row F from Row A (Row A - Row F) = Gross Site Area (GSA)
_____ acres

Step 2: Determine the Required Resource Protection Area (RPA) of the Site:

- H. Portion of gross site area containing floodways _____ acres
- I. Portion of gross site area containing floodplain areas _____ acres
- J. Portion of gross site area containing ~~flood fringes~~~~floodfringes~~ _____ acres
- K. Portion of gross site area containing wetlands _____ acres

- L. Portion of gross site area containing ~~lake shores~~lakeshores _____ acres
- M. Portion of gross site area containing woodlands _____ acres
- N. Portion of gross site area containing steep slopes _____ acres
- O. Add up Rows H through N = Required Resource Protection Area (RPA)
_____ acres

Step 3: Determine the Net Developable Area (NDA) of the Site:

- P. Subtract Row O from Row G (Row G [GSA] - Row O [RPA]) = Net Developable Area (NDA) _____ acres
- Q. Multiply Row P by the ~~maximum gross intensity~~Maximum Gross Intensity or ~~density~~Density allowable in the zoning district to calculate maximum development potential for the site _____ acres

§ 390-0405. Instructions for determining density and intensity.

This article, in conjunction with the density and intensity regulations included in Article 2, contains the standards that determine the maximum amount of development permitted on any given site. There are inherent differences between residential and nonresidential land uses. Therefore, residential and nonresidential development is regulated differently in this article.

- A. The following instructions apply to both residential and nonresidential development:
 - (1) Consult the Village's Comprehensive Plan for policies applicable to the subject property, particularly the Future Land Use and Transportation Maps.
 - (2) Consult the Village's Official Map for planned capital facilities and dedication requirements that may affect the subject property, including schools, parks, stormwater management facilities, and street improvements.
 - (3) The amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The current zoning designation as depicted on the Village's Official Zoning Map should be compared with the description of that district provided in Article 2.
 - (4) The effect of protected natural resources on the development potential of the subject property should be evaluated. A Natural Resources Site Evaluation Worksheet (see Figure 390-0404 above) should be completed for the site. All resources listed should be identified on the subject property, and the total area of the property (in acres) covered by those resources [resource protection areas (RPA)] should be determined, as should the gross site area (GSA) and the net developable area (NDA) of the subject property.
- B. The following instructions apply only to residential development:
 - (1) Determine the types of dwelling units allowed on the subject property by checking the zoning district in Article 2. Section 390-0306 provides detailed descriptions and regulations for each dwelling unit (land use) type.
 - (2) Determine the maximum gross density allowed on the site. The maximum gross density, per the zoning district of the subject property (see Article 2), should be noted and used in step (4) below.

- (3) Determine the maximum number of units allowed on the site. The maximum gross density, identified in step (3), above, multiplied by the gross site area calculated in step (2), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the zoning district of the subject property. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this section. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.
- (4) Check the minimum lot area (MLA) requirement of the subject property (refer to [§ Section 390-0114](#) for a definition). The MLA must be greater than or equal to than the lot size requirement for the type of dwelling unit proposed for the project in step (1), above. If the proposed MLA is smaller than the lot size requirement given in step (1), then a larger lot size must be proposed or a different dwelling unit type with a smaller lot size requirement must be selected [in which case, it may be advantageous to repeat steps (1) through (5) using a different dwelling unit type].

C. The following instructions apply only to nonresidential development:

- (1) Determine the types of land uses permitted on the subject property by checking the zoning district in Article 2. Sections 390-0306 through 390-0316 provide detailed descriptions and regulations for each land use type.
- (2) Check the minimum lot area requirement against the gross site area present on the subject property as determined under the natural resources site evaluation in [§ Section 390-0405A\(4\)](#), above. If the GSA is less than the MLA required by the zoning district, then additional property must be acquired. In other words, the GSA must be greater than or equal to the MLA.
- (3) Check the minimum landscape surface ratio (LSR) requirement (refer to Article 9) against the required resource protection area (RPA) present on the subject property. The LSR should be multiplied by the GSA used in step (2) above. The resulting product is the area of the site that must be permanently protected as green space. This area should be compared with the required RPA on the subject property as determined under the natural resource site evaluation in [§ Section 390-0405A\(4\)](#), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required, then more floors could be added to the proposed building in order to approach maximum development potential on the site. In other words, if the RPA is greater than the LSR, the use of more floors may permit the development of more floor area on the subject property.
- (4) Check the maximum building size (MBS) requirement indicated in Article 2. If the MBS given is smaller than the proposed building size calculated in step (5) above, then a smaller building must be proposed, or the use of additional buildings may be considered.

ARTICLE 5
Bulk Standards

§ 390-0501. Purpose.

This article regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the Village of Williams Bay. The provisions of this article interact closely with the density and intensity provisions described in Article 4.

§ 390-0502. Residential bulk standards. ⁴

All residential lots shall comply with the standards prescribed by this article, Article 4, and the bulk requirements listed for each residential zoning district in Article 5. The following tables are provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this chapter and these tables, the text shall prevail.

§ 390-0503. Nonresidential bulk standards. ⁵

All nonresidential lots created under the provisions of this chapter shall comply with the standards of this article and the bulk requirements related to the specific zoning district used as listed in Article 2. The following tables are provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this chapter and these tables, the text shall prevail.

§ 390-0504. Yard setback adjustments.

- A. Front and street side setback adjustment. Front and street side yard setbacks shall be adjusted as follows when the described conditions or circumstances exist:
- (1) For lots located adjacent to a street with an officially mapped or existing right-of-way equal to or exceeding 100 feet, a minimum forty-foot setback shall be required to address anticipated future conditions associated with noise and air quality.
 - (2) The required front or street side setback for any use may be reduced for a principal structure on any lot where existing buildings within 150 feet on either side of the subject lot do not meet the required front or street side setback. In such instances, the front or street side setback on the subject site shall be no less than the average of those buildings within 150 feet on either side of the subject site.
 - (3) In order to preserve and maintain the character of established neighborhoods that are typified by front or street side setbacks substantially in excess of the minimum required front or street side setback, the following shall apply: new development or redevelopment occurring on blocks on which the average front or street side setback is more than five feet over the minimum required front or street side setback shall be required to have a minimum front or street side setback equal to the average setback of all the same type principal structures on said block or street.

§ 390-0505. Intrusions into required yards.

4. Editor's Note: Figure 390-0502, Summary of Residential Bulk Standards, is included as an attachment to this chapter.
5. Editor's Note: Figure 390-0503, Summary of Nonresidential Bulk Standards, is included as an attachment to this chapter.

The minimum setback requirements of each zoning district establish the minimum required yards for all uses, except those exempted by the provisions of this section.

- A. No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this section.
- B. Essential services such as utilities, electric power, and communication transmission lines are exempt from the yard requirement of this chapter.
- C. Piers and docks shall be exempt from the yard requirements of this chapter, but shall be in full compliance with the requirements of § 281-1H of the Municipal Code of the Village of Williams Bay.
- D. No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- E. In instances where the required ~~buffer yard~~^{buffer yard} width (per Article 9) exceeds the minimum required setback width, the minimum required ~~buffer yard~~^{buffer yard} width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required ~~buffer yard~~^{buffer yard}.
- F. Permitted intrusions into required front and street side yards.
 - (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than three feet into the required yard.
 - (2) Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with the illumination requirements of ~~§ Section~~^{§ Section} 390-0807 and provided they do not locate closer than five feet to the front or street property line.
 - (3) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not locate closer than five feet to any street right-of-way.
 - (4) Fences, hedges, and walls, in accordance with Subsection F(4)(a) through (d) below on residential lots that do not exceed three feet in height, subject to ~~§ Section~~^{§ Section} 390-0809E(1), and provided they do not locate closer than five feet to any street right-of-way. Fences permitted to intrude into the front or street side yards include the following:
 - (a) Split ~~-~~⁻rail fences.
 - (b) Open picket fences.
 - (c) All other fence types shall require a conditional use permit.
 - (d) Permitted fence types shall comply with all other provisions of ~~§ Section~~^{§ Section} 390-0809.
 - (5) Fire escapes (on residential buildings) that do not extend more than three feet into the

required yard.

G. Permitted intrusions into required interior side yards.

- (1) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than three feet into the required yard.
- (2) Fences, hedges, and walls in accordance with Subsection G(2)(a) through (e) below on residential lots that do not exceed four feet in height may be located subject to ~~§ Section~~ 390-0809E(1), provided they do not locate closer than two feet to any alley line.
 - (a) Split ~~r~~-rail fences.
 - (b) Open picket fences.
 - (c) Decorative fences not more than three feet in height surrounding patios and gardens.
 - (d) All other fence types shall require a conditional use permit.
 - (e) Permitted fence types shall comply with all other provisions of ~~§ Section~~ 390-0809.
- (3) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.
- (4) Air ~~c~~-conditioning condensers, heat exchangers and emergency generators, provided they do not extend more than five feet into the required yard.

H. Permitted intrusions into required rear yards.

- (1) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend more than one foot above grade, provided they do not locate closer than 20 feet to the rear lot line.
- (2) Fences, hedges, and walls in accordance with Subsection H(2)(a) through (e) below on residential lots that do not exceed four feet in height may be located subject to ~~§ Section~~ 390-0809E(1), provided they do not locate closer than two feet to any alley line.
 - (a) Split ~~r~~-rail fences.
 - (b) Open picket fences.
 - (c) Decorative fences not more than three feet in height surrounding patios and gardens.
 - (d) All other fence types shall require a conditional use permit.
 - (e) Permitted fence types shall comply with all other provisions of ~~§ Section~~ 390-0809.
- (3) Fire escapes (on residential buildings) that do not extend more than three feet into the

required yard.

- (4) Air ~~conditioning~~ condensers, heat exchangers and emergency generators, provided they do not extend more than five feet into the required yard.
- (5) Satellite dish antennas.

I. Permitted intrusions into required shore yards.

- (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings, provided they do not extend more than three feet into the required yard.
- (2) Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with the illumination requirements of ~~§ Section~~ 390-0807.
- (3) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not extend more than 25 feet into the required yard.
- (4) Fences, hedges, and walls in accordance with Subsection I(4)(a) through (e) below on residential lots that do not exceed four feet in height may be located subject to ~~§ Section~~ 390-0809E(1).
 - (a) Split ~~rail~~ fences.
 - (b) Open picket fences.
 - (c) Decorative fences not more than three feet in height surrounding patios and gardens.
 - (d) All other fence types shall require a conditional use permit.
 - (e) Permitted fence types shall comply with all other provisions of ~~§ Section~~ 390-0809.
- (5) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.

J. Accessory structures.

- (1) Attached accessory structures shall be considered part of the principal building for all regulatory purposes.
- (2) Any permanent accessory structure classified as a building per ~~§ Section~~ 390-0114 shall adhere to the location and height requirements of the district in which it is located except as otherwise allowed by this chapter.
- (3) Accessory structures shall not be located within any required front yard or street side yard, except when there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

§ 390-0506. Exceptions to maximum height regulations.

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Article 2 are the maximum allowable heights for all buildings and structures, except those exempted by this section.

- A. The following are permitted to exceed the maximum height regulations within any district where allowed: church spires, belfries, parapet walls, cupolas, domes that do not contain usable space, public monuments, water towers, fire and hose towers, ~~flagpoles~~~~flag poles~~, flues, chimneys, smoke stacks, grain elevators, elevator penthouses, radio and television receiving antennas, satellite dish antennas when mounted on the roof of a principal structure, manufacturing equipment and necessary mechanical appurtenances, cooling towers, substations, utilities, and electric power and communication transmission lines.
- B. Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line. If building mounted, height shall include the height of the building to which the structure is mounted.
- C. Agricultural structures, such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.
- D. Any building or structure not otherwise accounted for by Subsection A above may exceed maximum height regulations with the granting of a conditional use permit that specifically states the maximum permitted height of the proposed building or structure.

ARTICLE 6
Nonconforming Situations

§ 390-0601. Purpose.

The purpose of this article is to establish regulations for the following nonconforming situations: nonconforming uses, substandard lots, nonconforming structures, and nonconforming sites created legally prior to the effective date of this chapter (November 7, 2011). Nonconforming signs are addressed further in ~~§ Section~~ 390-1011.

§ 390-0602. Nonconforming uses.

- A. Definition. A nonconforming use is any active and actual use of land, buildings, or structures that lawfully existed prior to the enactment of this chapter, which has continued as the same use to the present, and that does not comply with all the applicable regulations of this chapter.
- B. Continuance of a nonconforming use.
 - (1) Any nonconforming use lawfully existing upon the effective date of this chapter, or any amendment to it, may be continued as a legal, nonconforming use at the size and in a manner of operation existing upon such date, except as specified in this section.
 - (2) A use now regulated as a conditional use that was legally approved as either a permitted by right or as a conditional use prior to the effective date of this chapter

shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under the requirements of ~~§ Section~~ 390-1206 or 390-1207.

- (3) Any prior legal use made nonconforming by this chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reestablished within 12 months of discontinuance, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by ~~§ Section~~ 390-1207. Any prior legal use made nonconforming by a modification to the Official Zoning Map after the effective date of this chapter may be granted legal conforming use status only by changing the zoning district of the affected property to an appropriate district through an amendment to the Official Zoning Map. Such requested amendment shall be subject to the standards and procedures prescribed by ~~§ Section~~ 390-1205.

C. Modification of a nonconforming use.

- (1) Except as permitted in Subsection B(3) above, a nonconforming use shall not be expanded, enlarged, extended, or reestablished unless the use is changed to a use allowed in the district in which the use is located.
- (2) Substitution of new equipment specific and unique to the legal, nonconforming use may be allowed through approval of the Village Board.
- (3) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if the infrastructure for either or both utilities is not available within 1,000 feet of the subject property and a conditional use permit per ~~§ Section~~ 390-1207 is granted for such expansion.
- (4) Discontinuance of a nonconforming use. When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this chapter.
- (5) For nonconforming use provisions applicable within the floodplain overlay districts (FWO and FFO), see ~~§ Section~~ 390-0707. For nonconforming use provisions applicable within the Shoreland-Wetland Overlay District~~overlay district~~, see ~~§ Section~~ 390-0706.

- D. Alterations to conforming buildings containing legal, nonconforming residential units. Structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after the effective date of this chapter, such buildings shall not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this chapter unless a variance is granted under ~~§ Section~~ 390-1215 and except as permitted under this section.

§ 390-0603. Nonconforming structures.

- A. Definition. A nonconforming structure is any building or other structure that lawfully existed under ordinances or regulations preceding this chapter, but that does not conform to all the density, building coverage, and bulk requirements of this chapter.
- B. Blanket conforming status. Blanket conforming status for any and all requirements of this chapter is hereby granted to any principal structure lawfully existing upon the effective date of this chapter. However, after the effective date of this chapter, such structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this chapter, or unless a variance is granted by the Zoning Board of Appeals under [§ Section 390-1215](#).
 - (1) This subsection is intended to eliminate nonconforming principal structures subject to the requirements of this chapter. This provision addresses two different situations:
 - (a) Many principal structures in the community were erected prior to the adoption of this [Zoning Ordinance](#)~~zoning ordinance~~ and do not meet some or all of the density, building coverage, or bulk requirements of this chapter.
 - (b) In some instances, this chapter establishes new density, building coverage, and bulk requirements that existing legal structures under the previous zoning ordinance do not meet.
 - (2) This section therefore ensures that owners of such structures legally established prior to the adoption of this chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
 - (3) Blanket conforming status is not applicable to accessory structures.
- C. Restoration. A damaged or destroyed nonconforming structure may be restored to the size, location, and use (including density, building coverage, and bulk measurements) that it had immediately before the damage or destruction occurred without any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - (1) The nonconforming structure was damaged or destroyed on or after the effective date of this [chapter](#)~~ordinance~~.
 - (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- D. Unsafe structures. Nothing in this chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger the public health, safety, or welfare.
- E. Future modification. When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this chapter, any future modification of said structure shall be in conformance with the provisions of this chapter.
- F. Ordinary maintenance. Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a legal,

nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other ~~nonstructural~~non-structural components.

- G. Timing of building permit. Any structure for which a building permit has been lawfully granted prior to the effective date of this chapter, or an amendment to it, that will become nonconforming under the provisions of this chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit and construction is completed within 730 calendar days (two years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.
- H. For nonconforming structure provisions applicable within the floodplain overlay district, see ~~§ Section~~ 390-0707. For nonconforming structure provisions applicable within the Shoreland-Wetland ~~Overlay District~~overlay district, see ~~§ Section~~ 390-0706.
- I. For regulations regarding alterations to conforming buildings containing legal, nonconforming residential units, see ~~§ Section~~ 390-0602 above.

§ 390-0604. Nonconforming and substandard lots.

- A. Definition. A nonconforming or substandard lot is a lot that lawfully existed prior to the enactment of this chapter, but that does not meet the dimensional (e.g., minimum lot size or width) requirements of the zoning district in which it is located.
- B. Blanket conforming status. Blanket conforming status for any and all requirements of this chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this chapter. However, after the effective date of this chapter, no lot shall be created that does not meet the dimensional requirements of each zoning district, per Article 2. This section ensures that lots approved and created prior to the adoption of this chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- C. A lot of record existing upon the effective date of this chapter in a residential zoning district that does not meet the minimum lot dimensional requirements for the zoning district may be utilized for a detached single-family dwelling unit, provided such lot is a minimum of 60 feet wide and 7,200 square feet in area, and provided such lot is of record in the County Register of Deeds office prior to September 23, 1986. Said lot shall not be more intensively developed (with residential or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this chapter.
- D. Any development occurring on substandard lots shall be required to meet the setback and other bulk requirements of this chapter, unless a variance is granted per ~~§ Section~~ 390-1215.
- E. If two or more substandard lots are adjacent to one another, have continuous street

frontage, and have had the same owner since December 2, 1991, such lots shall be considered to be one lot for the purposes of this chapter.

- F. A lot of record existing upon the effective date of this chapter in the AH ~~Zoning District~~~~zoning district~~ that is less than 35 acres in area and that has no existing dwelling units (neither farm residence nor single-family residence) may be utilized, or one detached single-family dwelling unit may be constructed, provided the measurements of such lot area and dimensions are equal to or greater than 80% of the minimum requirements of the AH ~~Zoning District~~~~zoning district~~ and adequate access to a public right-of-way is provided.

§ 390-0605. Nonconforming site and building design.

- A. Definition. Nonconforming site and building design includes any development in which a principal use has been established prior to the effective date of this chapter and in which one or more site or building design standards such as landscaped surface ratios, minimum landscape area (such as width of foundation planting, paved area islands, and street frontage landscaped areas), ~~buffer yards~~~~bufferyards~~, minimum parking, and lighting have not been met or cannot be met.
- B. Blanket conforming status. Blanket conforming status for any and all requirements of this chapter is hereby automatically granted to the site and building design components of all developments in their configuration existing or as finally approved as of the effective date of this chapter. However, after the effective date of this chapter, such developments shall not be permitted to modify, enlarge, expand, or extend without bringing the development into compliance with the site and/or building design provisions of this chapter, or to the extent practical without removal of lawful structures in accordance with the following Subsections C through E below.
- (1) This section is intended to prevent the creation of certain nonconforming sites related to building and site design subject to the requirements of this chapter. These building and site design components may include one or more of the following:
 - (a) Build-to design requirements (e.g., minimum number of floors, maximum setbacks). See Article 2.
 - (b) Exterior building materials requirements. See ~~§§ Sections~~ 390-0802 and 390-0807.
 - (c) Exterior building design requirements. See ~~§§ Sections~~ 390-0802 and 390-0807.
 - (d) Parking, loading, access drive and other paved area design requirements. See ~~§§ Sections~~ 390-805 and 390-0806.
 - (e) Landscaping design requirements. See Article 9.
 - (f) ~~Buffer yard~~~~Bufferyard~~ design requirements. See Article 9.
 - (g) Fencing design requirements. See ~~§ Section~~ 390-0809.
 - (h) Lighting design requirements. See ~~§ Section~~ 390-0807.
 - (2) This section ensures that sites approved prior to the adoption of this chapter do not

encounter difficulty because they would otherwise be considered nonconforming.

- C. On lots where the site configuration and undeveloped area can sufficiently enable compliance with nonconformities in site design, no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of this chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.
- D. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under [§ Section 390-1215](#).
- E. On lots with adequate configuration and area to bring the site into full or greater compliance with site design standards, said compliance shall be required at the time of any property improvement, modification, enlargement, or expansion requiring site plan review by the Plan Commission. The degree to which the property shall be made to comply with site design standards shall be proportional to the degree of property improvement per the following:
 - (1) Total additions or expansions to structures on nonconforming sites shall require correction of existing nonconformities associated with on-site improvements in accordance with the following:
 - (a) Renovations that result in expansions to the total gross square footage of the existing structure(s), paved areas, and/or outdoor storage areas of less than 50% of the existing structure, paved area, and/or outdoor storage area shall require a corresponding percentage increase in compliance with the site improvements required by this chapter until the site achieves 100% compliance. (Example: A property with a permitted, expandable use currently has only 50% of the required landscaping. An addition to the structure equaling 20% of the combined area of the existing structures on the site is proposed. Therefore, as a condition of approval, an additional 20% of landscaping required for the whole site must be added. In this instance, 70% of the landscaping requirement would be met upon completion of the improvements.)
 - (b) Complete replacement of existing structures or expansions of the existing structures that result in a total of 50% or greater increase of total gross square footage to meet all of the site improvement requirements of this chapter. The same requirements also apply to increased or new paved areas and outdoor areas used for outdoor operations/storage.
 - (2) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformity shall be brought into conformance.

ARTICLE 7 Overlay Zoning Districts

§ 390-0701. Purpose.

The purpose of this article is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Article 2 of this chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include mandatory protections against natural hazards, mandatory protections of valued natural resources, and special design guidelines. Each overlay district is intended to implement one or more aspects of the Comprehensive Plan and to ensure compliance with federal and state requirements.

§ 390-0702. Use of~~How to use this~~ article.

A given property may lie within one or more overlay zoning districts based on its geographic location. The provisions of this article are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district (see Article 2). For each overlay district established in this article, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the mandatory development regulations.

§ 390-0703. Overlay zoning districts.

For the purpose of this chapter, the following overlay zoning districts are hereby established:

VCO	Village Center Design Overlay
SWO	Shoreland-Wetland Overlay
FWO	Floodway Overlay
FFO	<u>Flood-Fringe</u> Floodfringe Overlay
GFO	General Floodplain Overlay
EC	Environmental Conservation Overlay
PDO	Planned Development Overlay

§ 390-0704. Map of overlay zoning districts.

Except where otherwise indicated in this article, the overlay zoning districts are represented on the Official Overlay Zoning Map, adopted and from time to time amended by the Village of Williams Bay.

§ 390-0705. VCO Village Center Design Overlay District.

- A. Purpose. The Village Center Design Overlay District~~overlay district~~ is intended to implement the design recommendations of the Village of Williams Bay Comprehensive Plan by preserving and enhancing the appearance, character, and property values of the

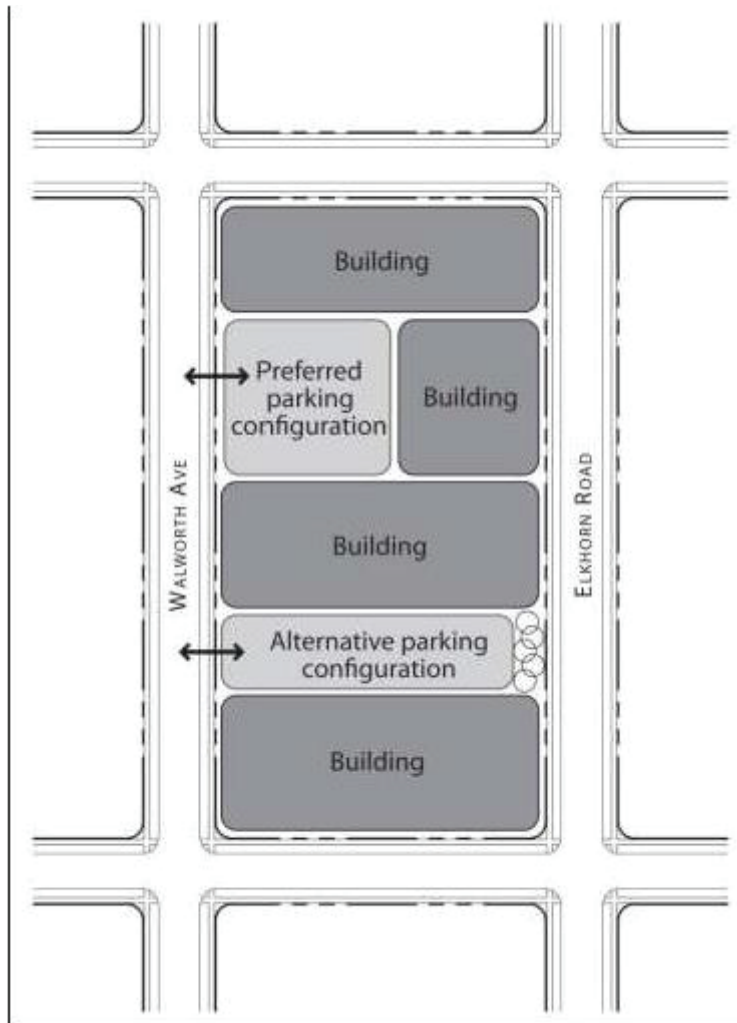
community.

- B. Overall Village Center Design theme. The design theme for the Village Center Design ~~Overlay District~~^{overlay district} shall be based on the Village's historic, pedestrian-oriented development pattern in its Village center, which incorporates a mixture of retail, service, residential, and institutional uses. Building orientation and character shall include minimal setbacks; one-, two-, and three-story structures; a mix of on-street and other off-site parking; and a focus on pedestrian-scaled design.
- C. Design standards. All construction, including new structures, building additions, building alterations, and restorations or rehabilitations, shall meet the following design requirements. These requirements shall apply to all land uses located within the Village Center Design ~~Overlay District~~^{overlay district} except single-family homes.
 - (1) Site design standards.
 - (a) Lighting.
 - [1] Appropriate lighting shall be provided at all building entries, along all walkways, and around all parking areas subject to the exterior lighting standards in ~~§ Section~~[§] 390-0807.
 - [2] Light fixtures located along all private walkways and public sidewalks and streets shall be pedestrian-scaled, and shall generally conform to the Village's preferred design theme for fixtures in the Village Center, as described in its Comprehensive Plan. Building-mounted light fixtures shall complement the building's architecture and exterior materials.
 - (b) Pedestrian and bicycle site access.
 - [1] Whenever practical, paved walkways shall be installed between public building entries, adjoining public sidewalks, any on-site parking areas, and adjoining properties. All such walkways shall be a minimum of five feet wide unless otherwise constrained by topography or existing site improvements.
 - [2] Protective barriers or markings shall be installed to separate walkways from vehicular circulation and parking areas.
 - [3] Bicycle parking shall be provided at the rate of one bike rack per 1,000 square feet of gross floor area.
 - (c) Vehicular site access and parking.
 - [1] Shared driveways and the establishment of cross ~~-~~^{access} easements shall be encouraged to minimize the number of access points.
 - [2] In the case of double frontage lots located between Elkhorn Road and Walworth Avenue, access to parking areas shall be located on Walworth Avenue.
 - [3] Surface parking lots, where allowed through issuance of a conditional use

permit (see ~~§ Section~~ 390-1207), shall only be located on the interior side or rear of buildings. In the case of double ~~-~~frontage lots between Elkhorn Road and Walworth Avenue, surface parking may be oriented as shown in Figure 390-0705 to minimize the visual impact of such parking lots as viewed from Elkhorn Road.

- [4] Surface parking lot landscaping and screening. Surface parking shall be landscaped according to the provisions of ~~§ Section~~ 390-0805 and the following: Parking lot screening shall be required along all public streets. In lieu of landscaping, a wall may be used, subject to the following:
- [a] The wall shall be no shorter than three feet and no taller than four feet.
 - [b] The entire wall and supporting structure/footer shall be located on the property.
 - [c] The material and design of the wall shall be consistent with the building architecture.
 - [d] The wall shall be finished on both sides.
 - [e] A continuous wall face (i.e., ~~un~~broken by a driveway or building) shall be broken up with columns, jogs, and/or landscaping at least once every 25 feet.
 - [f] In lieu of required perimeter trees, taller columns, trellises, or similar features may be used to visually extend the wall.
 - [g] The wall shall comply with all vision triangle requirements in ~~§ Section~~ 390-0804.

Figure 390-0705 (parking oriented so it is screened from Elkhorn Road; access from Walworth Avenue)



(d) Utilities, building mechanicals, and dumpsters.

- [1] All utilities; ground-mounted, wall-mounted, and rooftop mechanicals; and refuse containers (dumpsters) shall be fully screened with materials matching the principal building.
- [2] Whenever possible, utilities shall be located at the rear or interior side of a building. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, utilities shall be located, where possible, in an interior side yard. Where there is no interior side yard, utilities shall be located in the yard fronting on Walworth Avenue and completely screened with materials that match or are complementary to the principal building.

(e) Fencing.

- [1] Chain link and ~~nondecorative~~ nondecorative wire fencing is prohibited.
- [2] On-site fencing shall be pedestrian-scaled and shall generally conform to the Village's preferred design theme for the Village Center, as described in its Comprehensive Plan.

(2) Building design standards.

- (a) Building height. In addition to adhering to the height requirements of Article 2 for the standard zoning district, no new or altered buildings shall be more than one story taller or shorter than the height of the immediately adjoining properties.
- (b) Architectural style and building materials.
 - [1] High-quality exterior building materials shall be used on all exposed sides of the building.
 - [2] Building additions shall have the same style as the existing building, or shall be complementary to the existing building.
 - [3] Facades facing a public street shall have a minimum of 40% brick coverage. Other acceptable materials include the following:
 - [a] Chiseled ~~face~~ concrete masonry unit (CMU) or stone.
 - [b] Local and/or recycled natural materials,
 - [c] Other complementary materials approved by the Plan Commission and Village Board.
 - [4] All building materials shall have a natural/earthtone color palette. Fluorescent, day glow, and/or neon colors are prohibited. Where such prohibited colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
 - [5] Color combination schemes shall be limited to no more than four different colors for all structures and appurtenances on a site and building. Varying shades, tints, or intensities of a color shall be considered different colors.
 - [6] Color schemes shall be used consistently throughout the site and building, including on both the upper and lower portions of buildings, and on all exposed facades of a building or structure.
 - [7] High ~~gloss~~ paints, lacquers, varnishes, and other shiny ~~nonglazing~~~~non-glazing~~ surfaces shall be prohibited.
 - [8] Use of the following materials is prohibited on any facade visible from a public street:
 - [a] ~~Nonmodular~~~~Non-modular~~ stone.
 - [b] False stone or other false natural materials.
 - [c] Stucco.
 - [d] Barn siding or plywood.
 - [e] Cedar shakes.

- [f] Concrete block, panels, or poured concrete.
 - [g] Corrugated and ~~prefabricated~~pre-fabricated metal panels.
 - [h] Logs/timbers.
 - [i] Vinyl and aluminum siding.
- [9] Franchise architecture is prohibited.
- (c) Facade and articulation.
- [1] In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, the main facade with the primary entryway shall be located on Elkhorn Road.
 - [2] The ground floor of buildings with more than one story shall be differentiated from upper floors by varying color, building materials, articulation, and/or other architectural details.
 - [3] Front building facades shall have a pedestrian scale and shall incorporate the following features:
 - [a] Glass doors or doors with windows and/or transom windows.
 - [b] Minimum window coverage, subject to the following standards:
 - [i] First floor facades facing a public street shall have a minimum of 60% window coverage. In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, the first ~~floor~~ facade facing Elkhorn Road shall have a minimum 60% window coverage and the first ~~floor~~ facade facing Walworth Avenue shall have a minimum of 50% window coverage.
 - [ii] Upper ~~story~~ facades facing a public street shall have a minimum of 25% window coverage. In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, the upper ~~story~~ facades facing Elkhorn Road shall have a minimum of 25% window coverage and the upper ~~story~~ facades facing Walworth Avenue shall have a minimum of 15% window coverage.
 - [iii] The use of false (spandrel glass) windows is discouraged and shall only be allowed where the applicant can demonstrate it is necessary to maintain privacy or security, or where the interior layout of the building cannot accommodate a true window.
 - [iv] The use of heavily tinted glass on the first floor and reflective/mirrored glass anywhere on the building is prohibited.
 - [4] All facades facing a public street shall incorporate articulated components to create edges, shadows, and/or distinct textures. Such components may

include any of the following:

- [a] Pronounced sills and lintels.
 - [b] Recessed and/or framed windows.
 - [c] A doorway or articulated door frame.
 - [d] A canopy or overhang.
 - [e] A projection or recess deeper than three inches.
 - [f] An architectural band or column composed of material that is noticeably different than the surrounding wall material and that is a least five inches in height or width.
 - [g] A wall or projecting sign, subject to the standards in this section and in Article 10.
 - [h] An articulated cornice.
 - [i] A balcony railing.
 - [j] Other design elements approved by the Village that are noticeably different than the surrounding wall and are at least three square feet in size. If used repetitively, the combined area of the element must comprise at least 1% of the area of the facade.
- [5] Public entryways shall be at grade with the front walkway and/or public sidewalk in front of the building.
 - [6] All public entryways shall be sheltered with an awning or shall be recessed into the building.
 - [7] Open ~~air~~ hallways facing a public street are prohibited.
 - [8] External stairs serving upper stories are prohibited on any facade facing a public street.
 - [9] Wall or window unit air conditioners and satellite dishes shall not be located on any facade facing a public street. In the case of double ~~frontage~~ lots between Elkhorn Road and Walworth Avenue, such features shall be located in an interior side yard. Where no interior side yard exists, such features may be located on the Walworth Avenue facade.
 - [10] Flat roofs facing a public street shall have an articulated cornice.
 - [11] Any exposed gutters and downspouts shall be finished in a manner consistent with the architectural style.
- (d) Design of signage.
- [1] Signs shall be constructed of materials consistent with the architecture of the building.

- [2] Internally lit signage is prohibited.
- [3] Awning signs shall be discouraged.
- [4] On buildings with more than one story, wall signage shall not be placed above the ground floor.
- [5] Window signage shall not cover more than 30% of any ground floor window or more than 10% of any upper ~~2~~ story window.
- [6] Freestanding pole signs shall be prohibited. All freestanding signs shall be monument ~~2~~ style signs.
- [7] Roof signs are prohibited.

D. Project review and approval procedures. All applications for development activity within the Village Center Design ~~Overlay District~~~~overlay district~~ are subject to one of two review processes, as determined by the Zoning Administrator. These include "renovation review" and "site and design review," both described below.

- (1) Renovation review. Applications for projects involving only a renovation of the exterior appearance of a structure (such as repainting; ~~re-roofing~~~~re-roofing~~; re-siding; or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, shall require Zoning Administrator review and approval. All necessary permits must be acquired.
- (2) Site and design review. Applications involving any change in the exterior appearance or physical configuration of a property, including painting; roofing; siding; architectural component substitution; fencing; paving; installation of signage with different colors, finishes, or materials; grading; erection of a new building; demolition of an existing building; or the addition or removal of bulk to an existing building shall be subject to site and design review in accordance with the standard procedures applicable to all site plans per ~~§ Section~~ 390-1206. The Village Board shall serve as the final discretionary review body and shall focus its review of the application on compliance with sound aesthetic, land use, site design, and economic revitalization practices. In part, this effort shall be guided by the Village's Comprehensive Plan and any other applicable downtown or special area plans.
 - (a) Site and design review proposals shall generally follow the procedures for site plan review (see ~~§ Section~~ 390-1206).
 - (b) In addition to the standard application requirements for site plan review, applications shall be accompanied by a building permit application and the following information:
 - [1] A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing, or other site components, and/or detailed building elevations indicating the building's current appearance, may be required by the Village.

- [2] A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
- [3] A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing, or other site components, and/or detailed building elevations indicated the proposed alterations, may be required by the Village.
- [4] Written justification for the proposed alteration consisting of the following:
 - [a] Reasons why the applicant believes the requested alteration is in harmony with the overall purpose and intent of the Village Center Design Overlay District~~overlay district~~; and
 - [b] Reasons why the applicant believes the requested alteration is consistent with the recommendations and forwards the objectives of the Village's Comprehensive Plan and other applicable Village planning documents; complements the design and layout of nearby buildings and developments in the Village Center Design Overlay District~~overlay district~~; and enhances, rather than detracts from, the desired character of the Village, and the Village Center in particular.
- E. Penalty and appeals. Penalty for violation of the provisions of this section shall be per the provisions of § Section~~§~~ 390-1218. Appeals from the decisions of the Zoning Administrator, Plan Commission, and Village Board may be made per the provisions of this chapter and state statutes~~State Statutes~~.

§ 390-0706. SWO Shoreland-Wetland Overlay District.

- A. Statutory authorization. This Shoreland-Wetland Overlay Zoning District is adopted pursuant to the authorization in §§ 62.23, 61.351, 87.30 and 281.31, Wis. Stats.
- B. Findings of fact and purpose. Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the Village of Williams Bay would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
 - (1) Promote the public health, safety, convenience and general welfare;
 - (2) Maintain the storm and flood water storage capacity of wetlands;
 - (3) Prevent and control water pollution by preserving wetlands that filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;

- (5) Prohibit certain uses detrimental to the area regulated by this section; and
 - (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other ~~earthmoving~~earth-moving activities.
- C. Compliance. The use of wetlands and the alteration of wetlands within the shoreland area of the Williams Bay shall be in full compliance with the terms of this Shoreland-Wetland Overlay District and other applicable local, state or federal regulations. (However, see Subsection R for standards applicable to nonconforming uses.)
- D. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with the provisions of this Shoreland-Wetland Overlay District and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022, Wis. Stats., applies.
- E. Abrogation and greater restrictions.
- (1) The provisions of this Shoreland-Wetland Overlay District supersede all the provisions of any municipal zoning code provisions enacted under § 61.35, 62.23 or 87.30, Wis. Stats., that relate to floodplains and shoreland-wetlands, except that where another provision in the Village of Williams Bay Zoning Code is more restrictive than this Shoreland-Wetland Overlay District, that provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This Shoreland-Wetland Overlay District is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants or easements. However, where this Shoreland-Wetland Overlay District imposes greater restrictions, the provisions of this overlay district shall prevail.
- F. Interpretation. In their interpretation and application, the provisions of this Shoreland-Wetland Overlay District shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this overlay district is required by a standard in Ch. NR 117, Wis. Adm. Code, and where such provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of the Shoreland-Wetland Overlay District provisions or in effect on the date of the most recent text amendment to this Shoreland-Wetland Overlay District section of this chapter.
- G. Severability. Should any portion of this Shoreland-Wetland Overlay District be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this overlay district shall not be affected.
- H. Annexed areas. The ~~county~~County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the Village of Williams Bay for all areas annexed by the Village of Williams Bay after May 7, 1982, unless any of the changes as

allowed by § 59.692(7)(a)(1) to (3), Wis. Stats., occur.⁶ These annexed lands are described on the Village of Williams Bay's Official Zoning Map. The ~~county~~~~County~~ shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village of Williams Bay Clerk.

- I. The following maps are hereby adopted and made part of this section and are on file in the office of the Village of Williams Bay Clerk:
 - (1) Wisconsin Wetland Inventory maps stamped "Final" in November 1, 2007.
 - (2) Flood Boundary and Floodway Map, Village of Williams Bay, Walworth County, Wisconsin, dated May 15, 1984.
 - (3) United States Geological Survey map (Walworth County, Wisconsin, topographic map) dated 1986.
 - (4) Village of Williams Bay Official Zoning Map dated February 20, 2012.
- J. Areas regulated.
 - (1) The Shoreland-Wetland Overlay Zoning District includes all wetlands in the municipality that are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this section and that are:
 - (a) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this section.
 - (b) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this section. Floodplain Zoning Maps adopted in § 390-0707D(2) shall be used to determine the extent of floodplain areas.
 - (2) The Shoreland-Wetland Overlay Zoning District also includes additional lowland areas and semi-lowland areas that may or may not fit within the technical definition of a wetland but that have been selected by the Village Board for protection.
- K. Determinations of navigability and ordinary high-water mark location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or ordinary high-water mark.
- L. When an apparent discrepancy exists between the Shoreland-Wetland Overlay District boundary shown on the Official Zoning Map and actual field conditions at the time the

⁶. Editor's Note: Section 59.692(7), Wis. Stats., was repealed by 2013 Act 80.

Official Zoning Map was adopted, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the Shoreland-Wetland Overlay District boundary, as mapped, is in error. If Department of Natural Resources staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct underlying base zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Subsections M and N, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.

- M. Filled wetlands. Wetlands that are filled prior to the date on which the municipality received final wetland inventory maps, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to the provisions of this Shoreland-Wetland Overlay District.
- N. Wetlands landward of a bulkhead line. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under § 30.11, Wis. Stats. are not subject to the provisions of this Shoreland-Wetland Overlay District.
- O. Permitted uses. The following uses are permitted subject to the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:
 - (1) Activities and uses that do not require the issuance of a zoning permit, provided that no wetland alteration occurs, including:
 - (a) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating.
 - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - (c) The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - (d) The pasturing of livestock.
 - (e) The cultivations of agricultural crops.
 - (f) The construction and maintenance of duck blinds.
 - (2) Uses that do not require the issuance of a zoning permit and that may involve wetland alterations only to the extent specifically provided below:
 - (a) The practice of silviculture, including limited temporary water level stabilization measures that are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (b) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

- (c) The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
 - (d) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (e) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (f) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Shoreland-Wetland Overlay District, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Subsection T(2); and
 - (g) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- P. Conditional uses. The following uses are allowed only upon the issuance of a conditional use permit and may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads that are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Subsection O, provided that:
 - (a) The road cannot, as a practical matter, be located outside the wetland;
 - (b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Subsection T(2);
 - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d) Road construction activities are carried out in the immediate area of the roadbed only; and
 - (e) Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings, provided that:
 - (a) The building is used solely in conjunction with a use permitted in the Shoreland-Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - (b) The building cannot, as a practical matter, be located outside the wetland;

- (c) The building does not exceed 500 square feet in floor area; and
 - (d) Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- (a) Any private development allowed under this subsection shall be used exclusively for the permitted purpose;
 - (b) Only limited filling and excavating necessary for the construction of park shelters or similar structures is allowed;
 - (c) The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meets the criteria in Subsection P(1);
 - (d) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values; and
 - (e) The use of a boathouse for human habitation and the construction or placement of a boathouse below the ordinary high-water mark of any navigable waters is prohibited.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities, and the construction and maintenance of railroad lines, provided that:
- (a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - (b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - (c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Subsection T(2).

Q. Prohibited uses.

- (1) Any use not listed in Subsection O of this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this section in accordance with Subsection T.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

R. Nonconforming structures and uses. The lawful use of a building, structure, or property that existed at the time these Shoreland-Wetland Overlay District provisions, or an applicable amendment to these provisions, took effect and that is not in conformity with the provisions of the Shoreland-Wetland Overlay District, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (1) The Shoreland-Wetland Overlay District provisions of this section authorized by § 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the Shoreland-Wetland Overlay District provisions, or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to § 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.
- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure, or property shall conform to the provisions of this Shoreland-Wetland Overlay District.
- (3) Any legal nonconforming use of property that does not involve the use of a structure and that existed at the time of the adoption or subsequent amendment of these Shoreland-Wetland Overlay District provisions may be continued although such use does not conform with the provisions of this Shoreland-Wetland Overlay District. However, such nonconforming use may not be extended.
- (4) The maintenance and repair of nonconforming boathouses that are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of § 30.121, Wis. Stats.
- (5) Uses that are nuisances under common law shall not be permitted to continue as nonconforming uses.

S. Administrative provisions.

- (1) Zoning Administrator.
 - (a) The Village of Williams Bay Zoning Administrator is responsible for administering and enforcing this Shoreland-Wetland Overlay zoning ordinance.
 - (b) The Zoning Administrator shall have the following duties and powers:
 - [1] Advise applicants as to the provisions of this section and assist them in preparing permit applications and appeal forms.
 - [2] Issue permits and certificates of compliance and inspect properties for compliance with this section.
 - [3] Keep records of all permits issued, inspections made, work approved and other official actions.
 - [4] Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.

- [5] Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department of Natural Resources in accordance with Article 12.
- [6] Investigate and report violations of this section to the Plan Commission and the district attorney, corporation counsel or municipal attorney.

(2) Zoning permits.

- (a) When required. Unless another subsection of these Shoreland-Wetland Overlay District provisions specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Subsection V, or any change in the use of an existing building or structure is initiated.
- (b) Application. An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

[1] General information.

- [a] Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- [b] Legal description of the property and a general description of the proposed use or development.
- [c] Whether or not a private water supply or sewage system is to be installed.
- [d] A signed Cost Recovery Agreement, per [§ Section 390-1107](#).

[2] Site development plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

- [a] Dimensions and area of the lot;
- [b] Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- [c] Description of any existing or proposed on-site sewage systems or private water supply systems;
- [d] Location of the ordinary high-water mark of any abutting navigable waterways;
- [e] Boundaries of all wetlands;
- [f] Existing and proposed topographic and drainage features and vegetative cover;

- [g] Location of floodplain and floodway limits on the property as determined from floodplain Zoning Maps;
 - [h] Location of existing or future access roads; and
 - [i] Specifications and dimensions for areas of proposed wetland alteration.
- (c) Expiration. All permits issued under the authority of this section shall expire six months from the date of issuance.
- (3) Certificates of compliance.
 - (a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building that is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, subject to the following provisions:
 - [1] The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this section.
 - [2] Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - [3] The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform to all the provisions of this section.
 - (b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
 - (c) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption of this section, certifying, after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this section.
- (4) Conditional use permits. See ~~§ Sections~~ 390-1207 of this chapter for regulations and procedures applicable to land uses or structures requiring a conditional use permit.
- (5) Fees. The Village Board may, by resolution, adopt fees for the following:
 - (a) Zoning permits.
 - (b) Certificates of compliance.
 - (c) Public hearings.
 - (d) Legal notice publications.

- (e) Conditional use permits.
- (f) Rezoning petitions.
- (6) Recording. Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.
- (7) Revocation. Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.
- (8) Board of Appeals. See [§ Section](#) 390-1105.
 - (a) Public hearings in front of the Board of Appeals. A copy of public hearing notices for issues involving Shoreland-Wetland [Overlay Zoning](#)~~overlay zoning~~ shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
 - (b) Decisions of the Board of Appeals. A copy of the final decision regarding an appeal before the Board of Appeals shall be mailed to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.
- T. Amendments. The Village Board may alter, supplement, or change the overlay district boundaries and the regulations contained in this section in accordance with the requirements of § 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:
 - (1) All proposed text and map amendments to the Shoreland-Wetland Overlay District regulations shall first be referred to the Conservation District Commission for review and recommendation per [§ Section](#) 390-0708. Following Conservation District Commission review and recommendation, all proposed text and map amendments shall be referred to the Village of Williams Bay Plan Commission and a public hearing shall be held after a Class 2 notice as required by § 62.23(7)(d)2, Wis. Stats.
 - (a) For all text amendments to the Shoreland-Wetland [Overlay](#)~~overlay~~ regulations, the appropriate district office of the Department of Natural Resources shall be provided with a copy of the proposed text amendment within five days of the submission of the proposed amendment to the Village of Williams Bay Plan Commission, and written notice of the public hearing at least 10 days prior to such hearing.
 - (b) For map amendments that apply in whole or in part to areas that fall into either of the two categories listed in [§ Section](#) 390-0706J(1) above, the appropriate district office of the Department of Natural Resources shall be provided with a copy of the proposed text amendment within five days of the submission of the proposed amendment to the Village of Williams Bay Plan Commission, and written notice of the public hearing at least 10 days prior to such hearing.
 - (2) In order to ensure that the provisions of the Shoreland-Wetland Overlay District remain consistent with the shoreland protection objectives of § 281.31, Wis. Stats.,

the Village of Williams Bay may not rezone a wetland in the Shoreland-Wetland Overlay District, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

- (a) Storm and ~~floodwater~~flood-water storage capacity;
 - (b) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.
- (3) Where the district office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection T(2), the Department of Natural Resources shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.
- (4) For all text amendments to the Shoreland-Wetland ~~Overlay District~~overlay district regulations and any map amendments that apply in whole or in part to areas that fall into either of the two categories listed in ~~§ Section~~§ 390-0706J(1) above, the appropriate district office of the Department of Natural Resources shall be provided with the following:
- (a) A copy of the recommendation and report, if any, of the Village of Williams Bay Plan Commission on the proposed amendment within 10 days after the submission of those recommendations to the Village Board.
 - (b) Written notice of the action on the proposed amendment within 10 days after the action is taken.
- (5) If the Department of Natural Resources notifies the Village of Williams Bay Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection T(2), that proposed amendment, if approved by the Village of Williams Bay, shall not become effective until more than 30 days have elapsed since written notice of the Village's approval was mailed to the Department of Natural Resources, as required by Subsection T(4)(b). If within the thirty-day period the Department of Natural Resources notifies the Village of Williams Bay that the Department of Natural Resources intends to adopt a superseding shoreland-wetland zoning ordinance for the Village as provided by § 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under § 61.351(6), Wis. Stats., is completed or

otherwise terminated.

- (6) Vote required before changes permitted. A ~~3/4three-fourths~~ vote of the Plan Commission in favor of the proposed change and a ~~3/4three-fourths~~ vote of all the members of the Village Board in favor of the proposed change shall be required before any changes may be made to either the text of this section or SWO Overlay District as shown on the Official Zoning Map.

U. Enforcement and penalties. Any development, building, or structure, or accessory building or structure, constructed, altered, added to, modified, rebuilt, or replaced or any use or accessory use established after the effective date of this section in violation of the provisions of this section, by any person, firm, association, or corporation (including building contractors or their agents), shall be deemed a violation. The Zoning Administrator shall refer violations to the Plan Commission and the Village Attorney, who shall prosecute such violations. Any person, firm, association, or corporation who violates any of the provisions of this section shall be subject to a forfeiture consistent with § Section 390-1218. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30(2), Wis. Stats.

V. Definitions.

- (1) For the purpose of administering and enforcing the provisions of this Shoreland-Wetland Overlay District, the terms or words used herein shall be interpreted as follows: words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally. Where the same or similar term is defined differently in § Section 390-0114 of this chapter, or in any other section of this chapter, than in this § Section 390-0706, the definition provided in this section shall apply to all Shoreland-Wetland Overlay District provisions and the definition provided in § Section 390-0114 shall apply to all other sections of this chapter.

- (2) As used in this section, the following terms shall have the meanings indicated:

ACCESSORY STRUCTURE OR USE — A detached subordinate structure or a use that is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

BOATHOUSE — ~~AAs defined in § 30.01(1d), Wis. Stats., means a~~ permanent structure used for the storage of watercraft and associated materials and includes all structures that are totally enclosed, have roofs or walls, or any combination of structural parts. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

CLASS 2 PUBLIC NOTICE — Publication of a public hearing notice under Ch. 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.

CONDITIONAL USE — A use that is allowed by the Shoreland-Wetland Overlay District provisions, provided that certain conditions specified in this section are met and that a permit is granted by the Village Board.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of earthen materials.

DRAINAGE SYSTEM — One or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.

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

FIXED HOUSEBOAT — As defined in § 30.01(1r), Wis. Stats., means a structure not actually used for navigation that extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or ~~spud poles~~spud poles attached to the bed of the waterway.

NAVIGABLE WATERS

- (a) Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of the boundary waters, which are navigable under the laws of this state. Under § 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 61.351, Wis. Stats., and Ch. NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if any of the following apply:
 - [1] Such lands are not adjacent to a natural navigable stream or river;
 - [2] Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - [3] Such lands are maintained in nonstructural agricultural use.
- (b) Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream that is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state

though it may be dry during other seasons.

ORDINARY HIGH-WATER MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

SHORELANDS — Lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

WETLAND ALTERATION — Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

WETLANDS — Those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and that have soils indicative of wet conditions.

§ 390-0707. Floodplain overlay districts.

- A. Statutory authorization. This section is adopted pursuant to the authorization in §§ 61.35 and 62.23 and the requirements in § 87.30, Wis. Stats.
- B. Finding of fact. Uncontrolled development and use of the floodplains and rivers of the Village of Williams Bay would impair the public health, safety, convenience, general welfare and tax base.
- C. Statement of purpose. This section is intended to regulate floodplain development to accomplish the following goals:
 - (1) Protect life, health, and property.
 - (2) Minimize expenditures of public funds for flood control projects.
 - (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
 - (4) Minimize business interruptions and other economic disruptions.
 - (5) Minimize damage to public facilities in the floodplain.
 - (6) Minimize the occurrence of future flood blight areas in the floodplain.
 - (7) Discourage the victimization of unwary land and home buyers.
 - (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.
 - (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- D. General provisions.
 - (1) Areas regulated. This section regulates all areas that would be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in

- the Flood Insurance Study (FIS). Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A Zones on the Flood Insurance Rate Map (FIRM).
- (2) Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below. Any change to the base flood elevations in the FIS or on the FIRM must be reviewed and approved by the WisDNR and FEMA before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the WisDNR. These maps and revisions are on file at Village Hall.
 - (a) FIRM panel numbers 55127C0305D, 55127C0308D, and 55127C0310D dated October 2, 2009, with corresponding profiles that are based on the FIS, volume 55127CV000A (Community Number 550594) dated October 2, 2009.
 - (b) Flood Boundary and Floodway Map, Village of Williams Bay, Walworth County, Wisconsin, dated May 15, 1984.
- E. Establishment of districts. The regional floodplain areas are divided into three overlay districts as follows:
- (1) The Floodway Overlay District (FWO) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
 - (2) The ~~Flood-Fringe~~Floodfringe Overlay District (FFO) is that portion of the floodplain between the regional flood limits and the floodway.
 - (3) The General Floodplain Overlay District (GFO) is those areas that have been or may be covered by floodwater during the regional flood.
- F. Locating floodplain boundaries. Discrepancies between boundaries on the Official Floodplain~~official floodplain~~ Zoning Map and actual field conditions shall be resolved using the criteria in Subsection F(1) and (2) below. If a significant difference exists, the map shall be amended according to Subsection V. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual ~~predevelopment~~pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Subsection U(6)(f)[1] and [2] and the criteria in Subsection F(1) through (3) below.
- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the WisDNR.

- (3) Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Subsection V(1)(f).
- G. Removal of lands from floodplain. Compliance with the provisions of this section shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Subsection V. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- H. Compliance. Any development or use within the areas regulated by this section shall be in compliance with the terms of this section, and other applicable local, state, and federal regulations.
- I. Municipalities and state agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when § 30.2022, Wis. Stats., applies.
- J. Abrogation and greater restrictions.
- (1) This section supersedes all the provisions of any municipal zoning ordinance enacted under § 61.35 or 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (2) This section is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this section imposes greater restrictions, the provisions of this section shall prevail.
- K. Interpretation. In their interpretation and application, the provisions of this section are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this section, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this section or in effect on the date of the most recent text amendment to this section.
- L. Warning and disclaimer of liability. The flood protection standards in this section are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this section create liability on the part of, or a cause of action against, the Village of Williams Bay or any officer or employee thereof for any flood damage that may result from reliance on this section.
- M. Severability. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

- N. Annexed areas. The Walworth County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village of Williams Bay for all annexed areas until the Village adopts and enforces an ordinance that meets the requirements of Ch. NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- O. General development standards. The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the "subdivision" definition of this section.
- P. General development standards applicable to all floodplain overlay districts.
- (1) Hydraulic and hydrologic analyses.
- (a) Except as allowed in Subsection P(1)(c) below, no floodplain development shall:
- [1] Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
- [2] Increase regional flood height due to floodplain storage area lost that equals or exceeds 0.01 foot.
- (b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of Subsection P(1)(c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this section, the [Official Floodplain Overlay Zoning Map](#)~~official floodplain overlay zoning maps~~, floodway lines, and water surface profiles, in accordance with Subsection V.
- (d) Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such

alterations must be reviewed and approved by FEMA and the WisDNR.

- (2) Watercourse alterations. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Village has notified in writing all adjacent municipalities, WisDNR and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The flood ~~carrying~~ capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.
- (3) Development under Chs. 30 and 31, Wis. Stats. Development that requires a permit from WisDNR under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFEs established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or this section are made according to Subsection V.
- (4) Public or private campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:
 - (a) The campground is approved by the Department of Health Services.
 - (b) A zoning permit for the campground is issued by the Zoning Administrator.
 - (c) The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.
 - (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground.
 - [1] This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official that specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
 - [2] This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in Subsection P(4)(d)[1] above to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
 - (e) Only camping units are allowed.

- (f) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (h) The municipality shall monitor the limited authorizations issued by the campground operator to ensure compliance with the terms of this section.
- (i) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Subsection Q or Subsection R for the floodplain district in which the structure is located.
- (j) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (k) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells, shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Q. Floodway Overlay District (FWO).

- (1) Applicability. This Subsection Q applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Subsection S(4).
- (2) Permitted uses. The following open space uses are allowed in the Floodway Overlay district and the floodway areas of the General Floodplain Overlay district, provided they are not prohibited by any other section of this chapter, they meet the standards in Subsection Q(3), and all permits or certificates have been issued according to Section U(1).
 - (a) Agricultural uses such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 - (b) Nonstructural industrial and commercial uses such as loading areas, parking areas, and airport landing strips.
 - (c) Nonstructural recreational uses such as golf courses; tennis courts; archery ranges; picnic grounds; boat ramps; swimming areas; parks; wildlife and nature preserves; game farms; fish hatcheries; shooting, trap, and skeet activities; hunting and fishing areas; and hiking and horseback riding trails, subject to the fill limitations of Subsection Q(3)(d).
 - (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Subsection Q(3).
 - (e) Extraction of sand, gravel, or other materials that comply with Subsection

Q(3)(d).

- (f) Functionally water-dependent uses such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
 - (g) Public utilities, streets, and bridges that comply with Subsection Q(3)(c).
- (3) Standards for developments in floodway areas.
- (a) General.
 - [1] Any development in floodway areas shall comply with Subsection P and have low flood damage potential.
 - [2] Applicants shall provide the following data to determine the effects of the proposal according to Subsection P(1):
 - [a] A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - [b] An analysis calculating the effects of this proposal on regional flood height.
 - [3] The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection Q(3)(a)[2] above.
 - (b) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - [1] The structure is not designed for human habitation and does not have a high flood damage potential;
 - [2] The structure is anchored to resist flotation, collapse, and lateral movement;
 - [3] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - [4] It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
 - (c) Public utilities, streets, and bridges. Public utilities, streets, and bridges may be allowed by permit, if:
 - [1] Adequate floodproofing measures are provided to the flood protection elevation; and
 - [2] Construction meets the development standards of Subsection P(1).
 - (d) Fills or deposition of materials. Fills or deposition of materials may be allowed

by permit, if:

- [1] The requirements of Subsection P(1) are met;
 - [2] No material is deposited in the navigable channel unless a permit is issued by the WisDNR pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and the other requirements of this section are met;
 - [3] The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
 - [4] The fill is not classified as a solid or hazardous material.
- (e) Prohibited uses. All uses not listed as permitted uses in Subsection Q(2) are prohibited, including the following uses:
- [1] Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.
 - [2] Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
 - [3] Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
 - [4] Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and WisDNR-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
 - [5] Any public or private wells that are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.
 - [6] Any solid or hazardous waste disposal sites.
 - [7] Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code.
 - [8] Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, that comply with the regulations for the floodplain area occupied.

R. ~~Flood-Fringe~~~~Floodfringe~~ Overlay District (FFO).

- (1) Applicability. This Subsection R applies to all ~~flood-fringe~~~~floodfringe~~ areas shown on the floodplain zoning maps and those identified pursuant to Subsection S(4).
- (2) Permitted uses. Any structure, land use, or development is allowed in the ~~Flood-Fringe~~~~Floodfringe~~ District if the standards in Subsection R(3) are met, the use is allowed by this and all other applicable sections of this chapter and regulations and

all permits or certificates specified in Subsection U have been issued.

- (3) Standards for development in ~~flood-fringe~~floodfringe areas. Subsection P(1) shall apply in addition to the following requirements according to the use requested:
- (a) Residential uses. Any habitable structure, including a manufactured home, that is to be erected, constructed, reconstructed, altered, or moved into the ~~flood-fringe~~floodfringe area, shall meet or exceed the following standards:
- [1] The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The WisDNR may authorize other floodproofing measures if the elevations of existing streets or sewer lines make compliance impractical.
 - [2] The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
 - [3] Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection R(3)(a)[4] below.
 - [4] In developments where existing street or sewer line elevations make compliance with Subsection R(3)(a)[3] above impractical, the Village may allow new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - [a] The Village has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - [b] The Village has a natural disaster plan approved by Wisconsin Emergency Management and the WisDNR.
- (b) Accessory structures or uses.
- [1] Except as provided in Subsection R(3)(b)[2] below, an accessory structure that is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
 - [2] An accessory structure that is not connected to the principal structure and that is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Subsections Q(3)(b) and R(3)(e).
- (c) Commercial uses. Any commercial structure that is erected, altered, or moved into the ~~flood-fringe~~floodfringe area shall meet the requirements of Subsection R(3)(a). Subject to the requirements of Subsection R(3)(e), storage yards,

surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (d) Industrial uses. Any industrial structure that is erected, altered, or moved into the ~~flood-fringe~~floodfringe area shall be protected to the flood protection elevation using fill, levees, flood walls, or other floodproofing measures in Subsection U(7). Subject to the requirements of Subsection R(3)(e), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Subsection U(7). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) Public utilities, streets, and bridges.
 - [1] All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans.
 - [2] When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be allowed if they are floodproofed in compliance with Subection U(7) to the flood protection elevation.
 - [3] Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (g) Sewage systems. All on-site sewage disposal systems shall be floodproofed, pursuant to Subsection U(7), to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- (h) Wells. All wells shall be floodproofed, pursuant to Subsection U(7), to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in ~~flood-fringe~~floodfringe areas.
- (j) Deposition of materials. Any deposited material must meet all the provisions of this section.
- (k) Manufactured homes.
 - [1] Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage.
 - [2] Owners or operators of all manufactured home parks and subdivisions shall secure approval and file an evacuation plan indicating vehicular

access and escape routes with local emergency management authorities.

- [3] In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

- [a] Have the lowest floor elevated to the flood protection elevation; and
- [b] Be anchored so they do not float, collapse, or move laterally during a flood.

- [4] Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the flood-fringe~~floodfringe~~ in Subsection R(3)(a).

- (1) Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Subsection R(3)(k)[3] and [4]. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

S. General Floodplain Overlay District (GFO).

- (1) Applicability. The provisions for this overlay district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood-fringe~~floodfringe~~ overlay districts shall be delineated when adequate data is available.
- (2) Permitted uses. Pursuant to Subsection S(4), it shall be determined whether the proposed use is located within a floodway or flood-fringe~~floodfringe~~ area. Those uses permitted in floodway [Subsection Q(2)] and flood-fringe~~floodfringe~~ areas [Subsection R(2)] are allowed within the General Floodplain Overlay District~~overlay district~~, according to the standards of Subsection S(3) below, provided that all permits or certificates required under Subsection U have been issued.
- (3) Standards for development in the General Floodplain District. Subsection Q applies to floodway areas and Subsection R applies to flood-fringe~~floodfringe~~ areas. The rest of this section applies to either district.
- (4) Determining floodway and flood-fringe~~floodfringe~~ limits. Upon receiving an application for development within the General Floodplain Overlay District~~overlay district~~, the Zoning Administrator shall:
 - (a) Require the applicant to submit two copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain Overlay District~~overlay district~~ limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and floodproofing measures.

- (b) Require the applicant to furnish any of the following information deemed necessary by the WisDNR to evaluate the effects of the proposal upon flood height and flood flows and regional flood elevation, and to determine floodway boundaries:
 - [1] A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - [2] Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;
 - [3] Profile showing the slope of the bottom of the channel or flow line of the stream;
 - [4] Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- (c) Transmit one copy of the information described in Subsection S(4)(a) and (b) to the WisDNR Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Subsection U(2) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

T. Nonconforming uses and structures.

(1) General.

- (a) Applicability. If these standards conform with § 62.23(7)(h), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises that was lawful before the passage of this section or any amendment thereto.
- (b) The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this section may continue, subject to the following conditions:
 - [1] No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this section. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure, or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification, or addition. Ordinary maintenance repairs include painting; decorating; paneling; and the replacement of doors, windows, and other nonstructural components; and the maintenance, repair, or replacement of existing

private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

- [2] The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the principal structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- [3] If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer allowed and any future use of the property and any structure or building thereon shall conform to the applicable requirements of this section.
- [4] The municipality shall keep a record that lists all nonconforming uses and nonconforming structures, their equalized assessed value at the time this section was adopted, the cost of all modifications or additions that have been permitted, and the percentage of the structure's total current value those modifications represent.
- [5] No modification or addition to any nonconforming structure or any structure with a nonconforming use which over the life of the structure would equal or exceed 50% of its equalized assessed value at the time this section was adopted shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this section. Contiguous dry land access must be provided for residential and commercial uses in compliance with Subsection R(3)(a). Costs associated with elevating a nonconforming structure or a structure with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.
- [6] Except as provided in Subsection T(1)(b)[7] below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the requirements of this section. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's equalized assessed value immediately before the damage occurred.
- [7] For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be allowed in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

- [8] A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Subsection Q(3)(c), flood ~~resistant~~ materials are used, and construction practices and floodproofing methods that comply with Subsection R(3)(a) are used.

(2) Floodway areas.

(a) Modifications or additions.

- [1] No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

- [a] Has been granted a permit or variance that meets all requirements of this section;
- [b] Meets the requirements of Subsection T(1); and
- [c] Will not increase the obstruction to flood flows or regional flood height.

- [2] Any addition to the existing structure shall be floodproofed, pursuant to Subsection U(7), by means other than the use of fill, to the flood protection elevation.

- [3] If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

- [a] The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of ~~floodwaters~~flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
- [b] The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
- [c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.
- [d] The use must be limited to parking or limited storage.

- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. SPS 383, Wis. Adm. Code.

- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing well in a floodway area shall meet the applicable requirements of all Village ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.
- (3) ~~Flood-fringe~~Floodfringe areas.
- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Subsections R(3) and U(7), except where Subsection T(3)(b) is applicable.
 - (b) Where compliance with the provisions of Subsection T(3)(a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Subsection U(6), may grant a variance from those provisions of Subsection T(3)(a) above, for modifications or additions; using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted if:
 - [1] No floor is allowed below the regional flood elevation for residential or commercial structures;
 - [2] Human lives are not endangered;
 - [3] Public facilities such as water or sewer will not be installed;
 - [4] Flood depths will not exceed two feet;
 - [5] Flood velocities will not exceed two feet per second; and
 - [6] The structure will not be used for storage of materials as described in Subsection R(3)(e).
 - (c) If neither the provisions of Subsection T(3)(a) or (b) above can be met, one addition to an existing room in a nonconforming structure or a structure with a nonconforming use may be allowed in the ~~flood-fringe~~floodfringe, if the addition:
 - [1] Meets all other regulations and will be granted by permit or variance;
 - [2] Does not exceed 60 square feet in area; and
 - [3] In combination with other previous modifications or additions to the structure, does not equal or exceed 50% of the equalized assessed value at the time this section was adopted of the building.
 - (d) All new private sewage disposal systems or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable

provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

- (e) All new wells or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this section and Chs. NR 811 and NR 812, Wis. Adm. Code.

U. Administration.

- (1) Zoning Administrator. The Village of Williams Bay Zoning Administrator is authorized to administer this section and shall have the following duties and powers:
 - (a) Advise applicants of the ordinance provisions.
 - (b) Assist in preparing permit applications and appeals.
 - (c) Ensure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (d) Issue permits and inspect properties for compliance with provisions of this section, and issue ~~certificates~~Certificates of ~~compliance~~Compliance where appropriate.
 - (e) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
 - (f) Keep records of all official actions, such as:
 - [1] All permits issued, inspections made, and work approved.
 - [2] Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - [3] Records of water surface profiles, floodplain Zoning Maps and ordinances, nonconforming uses and structures including changes, appeals, variances, and amendments.
 - [4] All substantial damage assessment reports for floodplain structures.
 - (g) Submit copies of the following items to the WisDNR regional office:
 - [1] Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - [2] Copies of any case-by-case analyses, and any other information required by the WisDNR, including an annual summary of the number and types of floodplain zoning actions taken.
 - [3] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - (h) Investigate, prepare reports, and report violations of this section to the Village Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the WisDNR regional office.

- (i) Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- (2) Zoning permit. A zoning permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include the following items in addition to those items listed in ~~§ Section~~ 390-1209:
 - (a) A site plan drawn to scale that includes the following information:
 - [1] Location of the ordinary high ~~water~~ mark of any abutting navigable waterways.
 - [2] Location of floodplain and floodway limits as determined from the official floodplain Zoning Maps.
 - [3] The elevation of the lowest floor of proposed structures and any fill using vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
 - [4] Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Subsection Q or Subsection R are met.
 - [5] Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Subsection P(1). This may include any of the information noted in Subsection Q(3)(a).
 - (b) Data required to analyze developments. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds \$125,000. The applicant shall also provide the following:
 - [1] An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
 - [2] A map showing location and details of vehicular access to lands outside the floodplain.
 - [3] A surface drainage plan showing how flood damage will be minimized.
 - [4] The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.
 - (c) Expiration. All permits issued under the authority of this section shall expire 18 months after issuance.
- (3) Certificate of compliance. No land shall be occupied or used, and no building that is

hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a ~~certificate~~Certificate of ~~compliance~~Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

- (a) The ~~certificate~~Certificate of ~~compliance~~Compliance shall show that the structure or premises, or part thereof, and the proposed use conform to the provisions of this section.
 - (b) Application for such certificate shall be concurrent with the application for a permit.
 - (c) If all ordinance provisions are met, the ~~certificate~~Certificate of ~~compliance~~Compliance shall be issued within 10 days after written notification that the permitted work is completed.
 - (d) The applicant shall submit a certification signed by a registered professional engineer or ~~professional~~registered land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Subsection U(7).
- (4) Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.
- (5) Plan Commission.
- (a) The Village of Williams Bay Plan Commission shall have the following responsibilities:
 - [1] Oversee the functions of the office of the Zoning Administrator.
 - [2] Review and advise the Village Board on all proposed amendments to this section, maps and text.
 - (b) The Plan Commission shall not:
 - [1] Grant variances to the terms of this section in place of action by the Zoning Board of Appeals.
 - [2] Amend the text or zoning maps in place of official action by the Village Board.
- (6) Zoning Board of Appeals.
- (a) The Zoning Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the

~~Secretary~~ secretary of the Board.

- (b) Powers and duties. The Zoning Board of Appeals shall have following powers and duties:
 - [1] Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this section.
 - [2] Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.~~official floodplain zoning map.~~
 - [3] Hear and decide, upon appeal, variances from the standards of this section.
- (c) Appeals to the Board. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.
- (d) Notice and hearing for appeals including variances.
 - [1] Notice. The Board shall:
 - [a] Fix a reasonable time for the hearing.
 - [b] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
 - [c] Ensure that notice shall be mailed to the parties in interest and the WisDNR regional office at least 10 days in advance of the hearing.
 - [2] Hearing. Any party may appear in person or by agent. The Board shall:
 - [a] Resolve boundary disputes according to Subsection U(6)(f).
 - [b] Decide variance applications according to Subsection U(6)(g).
 - [c] Decide appeals of permit denials according to Subsection U(6)(h).
- (e) Decision. The final decision regarding the appeal or variance application shall:
 - [1] Be made within a reasonable time.
 - [2] Be sent to the WisDNR regional office within 10 days of the decision.
 - [3] Be a written determination signed by the chairperson or secretary of the Board.
 - [4] State the specific facts that are the basis for the Board's decision.
 - [5] Affirm, reverse, vary, or modify the order, requirement, decision, or

determination appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction, or grant or deny the variance application.

- [6] Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- (f) Boundary disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
 - [1] If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - [2] In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
 - [3] If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the Village for a map amendment according to Subsection V.
- (g) Variance.
 - [1] The Board may, upon appeal, grant a variance from the standards of this section if an applicant convincingly demonstrates that:
 - [a] Literal enforcement of the provisions of this section will cause unnecessary hardship.
 - [b] The hardship is due to adoption of the floodplain regulations and unique property conditions, not common to adjacent lots or premises. In such case, this section or the Official Zoning Map must be amended.
 - [c] The variance is not contrary to the public interest.
 - [d] The variance is consistent with the purpose of this section as described in Subsection C.
 - [2] In addition to the criteria in Subsection U(6)(g)[1] above, to qualify for a variance under FEMA regulations, the following criteria must be met:
 - [a] The variance may not cause any increase in the regional flood elevation.
 - [b] Variances may only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the regional flood elevation.
 - [c] Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase

costs for rescue and relief efforts, and shall not be contrary to the purpose of this section.

[3] A variance shall not:

- [a] Grant, extend, or increase any use prohibited in either the underlying base zoning district or any applicable overlay district, including the FWO and FFO Overlay Districts.~~overlay districts.~~
- [b] Be granted for a hardship based solely on an economic gain or loss.
- [c] Be granted for a hardship that is self-created.
- [d] Damage the rights or property values of other persons in the area.
- [e] Allow actions without the amendments to this section or map(s) required in Subsection V(1).
- [f] Allow any alteration of a historic structure, including its use, that would preclude its continued designation as an historic structure.

[4] When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy of such notice shall be maintained with the variance record.

(h) Appeals of permit denials.

[1] The Board shall review all data related to the appeal. This may include:

- [a] Permit application data listed in Subsection U(2).
- [b] Floodway/flood-fringe~~floodfringe~~ determination data in Subsection S(4).
- [c] Data listed in Subsection Q(3)(a)[2] where the applicant has not already submitted this information to the Zoning Administrator.
- [d] Other data submitted with the application, or submitted to the Board with the appeal.

[2] For appeals of all denied permits, the Board shall:

- [a] Follow the procedures of Subsection U(6).
- [b] Consider Plan Commission recommendations.
- [c] Either uphold the denial or grant the appeal.

[3] For appeals concerning increases in regional flood elevation, the Board shall:

- [a] Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map

and all appropriate legal arrangements are made with all adversely affected property owners.

- [b] Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot, provided no other reasons for denial exist.

(7) Floodproofing.

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
 - [1] Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors.
 - [2] Protect structures to the flood protection elevation.
 - [3] Anchor structures to foundations to resist flotation and lateral movement.
 - [4] Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures could include:
 - [1] Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - [2] Adding mass or weight to prevent flotation.
 - [3] Placing essential utilities above the flood protection elevation.
 - [4] Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - [5] Constructing water supply wells and waste treatment systems to prevent the entry of ~~floodwaters~~flood waters.
 - [6] Putting cutoff valves on sewer lines or eliminating gravity ~~flow~~ basement drains.
- (d) Public information.
 - [1] Place marks on structures to show the depth of inundation during the regional flood.
 - [2] All maps, engineering data, and regulations shall be available and widely distributed.
 - [3] All real estate transfers should show what floodplain zoning district any

real property is in.

V. Amendments.

- (1) General. The Village Board may change or supplement the floodplain overlay zoning district boundaries and the provisions of this section in the manner provided by law. Actions that require an amendment include, but are not limited to, the following:
 - (a) Any change to the [Official Floodplain Overlay Zoning Map](#)~~official floodplain overlay zoning map~~, including the floodway line or boundary of any floodplain area.
 - (b) Correction of discrepancies between the water surface profiles and floodplain overlay zoning maps.
 - (c) Any fill in the floodplain that raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
 - (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
 - (e) Any upgrade to floodplain overlay zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Williams Bay.
 - (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the [flood-fringe](#)~~floodfringe~~ that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
 - (g) Note: Consult the FEMA [website](#)~~web site~~ for the map change fee schedule.
- (2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of § 62.23, Wis. Stats. Such petitions shall include all necessary data required by Subsections S(4) and U(2).
 - (a) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the WisDNR regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 62.23, Wis. Stats.
 - (b) No amendments shall become effective until reviewed and approved by the WisDNR.
 - (c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.
 - (d) For amendments in areas with no water surface profiles, the Plan Commission

or Village Board shall consider data submitted by the WisDNR, the Zoning Administrator's visual on-site inspections, and other available information.

W. Enforcement and penalties. Any violation of the provisions of this section by any person shall be unlawful and shall be referred to the Village Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Williams Bay a penalty of not less than \$25 and not more than \$50, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

X. Definitions.

(1) Unless specifically defined, words and phrases in this section shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary. Where the same or similar term is defined differently in [§ Section 390-0114](#) or in any other section of this chapter than in this [§ Section 390-0707](#), the definition provided in this section shall apply to all Floodplain Overlay District provisions and the definition provided in [§ Section 390-0114](#) shall apply to all other sections of this chapter.

(2) As used in this section, the following terms shall have the meanings indicated:

A ZONES — Those areas shown on the Official Floodplain Overlay Zoning Map that would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

ACCESSORY STRUCTURE OR USE — A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT — Any enclosed area of a building having its floor subgrade (i.e., below ground level), on all sides.

BUILDING — See "structure."

BULKHEAD LINE — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to § 30.11, Wis. Stats., and that allows limited filling between this bulkhead line and the original ordinary [high-water](#) mark, except where such filling is prohibited by the floodway provisions of this section.

CAMPGROUND — Any parcel of land that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or that is advertised or represented as a camping area.

CAMPING UNIT — Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent, or other mobile recreational vehicle.

CERTIFICATE OF COMPLIANCE — A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this section.

CHANNEL — A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAY or CRAWL SPACE — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK — An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

DEPARTMENT — The Wisconsin Department of Natural Resources.

DEVELOPMENT — Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or alterations to buildings, structures, or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation/or drilling operations; the storage, deposition/or extraction of materials or equipment; and the installation, repair, or removal of public or private sewage disposal systems or water supply facilities.

DRY LAND ACCESS — A vehicular access route that is above the regional flood elevation and that connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT — Any fill, structure, equipment, building, use, or development in the floodway.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION — A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this section. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK — The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) — The federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY — The probability of a flood occurrence determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the

average, once in a specified number of years or as a percent chance of occurring in any given year.

FLOOD HAZARD BOUNDARY MAP — A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE RATE MAP (FIRM) — A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD INSURANCE STUDY — A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- (a) The overflow or rise of inland waters;
- (b) The rapid accumulation or runoff of surface waters from any source;
- (c) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

FLOOD PROFILE — A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOOD PROTECTION ELEVATION — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "freeboard.")

FLOOD STORAGE — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

~~FLOOD-FRINGE~~FLOODFRINGE — That portion of the floodplain outside of the floodway that is covered by ~~floodwaters~~~~flood waters~~ during the regional flood and associated with standing water rather than flowing water.

FLOODPLAIN — Land that has been or may be covered by ~~floodwater~~~~flood water~~ during the regional flood. It includes the floodway and the ~~flood-fringe~~~~floodfringe~~, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND — A natural geologic land formation within the floodplain that is

surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT — Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOODPROOFING — Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.

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

FREEBOARD — A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.

HABITABLE STRUCTURE — Any structure or portion thereof used or designed for human habitation.

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

HIGH FLOOD DAMAGE POTENTIAL — Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

HISTORIC STRUCTURE — Any structure that is either:

- (a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT — A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions that is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

LAND USE — Any nonstructural use made of unimproved or improved real estate. (Also see "development.")

MANUFACTURED HOME — A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a mobile recreational vehicle.

MOBILE RECREATIONAL VEHICLE — A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled, carried, or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicle."

MUNICIPALITY or MUNICIPAL — The Village of Williams Bay, which is enacting, administering, and enforcing this section.

NAVD or NORTH AMERICAN VERTICAL DATUM — Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION — For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the Village of Williams Bay and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" (see definition below) commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM — Elevations referenced to mean sea level datum, 1929 adjustment.

NONCONFORMING STRUCTURE — An existing lawful structure or building that is not in conformity with the dimensional or structural requirements of this section for the area of the floodplain it occupies. (For example, an existing residential structure in the [flood-fringe](#) district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE — An existing lawful use or accessory use of a structure or building that is not in conformity with the provisions of this section for the area of the floodplain it occupies (such as a residence in the floodway).

OBSTRUCTION TO FLOW — Any development that blocks the conveyance of floodwaters

such that this development alone or together with any future development would cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP — That map, adopted and made part of this section, as described in Subsection D(2), which has been approved by the Department and FEMA.

OPEN SPACE USE — Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY ~~HIGH-WATER~~~~HIGHWATER~~ MARK — The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PERSON — An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

PRIVATE SEWAGE SYSTEM — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same lot as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

PUBLIC UTILITIES — Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems, such as water, sanitary sewer, and storm sewer.

REASONABLY SAFE FROM FLOODING — Base ~~floodwaters~~~~flood-waters~~ will not inundate the land or damage structures to be removed from the special flood hazard area and any subsurface waters related to the base flood will not damage existing or proposed buildings.

REGIONAL FLOOD — A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one-percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE — Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon, or set into the ground, ~~streambed~~~~stream-bed~~, or lake bed,

including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.

SUBDIVISION — Has the meaning given in § 236.02(12), Wis. Stats.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

UNNECESSARY HARDSHIP — Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this section.

VARIANCE — An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner that is inconsistent with dimensional standards (not uses) contained in this section.

VIOLATION — The failure of a structure or other development to be fully compliant with this section. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE PROFILE — A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WATERSHED — The entire region contributing runoff or surface water to a watercourse or body of water.

WELL — An excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.

§ 390-0708. EC Environmental Conservation Overlay District.

- A. Purpose. This district is intended to preserve, protect, and enhance lakes, ponds, wetlands, woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; avoid location of structures on soils that are generally not suitable for such use; control erosion and sedimentation; and maintain the natural beauty of the Village of Williams Bay.
- B. District boundaries. The boundaries of the EC Overlay District~~overlay district~~ shall be depicted on the Official Zoning Map. At the discretion of the Village Conservation District Commission (see Subsection F below), the Plan Commission, and Village Board, the EC Overlay District~~overlay district~~ may encompass areas delineated as Primary or Secondary Corridors or Isolated Natural Features by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), as amended from time to time, and/or lands comprised of any of following natural resources:

- (1) One-hundred-year floodplains.
- (2) Wetlands
- (3) Shorelands.
- (4) Drainageways.
- (5) Steep slopes (greater than 12%).
- (6) Woodlands.
- (7) Archaeological and historic sites.
- (8) Wildlife habitat.

C. Land uses permitted by right:

- (1) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
- (2) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, and wild flowers in a manner that is not injurious to the natural reproduction of such crops.
- (3) The practice of silviculture, including the planting, thinning, and harvesting of timber.
- (4) Construction and maintenance of fences.
- (5) Existing agricultural uses provided they do not involve extension of cultivated areas, extension or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (8) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
- (9) Cultivation of native plants.
- (10) The construction and maintenance of hiking, bicycling, and cross country ski trails.
- (11) The construction and maintenance of observation towers not to exceed 35 feet in height.
- (12) The construction and maintenance of ponds and other suitable conditions for wildlife, wild fowl, and migrating bird habitat.
- (13) Snowmobile trails may be designated for use by the owner upon specific approval by the Village Board with such use to be limited to marked designated trails only for the

- period December 1 to March 1 annually. All-terrain vehicle use is not permitted.
- (14) ~~Streambed~~~~Stream-bed~~ and stream bank improvement and restoration projects.
 - (15) The construction and maintenance of official signs such as identification, educational, informational, directional, warning, parking or traffic control or similar type signs with the permission of the Village Board as may be necessary and appropriate for the functioning of the conservancy district.
 - (16) Forest and game management.
 - (17) Preservation of scenic, historic, natural area, and critical species habitat sites.
- D. Land uses allowed by conditional use permit (see ~~§ Section~~ 390-1207).
- (1) The construction of streets necessary for the continuity of the Village street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, provided that:
 - (a) The road cannot, as a practical matter, be located outside of an EC ~~Overlay District~~~~overlay district~~; and
 - (b) The road is designed and constructed to minimize the adverse impact upon the natural functions of the EC ~~Overlay District~~~~overlay district~~ within which it is located, and meets the following standards:
 - [1] The road shall be designed and constructed for the minimum cross-section practical to serve the intended use;
 - [2] Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - [3] Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose that is compatible with environmental preservation, if such building cannot, as practical matter, be located outside of an EC ~~Overlay District~~~~overlay district~~, provided that:
 - (a) Any such building does not exceed 500 square feet in floor area; and
 - (b) No filling, flooding, draining, dredging, ditching, tiling, or excavating is to be done.
 - (3) The establishment and development of public and private parks and recreation areas, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refugees, game preserves, and private habitat areas, provided that:
 - (a) Any private recreation or wildlife habitat area must be used exclusively for that purpose;

- (b) No filling is to be done; and
 - (c) Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of natural resources.
 - (4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to members, provided that:
 - (a) The transmission and distribution lines and related facilities cannot as a practical matter be located outside of an EC Overlay District~~overlay district~~; and
 - (b) Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the EC Overlay District~~overlay district~~.
 - (5) The construction and maintenance of municipal purpose buildings serving the public, such as nature centers; educational or instructional buildings; natural history museums or display buildings; public equipment storage sheds or buildings; Village assembly buildings to include a Village Hall, Village police or fire station, or other similar structures; together with vehicle parking areas.
- E. Tree cutting and shrubbery clearing limited. Lands lying within the EC Overlay District~~overlay district~~ shall not be clear cut of trees, shrubbery, or underbrush. No more than 10% of the natural vegetation shall be removed from a parcel. Areas not occupied by structures or driveways shall be replanted with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.
- F. Conservation District Commission.
- (1) Creation. There is hereby created a Conservation District Commission to consist of seven members appointed by the Village President and confirmed by the Village Board. Upon the initial creation of the Commission, the members shall be appointed and confirmed to hold office for a period ending one, two, two terms at three, four, and two terms at five years, respectively, from the preceding first day of May, and thereafter annually, during April, one or two such members, depending upon the number of expiring terms, shall be appointed and confirmed for a term of five years. Members thereof shall be persons of recognized experience and qualifications and shall be either an owner of real estate within the Village or be an elector of the Village.
 - (2) Functions. It shall be the function of the Conservation District Commission to review,

- study, and investigate, and thereafter report its findings and recommendations to the Village Plan Commission and Village Board regarding the use and development of EC overlay district lands. In addition, it shall be the function of the Conservation District Commission to review, study, and investigate all proposed improvements, planning, development, rezoning, subdividing, or developing in any sense lands zoned in the EC ~~Overlay District~~overlay district within the Village of Williams Bay and thereafter report its findings and recommendations concerning same to the Village Plan Commission and Village Board.
- (3) It shall be a requirement that any proposed or intended changes to the text of the EC Environmental Conservation Overlay District, or any proposed or intended changes to the Official Zoning Map involving EC zoned areas shall first be reviewed by the Commission prior to submission to the Village Plan Commission for its required reports and recommendations to the Village Board.
 - (4) Such recommendation and report shall be required before the Village Plan Commission or Village Board can take any action with regard to any proposed changes to the EC Environmental Conservation Overlay District text contained in this section or any proposed changes on the Official Zoning Map related to EC ~~District~~district zoning. Six affirmative votes shall be necessary for such recommendation and report before final action is taken by the Plan Commission and/or Village Board concerning such textual or Zoning Map changes.
 - (5) Vote required before changes permitted. A ~~3/4three-fourths~~ vote of the Plan Commission in favor of the proposed change and a ~~3/4three-fourths~~ vote of all the members of the Village Board in favor of the proposed change shall be required before any changes may be made to either the text of this section, or the EC ~~District~~district as shown on the Official Zoning Map.

§ 390-0709. PDO Planned Development Overlay District.

- A. Description and purpose. The Planned Development Overlay District is intended to promote improved design and innovative land uses in the Village in accordance with the Village Comprehensive Plan. This ~~Overlay District~~overlay district allows variations from the typical base zoning district requirements in developments that are conceived and implemented as cohesive, unified projects. In exchange, these unified projects must be developed in accordance with detailed site plans approved only following a careful review process. Areas that may be deemed appropriate for the Planned Development Overlay District include: land use transitional areas, areas where a mix of land uses already exists, infill or redevelopment areas, and established or planned commercial areas.
- B. Provision of flexible development standards for planned developments.
 - (1) Permitted location. Planned ~~developments~~Developments shall only be allowed following the adoption of a Planned Development Overlay Zoning District, specific to the approved ~~final development plan~~Final Development Plan described in Subsection H below.
 - (2) Flexible development standards. The following exemptions to the development

standards of the underlying base zoning district may be provided as part of the approval of a planned development~~Planned Development~~:

- (a) Land use requirements. All residential, institutional, and business land uses listed in Article 2 may be allowed by right or by conditional use within a planned development~~Planned Development~~. Uses proposed for a planned development~~Planned Development~~ are not limited to those allowed within the underlying base zoning district.
 - (b) Density and intensity requirements. All requirements listed in Articles 2 and 4 for residential density and nonresidential intensity may be varied within a planned development~~Planned Development~~.
 - (c) Bulk requirements. All requirements listed in Articles 2 and 5 may be varied within a planned development~~Planned Development~~.
 - (d) Landscaping requirements. All requirements listed in Article 9 may be varied within a planned development~~Planned Development~~.
 - (e) Parking and loading requirements. All requirements listed in § Section 390-0805 and 390-0806 may be varied within a planned development~~Planned Development~~.
- (3) Requirement to depict all aspects of development. Only improvements that are explicitly depicted on the required site plan approved by the Village Board as part of the approved planned development~~Planned Development~~ shall be allowed, even if such improvement (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as allowable in Subsection B. Requested exemptions from and variations in these standards shall be made explicit by the applicant in the planned development~~Planned Development~~ application, and shall be recommended by the Plan Commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions or variations shall not be allowed.
- C. Initiation of request for approval of a planned development. Proceedings for approval of a Planned Development may be initiated by any of the following:
- (1) An application by the owner(s) of the subject property;
 - (2) A recommendation of the Plan Commission; or
 - (3) By action of the Village Board.
- D. Application requirements. All applications for a proposed planned development~~Planned Development~~, regardless of the party of their initiation per Subsection C above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of the Planned Development approval process. The Zoning Administrator shall forward copies of said complete application to the office of the Village Clerk. Said application shall apply to each of the process steps in Subsections E through H below.
- E. Step 1: Preapplication~~Pre-application~~ conference.

- (1) The applicant shall contact the Zoning Administrator to place an informal discussion item for the PDO on the Plan Commission agenda.
 - (2) No details beyond the name of the applicant and the identification of the discussion item as a PDO is required to be given in the agenda.
 - (3) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the potential PDO. Appropriate topics for discussion may include the location of the PDO, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and the relationship to the Village Comprehensive Plan.
 - (4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, ~~nonbinding~~~~non-binding~~ basis for proceeding to the next step.
- F. Step 2: Concept plan review. Upon completion of the ~~preapplication~~~~pre-application~~ conference, described above, the applicant shall provide the Zoning Administrator with a concept plan submittal, the contents of which are listed under Subsection F(4) below. Upon determination of completeness by the Zoning Administrator, the Planned Development concept plan may be placed on the Plan Commission agenda for review.
- (1) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the planned development concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan submittal packet, or other items as determined by the Plan Commission. The Plan Commission shall make a recommendation to the Village Board regarding next steps for the applicant.
 - (2) At a subsequent Village Board meeting, the applicant shall engage in an informal discussion with the Village Board regarding the planned development concept plan, addressing topics similar to those discussed under Subsection F(1) above. The Village Board shall offer suggested next steps for the applicant.
 - (3) Points of discussion, recommendations, and suggestions conveyed at this stage of the process shall be in no way be binding upon the applicant or the Village, but should be considered as the informal, ~~nonbinding~~~~non-binding~~ basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection G).
 - (4) The concept plan submittal shall include the following items:
 - (a) A location map of the subject property and its vicinity.
 - (b) A general written description of the proposed ~~planned development~~~~Planned Development~~, including:

- [1] General project themes and images.
- [2] The general mix of dwelling unit types and/or land uses.
- [3] Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
- [4] General treatment of natural features.
- [5] General relationship to nearby properties and public streets.
- [6] General relationship of the project to the Comprehensive Plan.
- [7] A written description of potentially requested exemptions or variations from the requirements of the underlying base zoning district. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
- [8] A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.

G. Step 3: General ~~Development Plan~~[development plan](#) review. Upon completion of the concept plan review process described above, the applicant shall submit a General Development Plan (GDP) to the Zoning Administrator for determination of completeness.

(1) The GDP submittal shall include the following items:

- (a) A map of the subject site (at a minimum scale of one inch equals 800 feet) showing all lands for which the ~~planned development~~[Planned Development](#) is proposed, and all other lands within 300 feet of the boundaries of the subject site, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject site and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject site, a graphic scale, and a ~~North~~[north](#) arrow shall be provided.
- (b) A general written description of the proposed ~~planned development~~[Planned Development](#), including:
 - [1] General project themes and images.
 - [2] The general mix of dwelling unit types and/or land uses.
 - [3] Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.
 - [4] General treatment of natural features.

- [5] General relationship to nearby properties and public streets.
- [6] General relationship of the project to the Comprehensive Plan.
- [7] A statement of rationale as to why Planned Development Overlay zoning is proposed. This statement shall list the standard base zoning district requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed planned development~~Planned Development~~ project.
- [8] A written description of potentially requested exemptions or variations from the requirements of the underlying base zoning district. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
- [9] A GDP map (at a minimum scale of one inch equals 100 feet) of the proposed project showing at least the following information in sufficient detail to evaluate the project against the criteria for approval listed in Subsection G(2) below:
 - [a] Location of recreational and open space areas and facilities, specifically indicating those areas that would be reserved or dedicated for public acquisition and use.
 - [b] Statistical data on the minimum lot sizes in the development; the approximate areas of all development lots and pads; density/intensity of various parts of the development; building coverage, landscaping surface area ratio of all land uses; expected staging; and any other plans required by the Plan Commission.
 - [c] Notations relating the written information provided in Subsection G(1)(b)[9][b] above to specific areas on the GDP map.
 - [d] A conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in this chapter.
 - [e] A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as streetlight fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.
 - [f] Written justification for the proposed planned development~~Planned Development~~.

- (2) Approval of a GDP shall involve the same procedures necessary for the adoption of a Zoning Map amendment, as described under ~~§ Section~~ 390-1205D through F of this chapter.
- (3) All portions of an approved GDP not fully developed within five years of final Village Board approval shall expire, and no additional development shall be allowed. The Village Board may extend this five-year period an additional five years via a majority vote following a public hearing and recommendation by the Plan Commission.

H. Step 4: Final ~~Development Plan~~~~development plan~~ review. Upon completion of the GDP review process, described above, the applicant shall submit a Final Development Plan (FDP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the Planned Development FDP may be placed on the Plan Commission agenda for FDP review.

- (1) The FDP submittal shall include the following items.
 - (a) A map of the subject site (at a minimum scale of one inch equals 800 feet) showing all lands for which the ~~planned development~~~~Planned Development~~ is proposed, and all other lands within 200 feet of the boundaries of the subject site, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject site, a graphic scale, and a ~~North~~~~north~~ arrow shall be provided.
 - (b) A general written description of the proposed FDP including:
 - [1] Specific project themes and images.
 - [2] Specific mix of dwelling unit types and/or land uses.
 - [3] Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
 - [4] Specific treatment of natural features.
 - [5] Specific relationship to nearby properties and public streets.
 - [6] A statement of rationale as to why Planned Development Overlay zoning was proposed. This statement shall list the standard base zoning district requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed ~~planned development~~~~Planned Development~~ project.
 - [7] A complete list of base zoning district standards that would not be met by the proposed FDP and the location(s) in which such violations would occur, and a complete list of zoning standards that would be more than met by the proposed FDP and the location(s) of such occurrences. The

purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.

- [8] A FDP map (at a minimum scale of one inch equals 100 feet) of the proposed site showing at least the following information in sufficient detail to evaluate the project against the criteria for approval listed in Subsection I, below:
 - [a] Recreational and open space areas and facilities, specifically indicating those areas that would be reserved or dedicated for public acquisition and use.
 - [b] Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
 - [c] Notations relating the written information provided in Subsection H(1)(b)[8][b] above to specific areas on the FDP.
- [9] A site plan conforming to all the requirements of ~~§ Section~~ 390-1206. If the proposed ~~planned development~~~~Planned Development~~ is a ~~group development~~~~Group Development~~ or a ~~large development~~~~Large Development~~ (per ~~§ Section~~ 390-0821), a proposed preliminary plat or conceptual plat may be required by the Zoning Administrator in addition to the required site plan.
- [10] A detailed landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. This plan shall also include a table that provides a clear summary of all proposed species and locations of plantings that demonstrates how the landscaping plan compares to the landscaping requirements in this chapter.
- [11] A series of building elevations for the entire exterior of all buildings in the proposed FDP, including detailed notes indicating the building materials and colors proposed.
- [12] A detailed signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as streetlight fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from Village standards or common practices.
- [13] An outline of the organizational structure for any proposed property owners associations, deed restrictions, and/or the private provision of common services.

[14] A written description that demonstrates how the FDP is consistent with the approved GDP and any and all variations between the requirements of the approved GDP and the proposed FDP.

[15] The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

- (2) The area included in a FDP may be only a portion of the area included in a previously approved GDP.
- (3) The Plan Commission or Village Board may specify other plans, documents, or schedules that must be submitted prior to consideration or approval of the FDP, as such may be relevant to review.
- (4) Approval of a FDP shall involve the same procedures necessary for the approval of a site plan, as described under [§ Section](#) 390-1206 of this chapter.
- (5) All portions of an approved Planned Development FDP not fully developed within five years of final Village Board approval shall expire, and no additional development shall be allowed. The Village Board may extend this five-year period by an additional five years via a majority vote following a public hearing and recommendation by the Plan Commission. Completed portions of the Planned Development FDP shall retain the [planned development](#)~~Planned Development~~ status.

I. Criteria for approval. In its review and action an application for a Planned Development Overlay District, the Plan Commission and, subsequently, the Village Board shall make findings with respect to the following criteria:

- (1) The proposed [planned development](#)~~Planned Development~~ project is consistent with the overall purpose and intent of this chapter.
- (2) The proposed [planned development](#)~~Planned Development~~ project is consistent with the Village's Comprehensive Plan (it is the responsibility of the Village to determine such consistency).
- (3) The proposed [planned development](#)~~Planned Development~~ project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
- (4) Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the [planned development](#)~~Planned Development~~ project, including but not limited to public sewer and water and public roads.
- (5) The proposed [planned development](#)~~Planned Development~~ project will incorporate appropriate and adequate buffers and transitions between areas of different land uses and development densities/intensities.
- (6) The proposed [planned development](#)~~Planned Development~~ project design does not detract from areas of natural beauty surrounding the site.
- (7) The proposed architecture and character of the proposed [planned](#)

- ~~development~~Planned Development project is compatible with adjacent/nearby development.
- (8) The proposed ~~planned development~~Planned Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
- (9) The proposed ~~planned development~~Planned Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this chapter.
- (10) For ~~planned development~~Planned Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

ARTICLE 8 Performance Standards

§ 390-0801. Purpose.

The purpose of this article is to indicate the standards and minimum requirements for exterior site and building design, access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, private residential swimming pools, vibration, noise, air pollution, odor, signal ~~receiving~~ antennas, glare and heat, fire and explosions, toxic or noxious materials, waste materials, exterior construction material, hazardous materials, and group and large developments within the jurisdiction of this chapter.

§ 390-0802. Exterior site and building design standards.

- A. Purpose. The purpose of this section is to regulate the design and materials used for the exterior of buildings and structures within the Village so as to attain a degree of uniformity in exterior appearance and quality of materials, and thus maintain and enhance the attractiveness and values of property in the community.
- B. Applicability. The requirements of this section apply to all structures and buildings within the Village. Beyond the general rules in Subsections C through J, below, additional rules may apply to group and large developments, which are provided in ~~§ Section~~ 390-0821.
- C. Review and approval. Through the site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development, except as exempt under ~~§ Section~~ 390-1206. Exemptions to exterior site and building design standards may be considered under the site plan review process.
- D. Site design. In addition to complying with required setbacks, no building, structures, pavement, or improvement shall be placed or oriented in a manner that would unnecessarily reduce the appearance of the subject property in comparison with typical

development practices that are fully consistent with the requirements of this chapter, or would have a substantial negative impact on the value or enjoyment of permitted land uses on nearby properties.

- E. Avoidance of exteriors specific to a particular occupant. Trademark architecture is prohibited. Specifically, no building, other structures, pavement, or improvement shall have an integral exterior design that is specific to a particular site occupant, including exterior building forms, materials, textures, colors, and patterns. Exterior elements that are specific to a particular site occupant shall be limited to attached signage, awnings and other appurtenances that are easy to remove or modify for subsequent site occupants without causing significant damage and/or restoration expenses.
- F. Exterior design compatibility and avoidance of monotony. No building, other structures, pavement or improvement shall have an exterior design that is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste. In addition, no building shall be permitted within any residential or business zoning district to have an exterior appearance that is too similar to nearby buildings so as to create unacceptable monotony. Restrictive covenants shall incorporate provisions to prohibit unacceptable monotony of the design, materials and colors for building exteriors for any multi-lot or group development.
- G. Requirements for exterior materials. The following requirements shall apply regarding exterior materials for buildings and structures:
 - (1) Building color. Building facade colors shall be ~~nonreflective~~non-reflective, subtle, neutral, or earth tone. The use of high ~~intensity~~ colors, metallic colors, fluorescent colors, or black on facades shall be prohibited. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, subject to the limitations in Article 10.
 - (2) Building materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
 - (3) Prohibited materials. No building or structure shall be constructed or faced with any material or texture that is aesthetically incompatible with other building exteriors in the area that are fully consistent with the requirements of this chapter, or that presents an unattractive appearance to the public or surrounding properties. The following materials are prohibited on the exterior of all buildings and structures:
 - (a) Plain ~~un~~-faced concrete walls or panels.
 - (b) Plain ~~un~~-faced cinder block or concrete block.
 - (c) Asphaltic siding.

- (d) Plywood, chipboard, or other ~~nondecorative~~^{non-decorative} wood or composite material as determined by the Plan Commission.
- (e) Fiberglass or poly-roofing or siding.
- (f) Structures exceeding 100 square feet that are not erected on a permanent foundation and/or do not comply with the Uniform Building Code, except for those temporary structures listed in ~~§ Section~~[§] 390-0316.
- (g) Metal siding that does not meet any one or more of the following exceptions:
 - [1] Is determined by the Plan Commission to be a decorative element of the building or structure that can be readily removed or replaced with a permitted exterior material.
 - [2] Uses a method of exterior wall fastening that is fully concealed from view by means of an interlocking panel, panel overlap, or other method approved by the Plan Commission that results in full concealment.
 - [3] Uses visible exterior fasteners that are the same color as the attached wall for any principal or accessory structure within the Agricultural Holding (AH), Community Business (CB), LSB Lakeshore Business, Light Industrial (LI), or General Industrial (GI) ~~Zoning Districts~~^{zoning districts}, in any location on the building or structure that meets all of the following criteria:
 - [a] Is located more than 100 feet from any portion of a residential zoning district boundary and more than 100 feet from any portion of a public right-of-way.
 - [b] Is located more than 100 feet from any visitor or customer door.
 - [c] Transitions to any other exterior material, texture, color, or pattern at a building corner, pier, pilaster, eave, parapet, or other physical change in the wall plane, so as to complement the overall exterior design of the building or structure as determined by the Plan Commission.
- H. Waste receptacles. The development shall contain a sufficient number of waste bins to accommodate all trash and recyclable materials generated by the land uses in a convenient manner and in accordance with the building design and performance standards of this section.
- I. Pedestrian and bicycle access. The entire development shall provide for full and safe pedestrian and bicycle access within the development, which shall include appropriate connections to the existing and any planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods; sidewalk connections to all building entrances from all public streets; secure bicycle parking and pedestrian furniture in appropriate quantities and locations; and a central pedestrian gathering area.
- J. Exceptions and appeal. The conditional use process may be used to seek exemptions to the requirements of this section. An appeal of the Plan Commission's determination may be

taken to the Zoning Board of Appeals.

§ 390-0803. Access standards.

- A. Purpose. The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- B. Applicability. The requirements of this section shall apply to each access point onto a public street or right-of-way in all new developments.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all proposed access drives on the subject property.
- D. Number of access points.
 - (1) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Public Works Director.
 - (2) No lot shall be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
 - (3) On arterial streets, and in areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point on an adjacent property or another street frontage.
 - (4) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- E. Residential uses. Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- F. Nonresidential uses. Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- G. Access near street intersections.
 - (1) At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet to the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
 - (2) Nonconforming driveways may be replaced in their current location, except as part of site plan review and approval.
 - (3) Temporary access may be granted by the Village Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

- H. Distance between access drives. The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of 25 feet may be required if existing or projected traffic warrant a greater distance.
- I. Angle of intersection with public right-of-way. All access drives shall intersect with any public right-of-way at an angle of not less than 75[°], and shall intersect at an angle of 90° wherever possible.
- J. Distance from property line. The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.
- K. Width of driveways. All access drives shall have a minimum width of 10 feet for single- and two-family dwellings and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 30 feet for all nonresidential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet. This requirement may be exceeded with explicit Plan Commission approval for uses other than single family.
- L. Traffic control. The traffic generated by any use shall be channelized and controlled in a manner that prevents congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or ~~pedestrianways, pedestrian ways,~~ Traffic control devices shall be required as determined by the Public Works Director.
- M. Depiction on required site plan. Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- N. Paving of access. All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Zoning Administrator with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Zoning Administrator.
- O. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

§ 390-0804. Visibility standards.

- A. Purpose. The purpose of this section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.

- B. Applicability. The requirements of this section shall apply to all new development.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all developments for conformance with this section.
- D. Required. To provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by the two intersecting streets and a chord connecting the center lines of said streets. Generally, the following standards listed in Figure 390-0804 shall apply. Within the triangular area, no signs, parking spaces, structures, earthwork, vegetation, fencing, or other obstructions above 30 inches in height or exceeding opacity of 0.2 (see Article 9) shall be permitted above the center line elevations of said two streets.
- E. Depiction on required site plan. Any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

Figure 390-0804: Vision Clearance Triangle Standards

Right-of-Way Width	Distance from Right-of-Way Intersection
Less than or equal to 66 feet	10 feet
Greater than or equal to 67 feet	20 feet

§ 390-0805. Off-street parking and traffic circulation.

- A. Purpose. The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- B. Applicability. The requirements of this section shall apply to all new development.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development for conformance with this section.
- D. Depiction on required site plan. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every on-site parking space designed to serve as required parking shall not be located farther than 400 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection H, below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length shall be clearly indicated on said site plan.
- E. Minimum required off-street parking spaces.
 - (1) Off-street parking requirements for each land use (see Article 2) are generally tied to the use's capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term "capacity" means the maximum

number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours.

- (2) Where said parking needs of any land use exceed the minimum requirements of this chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
- (3) When the calculation for the number of off-street parking spaces required by this chapter results in a fraction (e.g., 3.25 spaces), the applicant shall round up to the highest whole number.

F. Off-street parking and traffic circulation standards.

- (1) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of the road. All traffic control measures shall meet the requirements of the Manual on Uniform Traffic Control Devices.
- (2) Surfacing and marking. All off-street parking and traffic circulation areas (including all residential driveways except those in the AH ~~District~~[district](#)) shall be paved with a hard, all-weather or other surface to the satisfaction of the Director of Public Works. Said surfaces intended for two or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.

G. Curbing. All off-street parking areas designed to have head-in parking within 6.5 feet of any lot line shall provide a tire bumper or curb of adequate height and properly located to ensure that no part of any vehicle will project beyond the required setbacks of this chapter.

H. Access.

- (1) Each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width.
- (2) All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements.
- (3) No driveway across public property, or requiring a curb cut, shall exceed 40 feet for commercial or industrial uses or 25 feet for residential uses.
- (4) Off-street parking spaces for residential uses may be stacked or in front of one another for the same dwelling unit.
- (5) Parking spaces located behind an enclosed garage and located directly off a through

aisle shall be a minimum of 30 feet deep.

- I. Snow storage. Required off-street parking and traffic circulation areas shall not be used for snow storage.
- J. Lighting. All off-street parking and traffic circulation areas serving six or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandle is recommended for said areas, and said illumination level shall not exceed the standards of [§ Section 390-0807](#).
- K. Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article 10.
- L. Landscaping. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Article 9.
- M. Parking space design standards. Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 390-0805A. The minimum required length of parking spaces shall be 16 feet. All parking spaces shall have a minimum vertical clearance of at least seven feet.
- N. Handicapped parking spaces. Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.
- O. Parking lot design standards. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Figure 390-0805A. Additional design standards apply to group developments and large developments (see [§ Section 390-0821](#)).
- P. Partial development of required parking spaces. At the time of site plan review, any developer may seek permission to not install a portion of its required parking unless and until it is determined jointly by the Village and developer that such parking is needed; however, the site plan shall depict the minimum number of required parking spaces.
- Q. Limit on the maximum number of required parking spaces. No site plan may be approved for a multifamily or nonresidential use that proposes more than 120% of the development's minimum number of required parking spaces, except as granted through a conditional use permit. As part of the application for a conditional use permit, the applicant shall provide a report demonstrating why additional parking will be needed. The report shall be prepared by a traffic modeling expert recognized by WisDOT.
- R. Joint and off-site parking facilities.
 - (1) Parking facilities that have been approved by the Director of Public Works to provide required parking for two or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak -hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded by the Plan Commission by explicit motion associated with this site plan review process.
 - (2) Each parking space designed to serve as joint parking shall not be located farther than 400 feet from the access to all of the various uses it is designated to serve, except as

allowed by a conditional use permit.

- (3) The applicant(s) for approval of a joint parking facility shall demonstrate to the satisfaction of the Director of Public Works that there will be no substantial conflict in the demand for parking during the principal operating hours of the two or more uses which the joint parking facility is proposed to serve.
 - (4) A legally binding instrument, approved by the Village Attorney, shall be executed by any and all parties to be served by a joint parking facility. This instrument shall be recorded with the Register of Deeds office and filed with the Village Clerk. A fee shall be required to file this instrument (see [§ Section 390-1106](#)).
- S. Parking within the Village Center. Within the Village Center (VC) [District](#)~~district~~, the parking requirements of this chapter are hereby waived.
- (1) Private, off-street parking may be allowed within the VC [District](#)~~district~~ only with a conditional use permit. Such parking shall be located on the same lot as the principal use(s) it serves, except per Subsection S(3) below.
 - (2) When making a determination on whether or not to allow private off-street parking in the VC [District](#)~~district~~, the Plan Commission and Village Board shall consider the following:
 - (a) Whether or not the proposed off-street parking is essential to the function of the proposed use;
 - (b) Whether the parking can be provided on site and in accordance with the design and layout provisions of this section;
 - (c) Whether the off-street parking area will be disruptive to the desired character of the Village Center District, as articulated in this chapter and through the Village's Comprehensive Plan.
 - (3) The owner of a principal use in the VC [District](#)~~district~~ may volunteer, or the Village Board may require, that off-street parking be provided on a separate lot controlled by the same owner, or within a municipally owned parking lot.
 - (4) If such accessory parking is provided within a municipally owned parking facility, the owner of the principal use shall make payment to the municipality in lieu of on-site parking in the amount of \$4,000 per required parking space. The municipality shall be required to provide such parking spaces within 400 feet of the principal use within three years following receipt of payment or shall return the payment to the owner of the principal use, unless both parties agree to extend the deadline for provision of the required parking spaces.
- T. Locational prohibitions for off-street parking areas.
- (1) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.
 - (2) No private parking shall occur on street terraces, driveways, or any other areas

located within a public right-of-way not explicitly designated by the Director of Public Works.

- U. Minimum permitted throat length. Figure 390-0805B shall be used to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the center line of the access drive. This regulation may be modified by the Plan Commission by explicit motion associated with this site review process.
- V. Potential reduction in parking. The Plan Commission and Village Board may allow a decrease in the required number of off-street parking spaces by up to 25% of the normal requirements based upon one or more of the following criteria:
 - (1) Technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission and Village Board, that actual off-street parking demand for that particular use is less than the required standard set forth in this chapter.
 - (2) Bicycle parking spaces will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
 - (3) Shared parking, on-site. This strategy works well in projects with a mix of uses that have different peak times. The strategy also may be employed with multi-phase projects where the parking requirements are recalculated with each phase to realize efficiencies as more uses are added.
 - (4) Shared parking, off-site. A shared parking agreement between two or more different project/property owners can be an effective method of reaching larger economies of scale to reduce the overall parking requirements of the individual projects. The agreement shall be prepared in a form acceptable to the Village Attorney and recorded prior to the issuance of a building permit for any of the properties involved. The agreement shall be in effect for the life of the project or other time frame as agreed to by the Village and the Village shall be included as an interested party to the agreement such that the agreement cannot be amended or terminated without Village approval.
 - (5) Deed restrictions. Deed restrictions that limit the number of cars occupants may have at a project may be an effective strategy, particularly for residential units. The form of the deed restriction shall be subject to approval by the Village and the Village shall be included as an interested party to the restriction such that the restriction cannot be removed without Village approval.
- W. Installation and maintenance. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by ~~§§ Sections~~ 390-0310F, S and T, 390-0311C and 390-0315O.
- X. Use of off-street parking areas. The use of all required off-street parking areas shall be limited to the parking of licensed operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.

Figure 390-0805A: Parking Layout Dimensions

	Parking Angle in Degrees				
Minimum Permitted Dimensions	0° <u>(feet)</u>	45° <u>(feet)</u>	60° <u>(feet)</u>	75° <u>(feet)</u>	90° <u>(feet)</u>
Stall width at parking angle (SW)	9.00'	9.00'	9.00'	9.00'	9.00'
Stall width parallel to aisle (WP)	17.17'	12.77'	10.44'	9.33'	9.00'
Stall depth to wall (D)	9.010'	17.515'	19.010'	19.515'	18.515'
Stall depth to interlock (DI)	N/A	15.33'	17.55'	18.88'	N/A
Stall length (SL)	18.00'	18.00'	18.00'	18.00'	18.00'
Aisle width (AW)	12.020'	12.020'	16.020'	17.202'	24.00'
Throat length (right-of-way to parking angle) (T)	Refer to requirements in Figure 390-0805B				
Parking module width (PMW)					
Wall to wall (single-loaded) (W1)	21.00'	29.55'	35.00'	42.55'	44.55'
Wall to wall (double-loaded) (W2)	30.00'	47.00'	54.00'	62.00'	63.00'
Wall to interlock (double-loaded) (W3)	N/A	44.88'	52.55'	61.33'	N/A
Interlock to interlock (double-loaded) (W4)	N/A	42.66'	51.00'	60.66'	N/A

NOTES

- 1 Parking spaces located behind an enclosed garage and directly off a through aisle shall be at least 30 feet deep.
- 2 This dimension represents (AW) for one-way traffic.

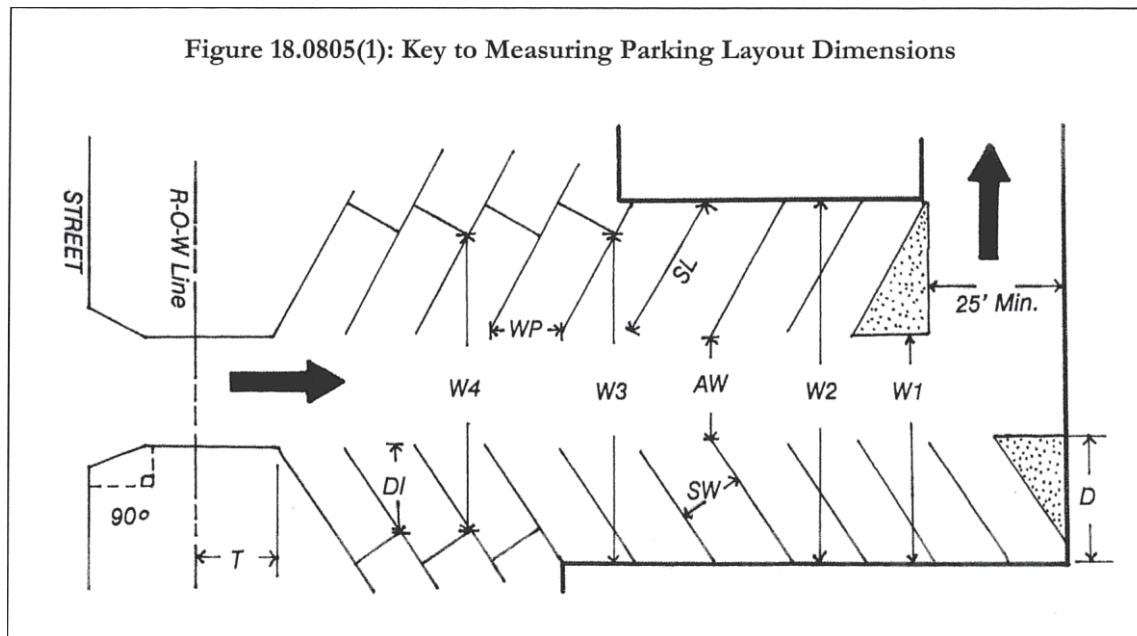


Figure 390-0805B: Minimum Permitted Throat Length

Land Use	Type	Scale of Development	Type of Access Street	
			Collector (feet)	Arterial (feet)
Residential	Any residential	0 to 100 dwelling units	25	N/A
		101 to 200 dwelling units	50	75
		201 + dwelling units	75	125
Business	Office	0 to 50,000 gross square feet	25	50
		50,001 to 100,000 gross square feet	25	75
		100,001 to 200,000 gross square feet	50	100
		200,001 + gross square feet	100	150
	Drive-through sales and service	0 to 2,000 gross square feet	25	75

		2,001 + gross square feet	50	100
	Commercial indoor lodging	0 to 150 rooms	25	75
		151 + rooms	25	100
	Other business uses	0 to 25,000 gross square feet	25	50
		25,001 to 100,000 gross square feet	25	75
		100,001 to 500,000 gross square feet	50	100
		500,001 + gross square feet	100	200
Industrial	All industrial uses	0 to 100,000 gross square feet	25	50
		100,001 to 500,000 gross square feet	50	100
		500,001 + gross square feet	50	200
Other uses	6 + spaces		25	50

§ 390-0806. Off-street loading standards.

- A. Purpose. The purpose of this section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- B. Applicability. Any use that has a gross floor area of 6,000 square feet or more, and that requires deliveries or makes shipments from large trucks, shall provide off-street loading facilities in accordance with the regulations of this section.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development for conformance with this section.
- D. Location. All loading berths shall be located 25 feet or more from the intersection of two

street right-of-way lines. Loading berths shall not be located within any required front or street side yard setback area. Access to the loading berth shall be located in conformance with Subsection E(1). All loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way.

E. Size of loading area. The first required loading berth shall be designed in accordance with Figure 390-0806. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

- (1) Access to loading area. Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (2) Surface and marking. All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that clearly indicates required loading areas.
- (3) Use of required loading areas. The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (4) Lighting. All loading areas shall be lit so as to not exceed the standards of [§ Section 390-0807](#).
- (5) Signage. All signage located within, or related to, loading areas shall comply with the requirements of Article 10.

F. Depiction on required site plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

G. Calculation of required loading spaces.

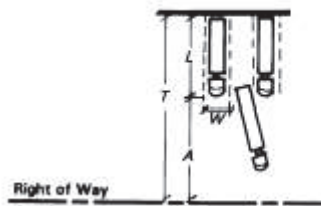
- (1) Indoor institutional land uses. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
- (2) Business (except offices), storage, transportation, and industrial land uses. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
- (3) Office land uses. One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in

buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

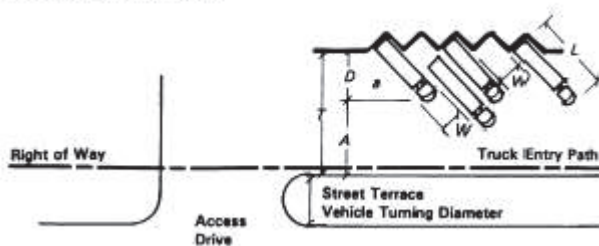
Figure 390-0806: Loading Standards

Design Vehicle	Length (feet) Feet	Dock Angle (a)	Clearance in Feet (D) (feet)	Berth Width in Feet (W) (feet)	Apron Space in Feet (A) (feet)	Total Offset in Feet (T) (feet)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

90 DEGREE DOCKS



SAWTOOTH DOCKS



§ 390-0807. Exterior lighting standards.

- A. Purpose. The purpose of this section is to regulate the ~~spillover~~~~spill-over~~ of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- B. Applicability. The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights-of-way and/or lighting located on public property.

- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development for conformance with this section.
- D. Depiction on required site plan. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.
- E. Exterior lighting requirements.
 - (1) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaires and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (2) Flashing, flickering, and/or other lighting that may distract motorists is prohibited.
- F. Intensity of illumination.
 - (1) In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandle above ambient lighting conditions on a cloudless night.
 - (2) The maximum average on-site lighting in nonresidential zoning districts shall be 2.4 footcandles.
 - (3) The maximum average on-site lighting in residential zoning districts shall be 0.90 footcandle.
 - (4) The following exceptions shall be permitted:
 - (a) The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 3.60 footcandles.
 - (b) The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 footcandles; all under-the-canopy fixtures shall be fully recessed.
 - (c) Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
 - (5) Fixtures and luminaires.
 - (a) Outdoor lighting shall be full-~~cutoff-eut-off~~ fixtures and downward facing and no direct light shall bleed onto adjacent properties. Exempt from this requirement are any fixtures using an incandescent bulb of 100 watts or less, or its equivalent.
 - (b) Light fixtures shall not be located within required [buffer yards](#)~~bufferyards~~ (see Article 9).
 - (c) Total-~~cutoff-eut-off~~ luminaires with angles of less than 90° shall be required for

pole and building security lighting to ensure no fugitive ~~uplighting~~ lighting occurs.

- (d) The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
- (e) The maximum fixture height in the ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, MF-12, MF-18 and SB ~~Districts~~ shall be 15 feet. The maximum fixture height in the AH, VC, LSB, CB, LI, GI, P&I, and P&R ~~Districts~~ shall be 16 feet.
- (f) In the ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, and SB ~~Districts~~, lighting fixtures shall not be located closer than three feet to any lot line.
- (g) All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 footcandle.
- (h) Any temporary use using exterior lighting that is not in complete compliance with the requirements of this section shall secure a temporary use permit (see ~~§ Section~~ 390-1208).

§ 390-0808. Exterior storage standards.

- A. Purpose. The purpose of this section is to control the use of residential, office, and business property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to ~~§§ Sections~~ 390-0307 and 390-0311.
- B. Applicability. The requirements of this section apply to all development.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see ~~§ Section~~ 390-1206).
- D. Requirements for exterior storage in business districts. In all business zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following, which shall not be located within any front or street side yard and shall be stored a minimum of five feet from any and all property lines:
 - (1) Screened refuse containers;
 - (2) Construction materials;
 - (3) Landscape materials and related equipment connected within on-site construction; and
 - (4) Off-street parking (except for vehicles in designated parking spaces).
- E. Inoperative motor vehicles and junk. Refer to Chapter 342, Vehicles, Abandoned and

Junked, in the Village's Municipal Code.

- F. Exterior trash storage. All exterior trash storage shall be located within an enclosure that completely screens the view of said trash. The exterior of said enclosure shall be constructed of some or all of the materials used on the main building. A solid wood fence shall be used to gain access to the storage area.
- G. Outdoor storage of firewood. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may be stacked not closer than two feet to any lot line and not higher than six feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. "Fence," as used in this subsection, shall not include hedges and other vegetation.
 - (1) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.
 - (2) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles or that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this chapter.
 - (3) Not more than 20% of the side and rear yard may be used for storage of firewood at any one time.

§ 390-0809. Fencing standards.

- A. Purpose. The purpose of this section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- B. Applicability. The requirements of this section apply to all fencing, landscaping walls, and decorative posts equal to or exceeding 30 inches in height for all land uses and activities.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see [§ Section 390-1206](#)).
- D. Height standards.
 - (1) On corner lots in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 1/2 feet and 10 feet above grade in the area bounded by the street and a line joining the points along such street to lines 10 feet from the point of intersection.
 - (2) A fence, wall, tree, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on or adjacent to a residentially zoned property.

- (a) Permitted types of fences in residential districts include split rail fences; open picket fences; or decorative fences not more than three feet in height located on the interior of the lot surrounding patios, gardens, or other similar features. Any other type of fence shall require a conditional use permit per [§ Section 390-1207](#).
 - (b) The height of such fences or walls along interior side and rear lot lines shall not exceed six feet above the ground level, except that along zoning district boundaries there shall be a ten-foot limit on the height of fencing along such boundary. The height of fences or walls along street side and front lot lines shall not exceed three feet above ground level. If solid fences or walls are deemed appropriate along public rights-of-way, consideration should be given to providing a landscaped planting strip at least two feet in width adjacent to the property line.
 - (3) Fences, walls, trees, hedges, or shrubbery erected, placed, maintained, or grown along a lot line on any business or industrially zoned property adjacent to residentially zoned property shall be to a height of eight feet. No barbed wire or electrical fences may be erected or maintained.
- E. Setback standards.
- (1) Fences on or adjacent to a residential property shall have minimum three-foot side and rear yard setbacks unless the adjacent owner consents in writing to the entrance upon such owner's land for the purpose of maintaining such fence or such fence is maintenance free, in which case the minimum setback shall be six inches. There shall be a minimum two-foot setback from an alley. Fences shall have minimum five-foot front and street side yard setbacks. A lot survey may be required if property lines cannot be determined.
 - (2) Living fences or hedges shall be planted so they may be trimmed without entry on abutting lands. Species shall determine distance but in no case shall any shrub or plant be planted less than three feet from the center to the lot line.
- F. Wood fences. Wood fences on the perimeter of a lot shall be installed with the finish side of the fence slats facing toward the neighboring property.
- G. Dog runs or pet enclosures. Dog runs or pet enclosures constructed of fencing material of any type shall adhere to the following requirements:
- (1) Dog runs and pet enclosures may be located only in the rear yard of lots not abutting a lake, shall be set back a minimum of 15 feet from the interior side lot lines and the rear lot line, and shall be set back a minimum of 10 feet from the principal structure, unless attached to the rear of such principal structure.
 - (2) Dog runs and pet enclosures may be located only in the interior side yards of lots abutting a lake and shall be set back a minimum of 15 feet from interior side lot lines.
 - (3) The maximum height of dog runs and pet enclosures shall be six feet.
- H. Fence maintenance. All fences, including their painted surfaces, shall be maintained and

kept safe and in a state of good repair, including painted surfaces.

- I. Temporary fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in this section. The issuance of a permit shall not be necessary for temporary fences as described in this subsection. Snow fences shall be removed by April 1 of each year.
- J. Fencing for dumpsters. Apartments containing three or more dwelling units shall provide a six-foot high fence with four sides, accessible by a gate, surrounding all dumpsters.
- K. Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- L. Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

§ 390-0810. Private residential swimming pool standards.

- A. Purpose. The purpose of this section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. This section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private residential swimming pool.
- C. Review and approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this section through the site plan review process (see [§ Section 390-1206](#)).
- D. Permit required. A building permit must be secured prior to the commencement of construction or erection of a private residential swimming pool, or of any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.
- E. Exempt pools. ~~Non-filtered~~[Non-filtered](#) storable swimming or wading pools that are so constructed such that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section. Decorative pools that are less than 36 inches in depth are exempt from the provisions of this section. Spas and hot tubs with lockable tops are also exempt.
- F. Construction requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection D above unless the following requirements are met:

- (1) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state plumbing codes. Every private residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.
 - (3) All electrical installations, including lighting and heating, that are used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations. Private residential swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or the surrounding fence.
- G. All exterior light fixtures installed around a private residential swimming pool shall comply with [§ Section-390-0807](#).
- H. Setbacks and other requirements. Private residential swimming pools shall be erected or constructed ~~in~~^{on} rear or side ~~yards~~^{lots} only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least six feet from any lot line or building unless designed and approved as an addition to a building. [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
- I. Enclosure. Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four feet nor more than six feet in height and not less than four feet from the pool edge, and constructed not to have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. Gates or doors shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. This section shall not apply to existing fences on the date of adoption of this chapter at least 40 inches in height that otherwise comply with this section.
- J. Screening. All ~~aboveground~~^{above-ground} pools shall be screened by vegetation, such as ~~arborvitae~~^{Arbor-Vitae}, spruce, burning bush, or other species approved by the Zoning Administrator. Plants shall be installed at a minimum height of four feet.
- K. Compliance. All private residential swimming pools existing at the time of adoption of this chapter not satisfactorily fenced shall comply with the enclosure requirements of

Subsection I, ~~or~~ when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

- L. Filter system required. All private residential swimming pools within the meaning of this section must have some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- M. Dirt bottoms prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

§ 390-0811. Communication tower standards.

- A. Purpose. The purpose of this section is to regulate the placement and maintenance of communication towers in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all communications towers as described in ~~§ Section~~ 390-0311E of this chapter.
- C. Review and approval. Through both the site plan review process (~~§ (Section~~ 390-1206) and the conditional use process (~~§ (Section~~ 390-1207), the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed communication towers. No conditional use permit shall be issued unless the applicant presents to the Plan Commission credible evidence establishing to a reasonable degree the following:
 - (1) No existing communication tower is located within the area in which the applicant's equipment is proposed to be located.
 - (2) No existing communication tower within the area in which the applicant's equipment is proposed to be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost.
 - (3) No existing communication tower within the area in which the applicant's equipment is proposed to be located has sufficient signal strength to support the applicant's equipment and the deficiency cannot be remedied at a reasonable cost.
 - (4) The applicant demonstrates that there are other factors that render existing communication towers unsuitable or unavailable and establishes that the public interest is best served by the placement of a new communication tower.
- D. ~~Co-location~~~~Collocation~~ requirement. It is intended that the expansion of communication technology be provided while minimizing the number of tower sites in the Village of Williams Bay. This shall be accomplished through ~~co-location~~~~collocation~~, meaning that antenna arrays for multiple users be placed on a single tower to the extent technologically and economically feasible. The cost of eliminating impediments to ~~co-location~~~~collocation~~ shall be deemed reasonable if it does not exceed by 25% the cost of constructing a new tower on which to mount the applicant's equipment.
 - (1) In applying the standards and criteria set forth in this section, the Plan Commission shall, unless it is shown to be unreasonable, condition the approval of the conditional

- use permit upon the applicant placing or constructing the communication tower to accommodate, at a minimum height of 150 feet, the ~~co-location~~ of two additional antenna arrays similar in size and function to that placed on the tower by the applicant.
- (2) ~~Co-location~~ sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of ~~co-location~~ sites.
 - (3) The holder of a conditional use permit under this section shall make the ~~co-location~~ sites available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the ~~co-location~~ sites and a fair return on investment.
 - (4) The holder of the conditional use permit for any tower on which ~~co-location~~ occurs shall within 30 days of such ~~co-location~~ provide the Plan Commission with written notification of the identity of the ~~co-locator~~ and the nature of the equipment installed. Within 30 days of the date on which any ~~co-location~~ use ceases, the permit holder shall provide the Plan Commission with written notice of the cessation of such use.
- E. Standards. In addition to all applicable state and federal standards, the following shall apply:
- (1) Communication equipment installed on existing buildings or sites shall, to the extent possible, match the color of existing buildings, and be installed in a fashion to lessen the visual impacts of such installation.
 - (2) Construction of a building of no more than 14 feet in height and 300 square feet in floor area is permitted for use directly incidental and necessary to the use of the tower. Two or more users of the tower may occupy a single building with a floor area of no more than 300 square feet per user.
 - (3) Whenever possible, equipment shall be located in interior rooms in existing buildings on the site.
 - (4) Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures and colors.
 - (5) Depending on the specific building location, a landscape plan may be required.
- F. Modification. Unless otherwise provided in this section, a conditional use permit is required for any modification to a communication tower that significantly alters the appearance or structural integrity of the tower or that involves the installation of antenna or equipment differing in size and function from that previously installed on the tower.
- G. Compliance. Failure to comply with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Plan Commission determines that it is necessary to consult with a third party to ascertain compliance with conditions on a

conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit. Failure to pay such costs and expenses or provide information requested by the Plan Commission shall be grounds for revocation of the conditional use permit.

- H. Obsolete towers. The applicant shall provide a written agreement stating that if the tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Plan Commission written notice of the cessation of use. A performance bond of \$20,000 shall be required to ensure compliance with all applicable requirements for removal of the communication tower and equipment.
- I. Insurance liability. The owner of any communication tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the communication tower with a single combined limit of not less than \$1,000,000 per occurrence and shall name the Village as an additional insured. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance upon issuance of the initial policy and upon each renewal.
- J. Fee required. An application fee under this section shall be established by resolution. The applicant shall be responsible for all costs exceeding the application fee. In addition, if the Plan Commission determines it is necessary to consult with a third party in considering factors listed above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant.

§ 390-0812. Air pollution standards.

- A. Purpose. The purpose of this section is to regulate the creation of air pollution that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- C. Standards. In addition to all applicable state and federal standards, the following shall apply:
 - (1) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
 - (2) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart ([U.S. Bureau of Mines](#)) is prohibited at all times.

- (3) Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
- (4) All other applicable state and federal standards.

§ 390-0813. Glare and heat standards.

- A. Purpose. The purpose of this section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- C. Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by § 66.0401, Wis. Stats., shall be entitled to the protection of its provisions.

§ 390-0814. Fire and explosions.

- A. Purpose. The purpose of this section is to regulate the creation of fire and/or explosion hazards that adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities.
- C. Standards.
 - (1) Any use involving materials that could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and ~~firefighting~~[fire-fighting](#) devices in accordance with all fire prevention codes of the State of Wisconsin.
 - (2) The ~~aboveground~~[above-ground](#) storage capacity of materials that produce flammable or explosive vapors shall not exceed 30,000 gallons.

§ 390-0815. Odor standards.

- A. Purpose. The purpose of this section is to regulate the creation of odor that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities, except

that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this section as essential public services.

- C. Standards. Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day that are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any zoning district other than the General Industrial ~~District~~[District](#).

§ 390-0816. Toxic, noxious and waste materials.

- A. Purpose. The purpose of this section is to regulate the handling of toxic, noxious, or waste material that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all land uses and activities.
- C. Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of ~~Public~~[Health Services](#).

§ 390-0817. Hazardous materials.

- A. Purpose. The purpose of this section is to provide information to the Village regarding the nature of land uses that involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- B. Applicability. The requirements of this section apply to all land uses and activities involving any one or more of the following:
 - (1) Microorganism cultures subject to § 94.65, Wis. Stats..
 - (2) Pesticides subject to § 94.67(25), Wis. Stats.
 - (3) Biological products subject to § 95.39, Wis. Stats.
 - (4) Hazardous substances subject to § 100.37(1)(c), Wis. Stats.
 - (5) Toxic substances subject to § 101.58(2)(j), Wis. Stats.
 - (6) Infectious agents subject to § 101.58(2)(f), Wis. Stats.
 - (7) Any material for which the State of Wisconsin requires notification of a local fire

department.

- (8) Any other uses, activities, or materials that are subject to county, state, or federal hazardous or related materials regulations.
- C. Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

§ 390-0818. Water quality standards.

- A. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- B. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

§ 390-0819. Noise standards.

- A. Purpose. The purpose of this section is to regulate the creation of noise that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all uses and activities that create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property; by incidental traffic, parking, loading, maintenance, or agricultural operations; or by sirens, whistles, and bells that are maintained and utilized solely to serve a public purpose.
- C. Requirements. All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 390-0819 as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any zoning district other than the General Industrial ~~District~~[District](#).
- D. Nonconforming noise. Noise that was in effect as of the effective date of this chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this chapter is the responsibility of the noise producer.

Figure 390-0819: Maximum Permitted Noise Level at Lot Line for Continuous Noise

Zoning District	Increase in Noise Level Over Ambient Level
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AH, ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, MR-12, MR-18	Plus 3 dBA
P&I, P&R, SB, VC, LSB, CB, LI	Plus 5 dBA
GI	Plus 8 dBA
Adjustment Factors for Maximum Noise Levels	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	Plus 5 dBA
Noise source operates less than 20% of any 1-hour period	Plus 5 dBA*
Noise source operates less than 5% of any 1-hour period	Plus 10 dBA*
Noise source operates less than 1% of any 1-hour period	Plus 15 dBA*
Noise of impulsive character (hammering, etc.)	Minus 5 dBA
Noise of periodic character (hum, speech, etc.)	Minus 5 dBA

NOTES:

* Apply only one of these corrections.

§ 390-0820. Vibration standards.

- A. Purpose. The purpose of this section is to regulate the creation of vibration that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this section apply to all uses and activities that create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- C. Review and approval. Through the site plan review process (see [§ Section 390-1206](#)), the Plan Commission shall review and approve all development on the subject property.
- D. Depiction on required site plan. Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.
- E. Requirements. No activity or operation shall cause or create [earth-borneearthborn](#) vibrations in excess of the displacement values given in Figure 390-0820 below.
- F. Method of measurement. Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured

with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted displacements shall be determined in each zoning district by the following formula: $D = K/f$, where D = displacement in inches; K = a constant to be determined by reference to Figure 390-0820 below; f = the frequency of vibration transmitted through the ground (cycles per second).

Figure 390-0820: Vibration Measurement Constant

	K All Other Zoning Districts	K GI District
On or beyond any adjacent lot line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On or beyond any residential district boundary line		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

§ 390-0821. Group development and large development standards.

- A. Purpose. The purpose of this section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the Village of Williams Bay.
- B. Applicability. The following standards apply to all group development and large development projects, as defined below.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

GROUP DEVELOPMENT — Any development located on one lot and comprised of any single instance or any combination of the following development types:

- (1) One or more principal multifamily residential buildings with a total of five or more residential units on the same lot.
- (2) Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
- (3) A mixed-use structure containing both nonresidential uses and residential uses.
- (4) A single principal structure housing two or more leased or owned tenant spaces.
- (5) Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.

LARGE DEVELOPMENT — Any institutional, business, or mixed residential and nonresidential development containing any single structure or combination of structures on one or more contiguous lots or building sites devoted to land uses on which the total combined gross floor area of all development exceeds 10,000 square feet. The calculation of gross floor area shall include indoor and outdoor storage and display areas.

D. Common examples.

- (1) Common examples of group developments include apartment or condominium complexes, commercial centers, shopping centers, office centers, and multi-tenant industrial buildings. Single-tenant business or office buildings, one-tenant industrial buildings, four-unit apartment buildings, and all ~~planned developments~~Planned Developments are not considered group developments even though such developments may contain lots under common ownership.
- (2) Common examples of large developments include single-tenant institutional, business, or mixed ~~use~~ buildings in excess of 10,000 gross square feet, such as retail stores, restaurants, day-cares, schools, or churches.
- (3) Common examples of developments that are both group developments and large developments include multi-tenant, nonresidential buildings that are in excess of 10,000 gross square feet, and any multi-building developments in which the combined total of all structures on a site, regardless of diverse ownership, use, or tenancy, combine to exceed 10,000 gross square feet.

E. Review and approval.

- (1) All group developments and large developments require a conditional use permit (see ~~§ Section~~§ Section 390-1207 for review and approval procedure) regardless of whether individual uses within the development are permitted by right within the applicable district, except where such developments are approved as ~~planned developments~~Planned Developments per ~~§ Section~~§ Section 390-0709.
- (2) Any land use that is either a permitted by right land use or a use allowed by conditional use permit within the applicable zoning district may be included within a group development and/or large development.
- (3) Land uses permitted by right in the applicable zoning district shall be permitted by right uses within an approved group and/or large development, subject to the provisions of this section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.
- (4) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that specific use.
- (5) The detailed land use regulations in Article 3 of this chapter that pertain to each proposed land use shall also apply within a group development and/or large development, as will all other applicable provisions of this chapter.

- (6) Following initial issuance of a conditional use permit for the group development and/or large development as a whole, the subsequent addition of structures, additions to structures, and expansions of parking or storage areas in the group development and/or large development shall require an amendment to the approved conditional use permit regardless of individual land use(s).
 - (7) Subsequent changes to individual land uses within a group development and/or large development listed as permitted by right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.
 - (8) Subsequent changes to individual land uses that are allowed only with a conditional use permit may be allowed only under a subsequent conditional use permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout in the group development and/or large development.
- F. Standards applicable to all group developments and to all large developments. In all cases, the following standards shall be applied to the group development and/or large development as a whole, as well as to individual uses within the group and/or large development:
- (1) All development shall comply with the applicable requirements of this chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements; and signage requirements.
 - (2) Subject to conditional use and design review processes. All group developments and/or large developments shall be subject to the Village of Williams Bay site plan review and approval process. In addition to the application requirements listed in Subsection E(1), the applicant shall demonstrate how the proposed development relates to each of the following criteria:
 - (a) Is consistent with the recommendations and forwards the objectives of adopted Village planning documents;
 - (b) Complements the design and layout of nearby buildings and developments; and
 - (c) Enhances, rather than detracts from, the desired character of the Village.
 - (3) General layout and future divisibility. All development located within a group development and/or large development shall be located so as to comply with the intent of the Zoning Ordinance regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments and/or large developments shall be situated within building envelopes that are in complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments and/or large developments. The use of this approach to designing group developments and/or large developments will facilitate the subdividing of group

developments and/or large developments in the future (if such action is so desired).

- (4) Building materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, stone, wood, stucco, and exterior insulation and finish systems (EIFS) may be used, as may vinyl on a portion of residential structures, as determined appropriate by the Plan Commission. Decorative architectural metal or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
- (5) Overall building design. Building design shall be subject to Plan Commission approval, and shall forward the aesthetic objectives of the Village for the community, the neighborhood, and the subject property.
- (6) Building entrances. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns.
 - (a) Two or more of the following design features shall be incorporated into all public building entryways:
 - [1] Canopies or porticos.
 - [2] Overhangs.
 - [3] Projections.
 - [4] Arcades.
 - [5] Peaked roof forms.
 - [6] Arches.
 - [7] Outdoor patios.
 - [8] Display windows.
 - [9] Distinct architectural details.
 - (b) Where more than one store will be located in a principal building, each such store shall have at least one exterior customer entrance that shall conform to the design standards of this subsection.
- (7) Building color. Building facade colors shall be compatible with the surrounding areas and shall be ~~nonreflective~~non-reflective, subtle, neutral, or earth tone, as judged by the Plan Commission. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be allowed only on signage, subject to the limitations in ~~§ Section~~§ Section 390-0802 of this chapter.
- (8) Screening.
 - (a) All ground-mounted and wall-mounted mechanical equipment, refuse

containers, and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

- (b) All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls. The lowest point on the top of such screening elements shall be at least as high as the highest point on any mechanical equipment. Fences or similar rooftop screening devices may not be used to meet this requirement. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (c) Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls that match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
 - (d) Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh, or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.
- (9) Roadway connections.
- (a) All nonresidential projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the Plan Commission.
 - (b) Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.
 - (c) The site design shall provide direct connections to adjacent land uses if required by the Village.
- (10) Parking.
- (a) Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces required in Article 2 of this chapter by 50% shall be allowed only with specific and reasonable justification.
 - (b) Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every 12 spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of 360 square feet in landscaped area.
 - (c) Landscaped and curbed medians, a minimum of 10 feet in width from back of curb to back of curb, shall be used to create distinct parking areas of no more

than 120 parking stalls.

- (d) Parking located in the front and/or street side yard shall be limited to no more than one doubled-loaded row of parking and an area for passenger ~~drop-off~~ drop-off and ~~pick-up~~ pick-up unless the applicant can demonstrate to the Plan Commission's satisfaction that such parking arrangement is not practical given site limitations.
- (11) Bicycle and pedestrian facilities.
- (a) The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
 - (b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be 10 feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
 - (c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50% of their length. Such landscape shall be consistent with the landscaping used for the street frontages.
 - (d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color, pavement textures, and signage.
 - (e) The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
 - (f) The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 10,000 square feet of gross floor area. Seating in food service areas or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pickup or ~~drop-off~~ drop-off area.
- (12) Central areas and features. Each development exceeding 20,000 square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.
- (13) Cart returns. For ~~indoor sales~~ Indoor Sales and ~~service~~ Service land uses, a minimum of one 200-square ~~foot~~ foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, ~~nonrusting~~ non-rusting, all ~~season~~ season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage

- areas located within 25 feet of the building. Any long-term cart storage shall be located indoors.
- (14) Outdoor display areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of 10 feet. Display areas on building aprons must maintain a minimum walkway width of 10 feet between the display items and any vehicle drives.
 - (15) Outdoor storage uses and areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items, shall be permitted only where clearly depicted and labeled on the approved site plan.
 - (16) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per the Village's landscaping requirements (see Article 9). In addition to the requirements of Article 9, a minimum ten-foot wide landscaped area shall be located along the building foundation for all facades facing a public street, except where breaks in such landscaping are required to provide customer, employee, or emergency access to the building.
 - (17) Lighting. On-site exterior lighting shall meet the standards in [§ Section 390-0807](#).
 - (18) Signage. The plan for exterior signage shall provide for modest, coordinated, and complementary exterior sign locations, configurations, and color throughout the development, including outlots. All freestanding signage within the development shall complement on-building signage. Monument ~~style~~ ground signs are required, and shall not exceed a height of eight feet. Consolidated signs for multiple users may be required instead of multiple individual signs. The Village may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, but shall be considered as contributing to the number and area of permitted signs.
 - (19) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties.
 - (20) Natural resources protection. Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any stormwater detention or conveyance features is solely borne by the developer/owner unless dedicated to and accepted by the Village.

G. Additional rules applicable to all large developments.

- (1) A [large development questionnaire](#)~~Large Development Questionnaire~~ shall be completed and provided along with the conditional use permit application in the format included in Figure 390-0821B at the end of this section.
- (2) Compatibility report. The applicant shall provide, through a written [compatibility report](#)~~Compatibility Report~~ submitted with the petition for a conditional use permit,

adequate evidence that the proposed building and overall development project shall be compatible with the Village's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The ~~compatibility report~~Compatibility Report shall specifically address the following items:

- (a) A description of how the proposed development is compatible with adopted Village Plans, including the Comprehensive Plan, any detailed neighborhood or special area plans, and other plans officially adopted by the Village.
- (b) Traffic ~~Impact Analysis~~impact analysis. The Village may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. Such Traffic Impact Analysis shall require the following components:
 - [1] A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.
 - [2] Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the Village may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.
 - [3] The Village has the option to require a trip generation study.
- (3) Economic and fiscal analysis. The Village may require completion of an economic and fiscal impact analysis containing the following items:
 - (a) Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
 - (b) Compare and evaluate the projected costs and benefits to the community resulting from the project, including:
 - [1] Projected costs arising from increased demand for and required improvements to public services and infrastructure.
 - [2] Value of improvements to public services and infrastructure to be provided by the project.
 - [3] Projected tax revenues to the Village to be generated by the project in the first five years of business.
 - [4] Projected impact of the project in the first five years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the Village of Williams Bay.

- (4) Building placement and site layout. Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or ~~outlots~~~~out-lets~~ closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the Village's Comprehensive Plan.
- (5) For a development exceeding 80,000 square feet in total gross floor area of all combined buildings within the development, the Village may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Village Board. The detailed neighborhood plan shall be prepared for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than one inch equals 400 feet:
- (a) Land use with specific zoning districts and/or land uses.
 - (b) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.
 - (c) Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
 - (d) Conceptual stormwater management facilities.
 - (e) Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
 - (f) Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
 - (g) Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, and community character provisions of the Village's Comprehensive Plan.
- (6) Overall building design. The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission:
- (a) The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
 - (b) A minimum of 20% of the structure's facades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted facade shall extend more than 100 feet.
 - (c) A minimum of 20% of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet.

- (d) Roofs with particular slopes may be required by the Village to complement existing buildings or otherwise establish a particular aesthetic objective.
 - (e) Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 60% of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) between three to eight feet above the walkway along any facades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
 - (f) Building facades shall include a repeating pattern that includes no fewer than three of the following elements: color change; texture change; material modular change; and expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
 - (g) Landscaped berm. For development exceeding 20,000 square feet in total gross floor area, and where the subject property abuts an area zoned or planned for residential or institutional use, a minimum six-foot high berm shall be provided. The berm shall be planted with a double row of white, green, or blue spruce plantings, or similar species and varieties approved by the Village, spaced 15 feet on center.
- (7) Building and parking placement A maximum of 75% of all parking spaces located anywhere on the site shall be located between the primary street frontage right-of-way line and line of equal setback to the most distant front wall of the building. The remainder of parking on the site shall be set back a greater distance from this setback line to the sides and rear of the building.
- (8) In general, existing natural features shall be integrated into the site design as a site and community amenity. Each development shall intentionally incorporate into site and building design elements that contribute to the long-term environmental sustainability of the development and the Village. Each development shall provide at least 1/2 of the following sustainability features:
- (a) Reuse an existing, previously developed building and/or site.
 - (b) Utilize one or more rain gardens or bioswales, as described in the Village of Williams Bay Landscaping Guidelines, to capture and manage stormwater.
 - (c) Incorporate stormwater management facilities that are designed to appear as natural features that can serve as attractive focal points for the development.
 - (d) Install native/naturalized landscaping that minimizes requirements for irrigation/watering and provides natural habitat.
 - (e) Deliberately design/retrofit the primary building with energy efficient systems, such as lighting, refrigeration, and HVAC systems.

- (f) Utilize paving and/or roof materials with a solar reflectance index of at least 29 for a minimum of 50% of the combined pavement and roof area on the site.
 - (g) Recycle a minimum of 75% of the waste generated during building/site construction.
 - (h) Utilize a minimum of 25% recycled materials for building construction.
 - (i) Utilize a minimum of 50% regional materials for building construction (extracted, harvested, or recovered, and manufacturing from within 500 miles of the development site).
 - (j) Purchase a minimum of 50% of the development's energy from renewable sources, such as wind or solar.
 - (k) Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building design.
 - (l) Install a green roof or ~~rooftop~~~~roof-top~~ garden.
 - (m) Install systems that allow for the capture and later use of rainwater to water landscaping and for other permitted functions.
 - (n) Two additional sustainability features not listed above but approved by the Plan Commission to meet the Village's sustainability objectives, not including any feature already required by another section of this chapter.
- (9) Vacation of existing buildings in large developments.
- (a) Where any large development that has 50,000 or more square feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building, the party shall be subject to the following provisions:
 - [1] The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
 - [2] The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
 - (b) In addition to the above, any building within a large development that has 20,000 or more square feet of floor area and is vacated for any reason shall be subject to the following provisions:
 - [1] The owner must file with the Village a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
 - [2] The owner shall be required to meet the requirements defined in Figure 390-0821A based on the amount of time the building remains vacant:

Figure 390-0821A: Steps for Addressing Building Vacancy

Period of Time Building is Vacant	Requirement
Within 1 year of vacancy	Install a fire department Knox-Box® for annual fire inspection.
Within 3 years of vacancy	Village may require owner to paint building a neutral color, if not already done.
Within 5 years of vacancy	Village may require the removal of all hard surfaces, with the exception of the main driveway and fire lane around the building, restore the former hard sur surfaced areas with black dirt and grass, or any combination of the above.

- [3] Within the first quarter of each year of vacancy, the owner shall provide the Zoning Administrator with a statement as to the condition of the building and prospects for removal or ~~reoccupancy~~~~re-occupancy~~ of the building(s).
- [4] At any time following vacancy, the Village may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site.
- [5] Temporary occupancy of the building(s) and/or the exterior grounds for a period of 365 consecutive days or less shall not be considered to remove the vacancy status of the building under this section.

(10) Additional requirements. All large developments are subject to the following additional requirements:

- (a) The developer shall enter into a development agreement with the Village, which shall include the payment of all utilities including but not limited to stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
- (b) All buildings on outlots shall be of architectural quality comparable to the primary structure, as determined by the Plan Commission.

Figure 390-0821B: Large Development Questionnaire
Applicant and Project Information
Applicant Name
Applicant Address
Applicant Phone Number
Property Owner
Developer
Contractor
Engineer
Architect
Planner
Landscape Architect

Lighting Representative

Existing Site Conditions

Total site area (inclusive of all areas within the parcel)

Environmental corridor components

Surface water

Wetlands

100-year floodplain

Steep slopes (equal to or greater than 12%)

Upland woodlands (per environmental corridor criteria)

Describe how the proposed development is compatible with the following plans and policies:

Williams Bay Comprehensive Plan

Future Land Use

Transportation

Utilities and Community Facilities

Community Character

Agricultural Resources

Natural Resources

Economic Development

Other provisions of the Comprehensive Plan

Williams Bay Park and Open Space Plan

Williams Bay Intergovernmental Agreements

State and County land use, transportation, and park plans

§ 390-0822. (Reserved)

§ 390-0823. Administration and enforcement.

- A. Determinations necessary for administration and enforcement of performance standards set forth in this article range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this chapter that:
- (1) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (2) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
- B. The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the

alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

- C. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.

ARTICLE 9 Landscaping Requirements

§ 390-0901. Purpose.

The purpose of this article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and buffer yards~~buffer yards~~.

§ 390-0902. Use of~~How to use this~~ article.

- A. This article contains the standards that govern the amount, size, type, installation, and maintenance of required landscaping. This article recognizes the important and diverse benefits landscaping provides in terms of protecting the health, safety, and general welfare of the community.
- B. Each section of this article is oriented to a specific category of required landscaping. The landscaping requirements described in this article are cumulative in nature and are required for all development, except single-family residential and agricultural uses, in the following locations: around building foundations, in developed lots, along street frontages, in or around paved areas, in permanently protected green space areas, in reforestation areas, and in buffer yards~~buffer yards~~. Descriptions of these areas and their associated landscape requirements are included in ~~§§ Sections~~ 390-0906, 390-0907, 390-0908, and 390-0909.
- C. In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 390-0913 presents sample landscape point combination alternatives used by this chapter. Section 390-0910 provides a listing of plant species fitting into the plant categories listed in Figure 390-0910A. Section 390-0912 provides requirements for the installation and maintenance of required landscaping, and ~~§ Section~~ 390-0904 describes the procedure for calculating landscaping requirements for this article.

§ 390-0903. Landscaping points.

All landscaping requirements are stated in terms of the number of landscaping points required.

The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. Points are awarded based on plant type, which is mostly dependent upon a plant's typical mature height, physical characteristics, and whether it is a deciduous or evergreen species. Figure 390-0903 itemizes the number of points awarded and the minimum installation size required per plant type.

Figure 390-0903: Landscaping Points

Plant Category	Landscaping Points Per Plant	Typical Mature Height (feet)	Minimum Permitted Installation Size
Shade tree Tree	75	> 50 feet	2-inch caliper- inches Caliper
Tall deciduous tree Deciduous-Tree	30	30 to 50 feet	1 1/2-inch caliper-inches Caliper
Medium deciduous tree Deciduous-Tree	15	20 to 30 feet	6 feet tall Tall
Low deciduous tree Deciduous-Tree	10	< 20 feet	4 feet tall Tall
Tall evergreen tree Evergreen-Tree	40	> 30 feet	5 feet tall Tall
Medium evergreen tree Evergreen-Tree	20	20 to 30 feet	4 feet tall Tall
Low evergreen tree Evergreen-Tree	12	< 20 feet	3 feet tall Tall
Tall deciduous shrub Deciduous-Shrub	5	> 10 feet	36 inches tall Tall
Medium deciduous shrub Deciduous-Shrub	3	4 to 10 feet	24 inches tall Tall
Low deciduous shrub Deciduous-Shrub	1	< 4 feet	18 inches tall Tall
Tall/ medium	5	> 4 feet	18 inches

evergreen shrub Medium- Evergreen Shrub			tall/wide Tall/Wide
Low evergreen shrub Evergreen Shrub	3	< 4 feet	12 inches tall/wide Tall/Wide
Perennial plantings Plantings	20/20 square feet	N/A	2 feet tall Tall or 1 gallon pot (generally spaced 2 feet on center)
Rain garden Garden or bioswale Bioswale	20/20 square feet	N/A	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus,
UW-Extension Publication: A2865

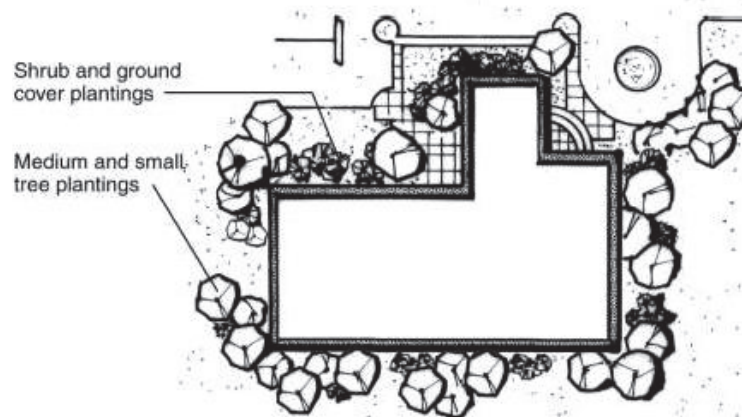
§ 390-0904. Sample landscaping schemes.

Sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and ~~buffer yards~~bufferyards are depicted in Figure 390-0904. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for ~~buffer yards~~bufferyards.

Figure 390-0904: Sample Landscaping Schemes Alternative A: Best suited for building foundations.

Example: 750 ~~required landscaping points~~Required Landscaping Points

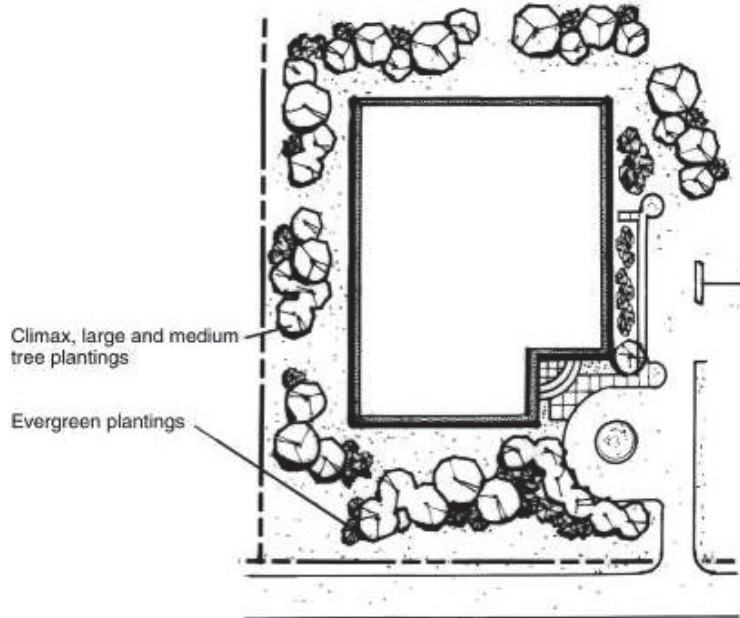
Shown in Diagram: 20 medium trees 15 small shrubs 60 shrubs



Alternative B: Best suited for developed lots.

Example: 1,250 [required landscaping points](#)~~Required Landscaping Points~~

Shown in Diagram: 6 shade trees 8 small trees 20 medium trees 41 evergreen plantings



Alternative C: Best suited for street frontages.

Example: 280 [required landscaping points](#)~~Required Landscaping Points~~

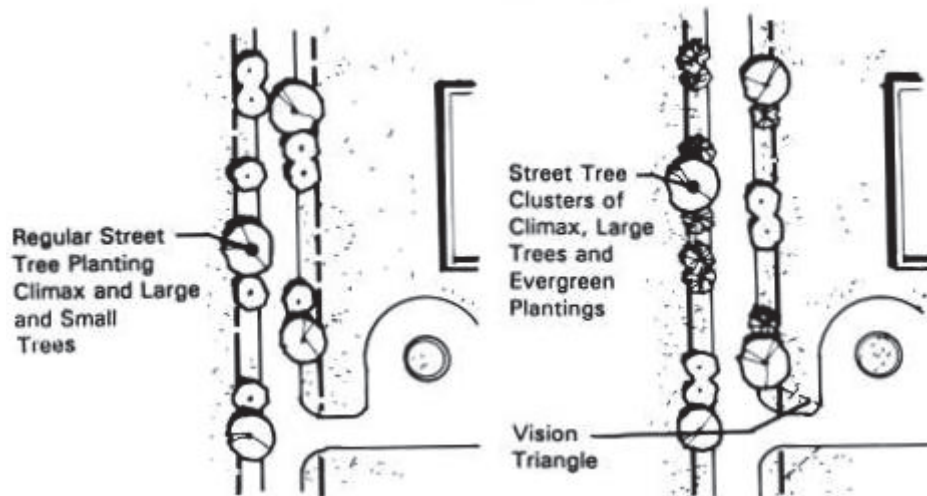
Shown in Diagram:

Option 1: 2 shade trees 2 tall trees 8 small trees

Option 2: 2 shade trees 2 tall trees 4 small trees 8 evergreen shrubs

OPTION 1

OPTION 2



Alternative D: Best suited for paved areas.

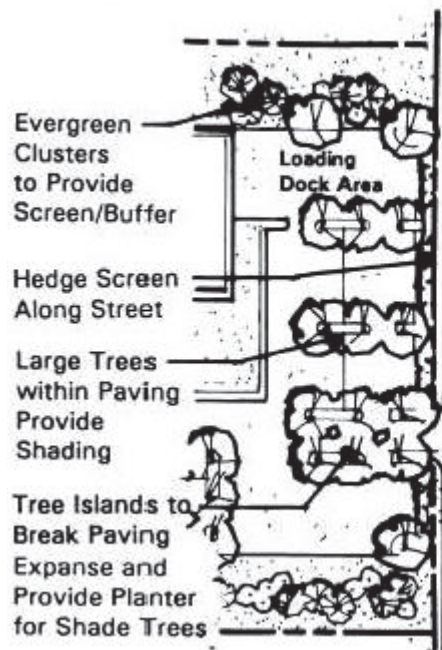
Example: 880 [required landscaping points](#)~~Required Landscaping Points~~

Shown in Diagram:

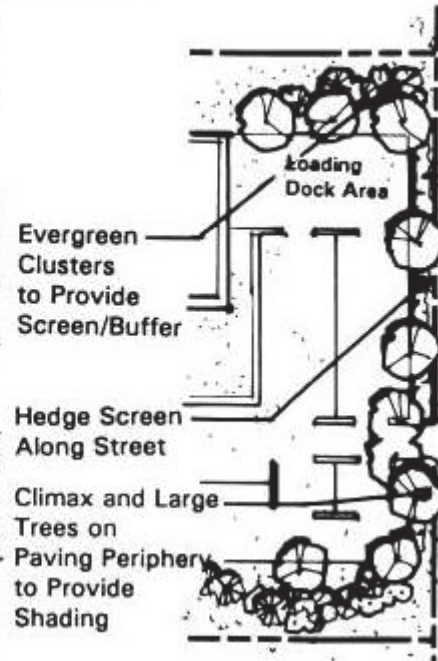
Option 1: 2 shade trees 13 tall trees 68 evergreen shrubs

Option 2: 5 shade trees 6 tall trees 68 evergreen shrubs

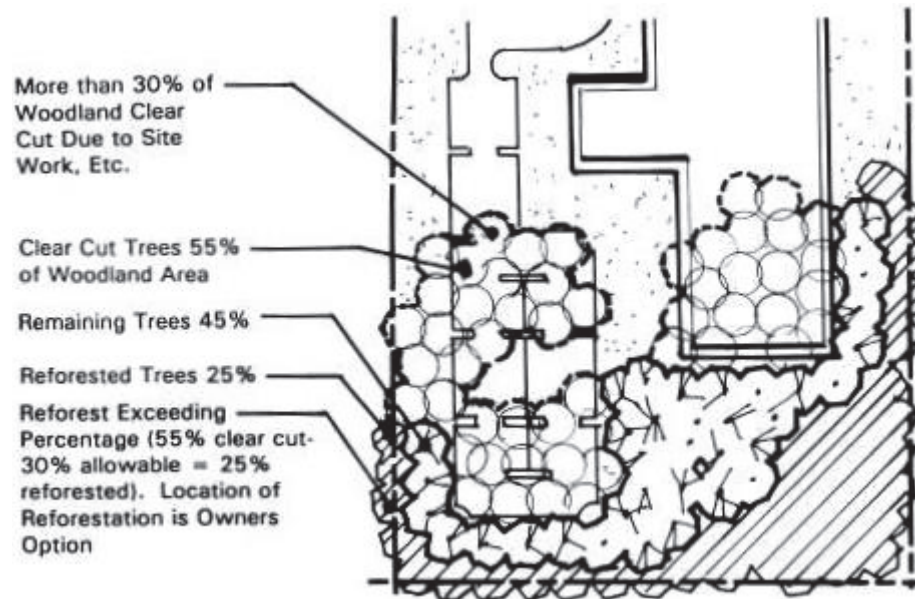
OPTION 1



OPTION 2



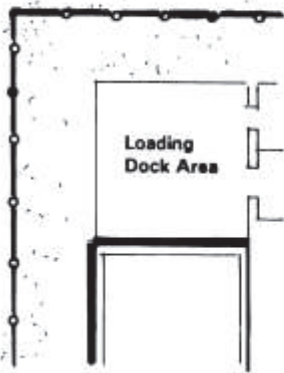
Alternative E: Best suited for reforestation.



Alternative F: Best suited for buffer yards ~~buffer yards~~.

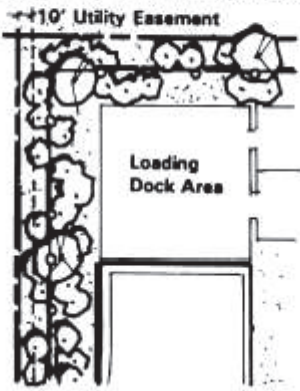
OPTION 1

6' opaque fence on property line minimum 5' setback to paving. (No plants)



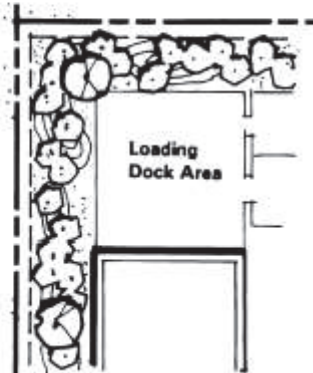
OPTION 2

4' transparent fence, 20' from property line. Stagger plants to both sides. (Stay out of 10' Utility Easement)



OPTION 3

10' zone with no plantings adjacent to property line. 10' wide berm minimum (1.5' height min.), and plantings.

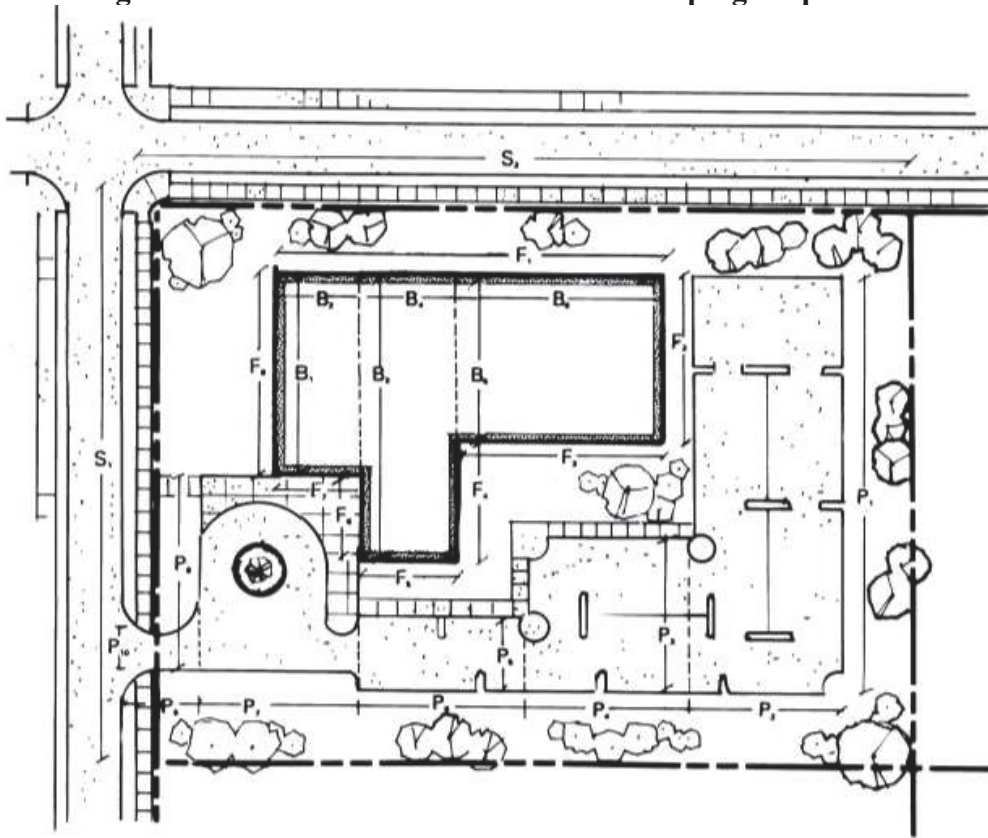


§ 390-0905. Measurement of landscaping points.

A minimum amount of landscaping points, based upon the zoning district, is required for each of the areas listed in [Subsections A through D](#), below. Figure 390-0905 illustrates the measurement techniques used to determine the minimum requirements.

- A. The linear feet of building foundations.
- B. The gross area of buildings on developed lots.
- C. The linear feet of street frontage.
- D. The total combined area of paved areas.

Figure 390-0905: Measurement for Landscaping Requirements



Landscaping calculation equations for this example:

Paved area= $(P1 \times P2) + (P3 \times P4) + (P5 \times P6) + (P7 \times P8) + (P9 \times P10)$

Street frontage= $S1 + S2$

Building perimeter= $F1 + F2 + F3 + F4 + F5 + F6 + F7 + F8$

Building floor area= $(B1 \times B2) + (B3 \times B4) + (B5 \times B6)$

§ 390-0906. Landscaping requirements for regular developments.

- A. Landscaping is not required for single-family (~~§ (Section 390-0306A)~~) or agricultural land uses (~~§ (Section 390-0307)~~).
- B. Building foundations. As indicated in Figure 390-0906,⁷ certain buildings or building additions constructed after the effective date of this chapter are required to be accented by a minimum amount of landscaping placed near the building foundation.
 - (1) Foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or ~~buffer yards~~ ~~bufferyards~~. Foundation landscaping shall be installed and permanently maintained in conformity

7. Editor's Note: Figure 390-0906 is included as an attachment to this chapter.

- with the requirements of ~~§ Section~~ 390-0912.
- (2) For each 100 feet of building foundation perimeter, the landscaping installed shall, at a minimum, meet the number of landscaping points specified in Figure 390-0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and permanently maintained per the requirements of ~~§ Section~~ 390-0912.
 - (3) Shade trees and tall trees shall not be used to meet the foundation landscaping requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
 - (4) If the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in a point requirement not met by the initial planting, then the requirement shall be met within five years after the issuance of the building permit, or within such larger time period as established in writing by the Plan Commission.
- C. Street frontages. As indicated in Figure 390-0904, street frontages on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping in those areas abutting the right-of-way of a public street.
- (1) All landscaping used to meet street frontage requirements shall be located within 10 feet of the public right-of-way. Under no circumstances shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility and shall be installed and permanently maintained in conformity with the requirements of ~~§ Section~~ 390-0912.
 - (2) For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscape installed shall at a minimum meet the number of landscaping points specified in Figure 390-0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of ~~§ Section~~ 390-0912.
 - (3) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50% of all points shall be devoted to shade or tall trees, or a combination of such trees, and a minimum of 30% of all points shall be devoted to medium trees.
- D. Paved areas. As indicated in Figure 390-0906, paved areas on certain lots developed after the effective date of this chapter must contain a minimum amount of landscaping within 10 feet of the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.
- (1) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 paved area

- landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Figure 390-0904, above. Plants used to fulfill this requirement shall visually screen parking, loading, and circulation areas from view from public streets. Paved area landscaping shall be installed and permanently maintained in conformity with the requirements ~~§ Section~~ 390-0912.
- (2) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 390-0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of ~~§ Section~~ 390-0912.
 - (3) A minimum of 30% of all points shall be devoted to shade or tall trees, or a combination of such trees, and a minimum of 40% of all points shall be devoted to shrubs.
 - (4) Parking lot design shall employ interior landscaped islands with a minimum of 350 square feet at all parking aisle ends, and in addition, shall provide a minimum of one landscaped island of a minimum of 350 square feet in each parking aisle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- E. Developed lots. As indicated in Figure 390-0906, lots developed after the effective date of this chapter must contain a minimum amount of landscaping.
- (1) Landscaping required by this subsection is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or ~~buffer yards~~ ~~buffer yards~~.
 - (2) The number of landscaping points specified in Figure 390-0906 shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of 390-0912.
 - (3) The intent of this section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

§ 390-0907. Requirements for permanently protected green space.

After the effective date of this chapter, each acre of other permanently protected green space shall be planted with a minimum amount of landscaping. For every one acre of other permanently protected green space in a development, 200 landscaping points shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

§ 390-0908. Reforestation requirements.

Each area requiring reforestation shall be reforested and maintained in a manner appropriate to site conditions. The provisions of this section are designed to ensure that reforestation efforts

required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions that woodlands provide. A detailed reforestation plan shall be submitted by the property owner and approved by the Village prior to clear cutting (see ~~§ Section~~ 390-0307E). This plan shall be reviewed by a reforestation consultant chosen by the Village, with funding for consulting services provided by the petitioner to the Village.

§ 390-0909. ~~Buffer yard~~Bufferyard requirements.

- A. Purpose. This section provides the landscaping and width requirements for ~~buffer yards~~bufferyards on lots developed after the effective date of this chapter. A ~~buffer yard~~bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms, and/or fencing that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt; litter; noise; glare; signs; and incompatible land uses, buildings, or parking areas.
- B. Required locations for ~~buffer yards~~. ~~Buffer yards~~bufferyards. ~~Bufferyards~~ shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. ~~Buffer yards~~Bufferyards shall not be required in front or street side yards
- C. Determination of required ~~buffer yard~~bufferyard. The determination of ~~buffer yard~~bufferyard requirements is a two-staged process. First, the required level of ~~buffer yard~~bufferyard opacity is determined using Figure 390-0909A. ⁸ Opacity is a quantitatively-derived measure that indicates the degree to which a particular ~~buffer yard~~bufferyard screens the adjoining property. The required level of opacity indicated by Figure 390-0909A is directly related to the degree to which the potential character of development differs between abutting zoning districts. The provisions of this section indicate the minimum requirements for ~~buffer yards~~bufferyards located along zoning district boundaries.
- D. Identification of required level of opacity. Figure 390-0909A shall be used to determine the minimum level of opacity for the required ~~buffer yard~~bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the ~~buffer yard~~bufferyard on the subject property.

§ 390-0910. Classification of plant species.

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 390-0910A. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 390-0910B for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 390-0910C for

8. Editor's Note: Figure 390-0909A is included as an attachment to this chapter.

a list of species to use sparingly or to avoid.

Figure 390-0910A: Common Appropriate Landscaping Species

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
Shade trees	75	Bald cypress Baldcypress	Taxodium distichum
Shade trees	75	Birch (River, Paper)	Betula spp.
Shade trees	75	Linden (Basswood, Redmont, Littleleaf Little-Leaf)	Tilia spp.
Shade trees	75	Elms (hybrids)	Ulmus spp.
Shade trees	75	Kentucky coffeetree	Gymnocladus Coffeetree Gymnocladus dioicus
Shade trees	75	Oaks	Quercus spp.
Shade trees	75	Sweet gum Gum	Liquidambar styraciflua
Shade trees	75	Honey locust Locust (male cultivars)	Gleditsia triacanthos var. inermis
Tall deciduous trees	30	Chanticleer pear	Pyrus calleryana 'Chanticleer'
Tall deciduous trees	30	Hackberry	Celtis occidentalis
Tall deciduous trees	30	Chinkapin oak	Quercus muehlenbergii
Tall deciduous trees	30	Ginkgo (male cultivars)	Ginkgo biloba
Tall deciduous trees	30	State Street Miyabe maple	Acer miyabei 'Morton'
Medium deciduous trees	15	Paperbark maple	Acer griseum
Medium deciduous	15	Serviceberry	Amelanchier

trees			
Medium deciduous trees	15	Hawthorn	<i>Crataegus viridis</i>
Medium deciduous trees	15	Hornbeam (Musclewood)	<i>Carpinus caroliniana</i>
Medium deciduous trees	15	Ironwood/Hophornbeam	<i>Ostrya virginiana</i>
Medium deciduous trees	15	Eastern redbud	<u>Ostrya virginiana</u> <i>Cercis canadensis</i>
Medium deciduous trees	15	Callery pear	<i>Pyrus calleryana</i>
Low deciduous trees	10	Hazelnut	<i>Corylus</i> spp.
Low deciduous trees	10	Crape myrtle <u>Myrtle</u>	<i>Lagerstroemia indica</i>
Low deciduous trees	10	American hazelnut	<i>Corylus americana</i>
Low Deciduous Trees	10	Flowering crabapples	<i>Malus</i> spp.
Low deciduous trees	10	Japanese tree lilac	<i>Syringa reticulata</i>
Tall evergreen trees	40	Firs	<i>Abies</i> spp.
Tall evergreen trees	40	American holly	<i>Ilex opaca</i>
Tall evergreen trees	40	Serbian spruce	<i>Picea omorika</i>
Tall evergreen trees	40	Canadian hemlock	<u>Tsuga</u> <i>Tsuga</i> <i>canadensis</i>
Tall evergreen trees	40	Norway spruce	<i>Picea abies</i>

Tall evergreen trees	40	Pine (except Austrian)	Pinus spp. (not nigra)
Tall/medium evergreen trees	30	Juniper (red cedar <u>Red Cedar</u>)	Juniperus virginiana
Tall/medium evergreen trees	30	Arborvitae	Thuja spp.
Tall/medium evergreen trees	30	Eastern hemlock	Tsuga canadensis
Low evergreen trees	12	Juniper (Mountbatten)	Juniperus chinensis 'Mountbatten'
Tall deciduous shrubs	5	Elderberry	Sambucus canadensis <u>'Aurea'</u> "aurea"
Tall deciduous shrubs	5	Lilacs	Syringa spp.
Tall deciduous shrubs	5	Dogwood (Gray, Pagoda)	Cornus spp.
Medium deciduous shrubs	3	Weigela	Weigela spp.
Medium deciduous shrubs	3	Cotoneaster	Cotoneaster spp.
Medium deciduous shrubs	3	Forsythia (Virgina, Rugosa)	Forsythia
Medium deciduous shrubs	3	Shrub rose <u>Rose</u>	Rosa spp.
Medium deciduous shrubs	3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	Viburnum spp.
Medium deciduous shrubs	3	Potentilla	Potentilla spp.
Medium	3	Red chokeberry	Aronia arbutifolia

deciduous shrubs			
Medium deciduous shrubs	3	Black chokeberry	Aronia melanocarpa
Medium deciduous shrubs	3	Red osier dogwood	Cornus sericea
Medium deciduous shrubs	3	Summersweet Clethra	Clethra alnifolia
Medium deciduous shrubs	3	Ninebark	Physocarpus spp.
Low deciduous shrubs	1	Azalea	Azalea spp.
Low deciduous shrubs	1	Dwarf bush honeysuckle	Diervilla lonicera
Low deciduous shrubs	1	Gro-Low sumac	Rhus aromatica
Tall-medium evergreen shrubs	5	Juniper (Pfitzer)	Juniperus x pfitzeriana
Tall-medium evergreen shrubs	5	Yew (Japanese)	Taxus spp.
Low evergreen shrubs	2	Boxwood	Buxus spp.
Low evergreen shrubs	2	Juniper (Sergeant, Creeping, Andorra)	Juniperus spp.
Perennial plantings	20/20 sf	Coneflower	Echinacea spp.
Perennial plantings	20/20 sf	Catmint	Nepeta spp.
Perennial plantings	20/20 sf	Black-Eyed Susan	Rudbeckia hirta
Perennial plantings	20/20 sf	Lily	Lilium spp.
Perennial	20/20 sf	Day lily	Hemerocallis spp.

plantings			
Perennial plantings	20/20 sf	Ornamental Grass	Varies
Perennial plantings	20/20 sf	Lady's Mantel	Alchemilla spp.
Perennial plantings	20/20 sf	Columbine	Aquilegia spp.
Perennial plantings	20/20 sf	Aster	Aster spp.
Perennial plantings	20/20 sf	Jack Frost	Brunnera macrophylla
Perennial plantings	20/20 sf	Blazing Star	Liatris spp.
Perennial plantings	20/20 sf	Black Bugbane	Cimicifuga simplex 'Brunette'
Perennial plantings	20/20 sf	Peony	Paeonia spp.
Perennial plantings	20/20 sf	Pachysandra	Pachysandra spp.
Perennial plantings	20/20 sf	Stonecrops	Sedum spp.
Perennial plantings	20/20 sf	Astilbe	Astilbe spp.
Perennial plantings	20/20 sf	Hosta	Hosta spp.

Figure 390-0910B: Plant Species Appropriate for Specific Situations

Use/Situation	Classification	Common Name	Scientific Name
Appropriate for planting under power lines	Low deciduous tree	Flowering crabapple	Malus spp.
	Low deciduous tree	Japanese tree lilac	Syringa reticulata
Appropriate for screening	Tall Evergreen <u>evergreen tree</u>	Firs	Abies spp.
	Tall evergreen tree	Juniper (Red Cedar)	Juniperus virginiana
	Tall evergreen trees	Spruces	Picea spp.
	Tall evergreen trees	Pines	Pinus spp.
	Tall evergreen	Douglas fir	Pseudotsuga

	tree		menziesii var. glauca
	Tall evergreen tree	Eastern hemlock	Tsuga canadensis
	Medium evergreen tree	Arborvitae	Thuja occidentalis
Salt tolerant	Shade tree/tall deciduous tree/medium deciduous tree (varies by species)	Maple	Acer spp
	Shade tree	Sweet gum	Liquidambar styraciflua
	Low deciduous tree	Flowering crabapples	Malus spp.
	Low deciduous tree	Crape myrtle	Lagerstroemia indica
	Tall deciduous shrub	Dogwood (gray, pagoda)	Cornus spp.
	Medium deciduous shrub	Forsythia (virginia virginiana, rugosa)	Forsythia spp.
	Low deciduous shrub	Azalea	Azalea spp.
	Tall evergreen tree	American holly	Ilex opaca
	Tall/medium evergreen shrub	Yew (Japanese)	Taxus spp.
	Low evergreen shrub	Boxwood	Buxus spp

Figure 390-0910C: Species to Use Sparingly¹ or to Avoid²

Classification	Common Name	Scientific Name	Avoid or Use Sparingly?	Reason	Potential Alternatives
Shade tree	Nonresistant elms	Ulmus spp.	Avoid	Dutch Elm Disease	Disease-resistant elm cultivars- Resistant Elm Cultivars: 'Princeton,' 'Valley Forge,' and 'New Harmony'

Shade tree	Boxelder	Acer negundo	Avoid	Spread quickly	
Shade tree	Freeman maple	Acer x freemanii	Use sparingly	Over-planted	
Shade tree	Norway maples Maples	Acer platanoides	Use sparingly	Over-planted, dense	
Shade tree	Red maples	Acer rubrum	Use sparingly	Prefer acidic soil	Littleleaf linden Linden Tilia cordata, (urban tolerant)
Shade tree	Sugar maples Maples	Acer saccharum	Use sparingly	Thrives only in certain conditions; picky	Kentucky Coffeetree
Shade tree	Silver maples Maples	Acer saccharinum	Avoid	Weak-wooded, invasive tendencies	Gymnocladus dioica River birch Betula nigra Oaks Quercus spp.
Tall deciduous tree	Autumn Blaze maple Maple	Acer truncatum	Use sparingly	Over-planted	Ginkgo (Ginkgo biloba) Hackberry (Celtis occidentalis) Chanticleer pear (Pyrus calleryana 'Chanticleer')
Tall deciduous tree	Ash trees	Fraxinus spp.	Avoid	Emerald ash borer Ash Borer	
Tall deciduous tree	Bradford pears	Pyrus calleryana 'Bradford' "Bradford"	Use sparingly	Poorly branches, tend to break	
Tall deciduous tree	Black locust Locust	Robinia pseudoacacia	Avoid	Invasive	

Medium deciduous tree	White mulberry	Morus alba	Avoid	Invasive nonnative	Serviceberry Amelanchier spp. American Hornbeam or Musclewood Carpinus aroliniana Eastern Redbud Cercis canadensis
Low deciduous tree	Purple Sandcherry	Prunus x cistena	Use sparingly Sparingly	Short-lived	Flowering Crabapple Malus spp. American hazelnut Corylus americana Japanese Tree Lilac Syringa reticulata
Tall deciduous shrub	Buckthorns	Rhamnus cathartica	Avoid	Invasive, non-native	Grey Dogwood Cornus mas
Tall deciduous shrub	Autumn-olive	Elaeagnus umbellata	Avoid	Invasive, non-native	Lilacs Syringa spp.
Tall deciduous shrub	Multiflora rose	Rosa multiflora	Avoid	Invasive, non-native	
Medium deciduous shrub	Japanese spirea	Spiraea japonica	Avoid	Invasive (reseed)	Red chokeberry Aronia arbutifolia Black chokeberry Aronia melanocarpa Redosier dogwood Cornus sericea Summersweet Clethra Clethra alnifolia Viburnums Viburnum spp.
Medium deciduous	Burning bush	Euonymus alatus	Avoid	Invasive non-native	

shrub					
Medium deciduous shrub	Honeysuckle	Lonicera spp.	Avoid	Invasive, non-native	
Low deciduous shrub	Japanese barberry <u>Barberry</u>	Berberis thunbergii	Avoid	Invasive; over-planted	Dwarf bush honeysuckle Diervilla lonicera
Tall evergreen tree	Austrian pine	Pinus nigra	Use sparingly <u>Sparingly</u>	Over-planted	Norway spruce Picea abies
Tall evergreen tree	Blue spruce	Picea pungens	Use sparingly <u>Sparingly</u>	Over-planted	Canadian hemlock
Tall evergreen tree	White pine	Pinus strobus	Use sparingly <u>Sparingly</u>	Over-planted	Tsuga canadensis Scotch pine Pinus sylvestris
Tall evergreen tree	White spruce	Picea glauca	Use Sparingly	Over-planted	American arborvitae Thuja occidentalis

NOTES:

1 Species to ~~use sparingly~~ Use Sparingly may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than one plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 ~~tall deciduous trees~~ Tall Deciduous Trees, no more than one of those 20 trees may be classified as a "Species to Use Sparingly." The purpose of this provision is to encourage plant species diversity throughout the Village.

2 Species to ~~avoid~~ Avoid may not be included as part of any landscaping plan that is subject to Village review per ~~§ Section~~ 390-0902B. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

§ 390-0911. Descriptions and standards for rain gardens and bioswales.

- A. Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited.
- B. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and

potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

- C. A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.
- D. The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village's landscaping guidelines in the same manner indicated in Figure 390-0903 above (20 points for every 20 square feet), provided the following requirements are met:
- (1) Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the rain garden or bioswale.
 - (2) Installation shall not be proposed for any of the following areas of a site:
 - (a) Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an underdrain~~under-drain~~;
 - (b) Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or
 - (c) Areas where there are expected to be high levels of foot traffic.
 - (3) The owner of the site shall demonstrate that the rain garden or bioswale shall be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring, dead plant materials will be cut back or removed.
 - (4) Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not count toward meeting landscaping point requirements.
 - (5) Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications meeting Chapter 178, Article II, Stormwater Management, of the Village Code are submitted. Detailed plans shall include the location and description of all other

stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

§ 390-0912. Installation requirements.

- A. Installation. Any and all landscaping and ~~buffer yard~~bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (see ~~§ Section~~ 390-1206) within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.
- B. Surety.
 - (1) If the subject property is to be occupied prior to the installation of all required landscaping and ~~buffer yard~~bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 365-day period and shall furnish to the Village an irrevocable letter of credit or other form of security acceptable to the Village sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time the agreement is signed. It shall be in an amount equal to 110% of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property owner and shall be verified by the Village. The financial security shall remain in force until all of the work has been completed and approved by the Village. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of this chapter and subject the property owner to a forfeiture upon conviction.
 - (2) If the required landscaping and ~~buffer yard~~bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and ~~buffer yard~~bufferyard work performed during a particular phase, unless the ~~land division~~Land Division requires otherwise.
 - (3) Governmental units to which these guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this chapter.
- C. If existing plant material located on the subject property meets the requirements of this chapter and will be preserved on the subject property following the completion of development, it may be counted toward contributing to the landscaping requirements.
- D. All landscaping and ~~buffer yard~~bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- E. The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:

- (1) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
 - (2) Where a combination of plant materials, berming, and fencing is used in a buffer yard~~buffer yard~~, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 - (3) A property owner may establish through a written agreement, recorded with the Register of Deeds, that an adjacent property owner agrees to provide on the immediately adjacent portion of his or her land a partial or full portion of the required buffer yard~~buffer yard~~, thereby relieving the developer of the responsibility of providing the entire buffer yard~~buffer yard~~ on his property.
 - (4) Under no circumstance shall landscaping or buffer yard~~buffer yard~~ materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
 - (5) The restrictions on types of plants listed in this chapter shall apply.
- F. Maintenance. The continual maintenance of all required landscaping and buffer yard~~buffer yard~~ materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this section. If the property owner fails to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping and buffer yard~~buffer yard~~ materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.
- G. Use of required buffer yard~~buffer yard~~ and landscaped areas. Any and all required buffer yards~~buffer yards~~ or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails, provided that no required material is eliminated; the total width of the required buffer yard~~buffer yard~~, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses may be placed. No parking and no outdoor display or storage of materials shall be permitted in buffer yard~~buffer yard~~ or landscaped areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- H. Utility easements. Landscaping materials, fences, and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping or buffer yard~~buffer yard~~ requirement, unless authorized otherwise by a conditional use permit. However, the width of such areas may be counted as part of a buffer yard~~buffer yard~~ requirement.

§ 390-0913. Calculating landscaping and ~~buffer yard~~buffer yard requirements.

In calculating the number of required landscaping points under the provisions of this article, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this section (for example, 23.3 shade trees) shall be rounded up to the nearest whole plant (24 shade trees).

§ 390-0914. Depiction on required site plan.

Any and all proposed landscaping on the subject property, required to meet the standards of this chapter, shall be clearly depicted and labeled as to its location and ~~makeup~~make-up on the site plan required for the development of the subject property.

ARTICLE 10
Signage ~~Regulations~~

§ 390-1001. Purpose.

The Village of Williams Bay has an historic tradition of being a highly scenic, primarily residential, vacation community. Signage has a strong visual impact on the character and quality of the community. As a prominent part of the scenery, signs attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood. Since the Village of Williams Bay relies on scenery and physical beauty to maintain the high desirability of its primarily residential character, aesthetic considerations assume economic value. It is the intent of the Village of Williams Bay, through this ~~article~~chapter, to protect and enhance the Village's residential character and economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the Village to limit the size, type, and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

§ 390-1002. Compliance.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conforming with the provisions of this chapter.

§ 390-1003. Signs permitted in all zoning districts without a permit.

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Real ~~estate signs~~Estate Signs not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- B. Name and ~~warning signs~~Warning Signs not to exceed two square feet and located on the premises.
- C. Home ~~occupation~~Occupation and ~~professional home office signs~~Professional Home Office Signs not to exceed two square feet in area and mounted flush against the dwelling.
- D. Election ~~campaign signs~~Campaign Signs provided that permission shall be obtained from

the property owner, renter, or lessee; and provided that such sign shall not be erected more than 45 days immediately prior to an election, and removed within four days following the election.

- E. Rummage ~~sale~~Sale and ~~garage sale signs~~Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin ~~boards~~Boards for public, charitable or religious institutions not to exceed eight square feet in area and located on the premises.
- G. Memorial ~~signs~~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.
- H. Official ~~signs~~Signs, such as traffic control, parking restrictions, information, and notices.

§ 390-1004. Signs permitted in all residential districts with a permit.

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent ~~real estate development signs~~Real Estate Development Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- B. Temporary ~~development signs~~Development Signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted for a limited period of time, provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

§ 390-1005. Signs permitted in all business and industrial districts with a permit.

The following signs are permitted in all business and industrial districts subject to the following restrictions:

- A. Wall ~~signs~~Signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 50 square feet in area for any one premises, and shall not extend above the roof line of the building.
- B. Projecting ~~signs~~Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean center line street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground ~~signs~~Signs shall not exceed eight feet in height above the mean center line street

grade, shall meet all yard requirements for the district in which they are located, and shall not exceed 25 square feet on one side nor 50 square feet on all sides per sign for any one premises.

- D. Marquee, ~~awning~~Awning, or ~~canopy signs~~Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted, provided the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy, provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Roof ~~signs~~Signs are prohibited in the Village of Williams Bay.
- F. Window ~~signs~~Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area.
- G. Combinations of any of the above signs shall not exceed the requirements for an individual sign. The total surface area of all signs on any premises shall not exceed 50 square feet, exclusive of window signs.
- (1) The total number of signs on any premises shall be limited as follows:

Figure 390-1005

Floor Area (square feet)	Maximum Number of Signs Permitted
0 to 5,000	2
5,001 to 20,000	3
20,001 to 50,000	4
More than 50,000	5

- (2) Window signs shall be limited to the equal number of the maximum number of signs permitted above.

§ 390-1006. Signs permitted in ~~the~~ public and park and recreation districts with ~~a~~ permit. [Amended 2-2-2015; 5-2-2020 by Ord. No. 2020-01; at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

The following signs are permitted in the Public ~~and Institutional and Parks~~Park and Recreation ~~Districts~~districts and are subject to the following regulations:

- A. Private ~~institutional~~Institutional and ~~park name signs~~Park Name Signs when approved by the Village Board following recommendation of the Village Plan Commission.
- B. Public ~~institutional~~Institutional and ~~park name signs~~Park Name Signs when approved by the Village Board following recommendation of the Village Plan Commission.
- C. Athletic field off-premises signs when approved by the Village Board following recommendation of the Village Plan Commission. Such signs may be located only on outfield fencing adjacent to athletic fields located in Village parks and may only be

installed and in place from April 1 through October 31. Signs shall not exceed 40 square feet in area. The top edge of the sign must be not less than one foot below the top of the fence and the bottom edge of the sign must be not less than one foot above the surface of the ground. The depiction or description of alcohol or tobacco or other products and services not suitable for youth or the promotion of their values are prohibited. Restaurants or distributors may advertise their business name, provided no prohibited items are included.

- D. Public ~~school variable message sign~~School Variable Message Sign when approved by the Village Board following recommendation of the Village Plan Commission. Such sign is subject to the requirements of ~~§ 390-Section 18~~.1008.
- E. Scoreboards when approved by the Village Board following recommendation of the Village Plan Commission.

§ 390-1007. Portable signs.

The Building Inspector may permit the temporary use of a portable sign for advertising purposes in any district, provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 60 days in any 365-day period. The permit required in ~~§ Section~~ 390-1012 shall be required for portable signs. Banners are portable signs.

§ 390-1008. Variable message signs. [Added 5-2-2020 by Ord. No. 2020-01]

Variable ~~message signs~~Message Signs (VMS) shall be regulated as follows:

- A. Operation ~~limitations~~Limitations. A VMS display shall contain static messages only, changed only through dissolve or fade transitions, or with the use of other subtle transitions and frame effects that do not have the appearance of moving text or images, or the appearance or optical illusion of movement, or any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating or varying of light intensity.
- B. Hours of ~~illumination~~Illumination. A VMS shall not be illuminated between the hours of 10:00 ~~p.m~~P.M. and 6:00 ~~a.m~~A.M.
- C. Changing of ~~sign content~~Sign Content. The content for a VMS cannot be changed once the sign is illuminated. Any content for a VMS must be changed while the sign is not illuminated.
- D. Brightness ~~adjustment~~Adjustment and ~~appearance~~Appearance. All VMS shall be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. The background of the sign shall be a single solid color, including black but excluding white, and all messages displayed in single-color lights only.
- E. Permitted ~~sign area~~Sign Area. The message display area of the VMS shall be included when calculating the permitted sign area for the type of sign (e.g., wall, monument) in the

zoning district in which the sign is located.

- F. Maintenance. All VMS shall be maintained so as to be able to display messages in a complete and legible manner.
- G. Location. A VMS shall be allowed only on the grounds of a public school.
- H. Number. A total of two VMS may be allowed as follows:
 - (1) One VMS in the public school building yard adjacent to ~~WestW.~~ WestW. Geneva Street/St. Highway 67.
 - (2) One VMS on the north wall, east of the main entrance to that portion of the public school building housing the elementary grades, located adjacent to Theatre Road.

§ 390-1009. Facing.

No sign except those permitted in ~~§§ Sections~~ 390-1003 and 390-1005 shall be permitted to face a residence within 100 feet of such residence.

§ 390-1010. Lighting and color.

- A. 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. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- B. Signs may be illuminated but nonflashing and shall further comply with the Village lighting ordinance. Illuminated signs for businesses are permitted only for businesses located within the Village and shall be illuminated only during the hours the businesses such signs advertise are open for business. Illuminated signs shall not be revolving or animated₃; however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Village Board approval following recommendation by the Village Plan Commission. [Amended 5-2-2020 by Ord. No. 2020-01]

§ 390-1011. Construction and maintenance standards.

- A. Wind pressure and dead load requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in the Village Building Code⁹ or other ordinance.
- B. Protection of the public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted₂, provided the space occupied is roped off, fenced off, or otherwise isolated.

9. Editor's Note: See Ch. 153, Building Construction.

- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other noncorrosive~~non-corrosive~~ incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Building Inspector. Small flat signs containing less than 10 feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- E. No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Village, as necessity therefor may require.

§ 390-1012. Existing signs.

- A. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the size or location does not conform to this chapter. However, all nonconforming signs shall be deemed to have exhausted their economic life after seven years from the time they became a nonconforming use. This provision shall not, however, apply to portable signs. Nonconforming portable signs shall be removed within 60 days of the date they become nonconforming.
- B. Nonconforming signs, except portable signs, after this seven-year period, shall either be made to conform to the terms of this chapter, or shall be removed by the owner, agent, or person having beneficial use of the property. Nonconforming signs, during the seven-year grace period, shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the seven-year period. The Building Inspector shall, after the seven-year grace period, notify the owner, agent or person having beneficial use of the property, of the expiration of the grace period. After 30 days, if the sign has not been made to conform to this chapter or removed, the Building Inspector shall initiate appropriate punitive action. Signs that are not repaired, painted, or maintained pursuant to written notification and orders by the Building Inspector shall also be subject to punitive action.

§ 390-1013. Sign permit.

- A. Application for a sign permit shall be made on forms provided by the Building Inspector or Village Clerk and shall contain or have attached thereto the following information:
 - (1) Name, address, and telephone number of the applicant and location of the building,

structure, or lot to which or upon which the sign is to be attached or erected.

- (2) Name of the person, firm, corporation, or association erecting the sign.
 - (3) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - (4) A scale drawing of such sign indicating the display surface, the dimensions, the materials to be used, the type of illumination and wiring details, if any, and the method of construction and attachment.
 - (5) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures, height above grade, and distance from lot lines.
 - (6) Copies of any other permit required and issued for said sign, including the written approval by the ~~Building~~Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, ~~reinspecting~~re-inspecting all wiring and connections to determine if the same complies with the Village Electrical Code. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (7) Additional information as may be required by the Building Inspector or Village Plan Commission.
- B. Sign permit applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within six months of the date of issuance.
- C. Insurance. Any person, firm, or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of \$300,000 for bodily injury and \$1,000,000 property damage. Proof of insurance shall be presented to the Building Inspector before the sign permit is granted.
- D. Inspection. The applicant shall, upon completion of the installation, relocation, or alteration of the sign, notify the Building Inspector, who will ensure that the sign complies with the regulations of this article. Every sign shall be inspected and approved by the Building Inspector within 30 days after it is erected or altered.
- E. Appeals. The Building Inspector may, at any time for a violation of this article, revoke a permit or require changes so the sign conforms to this article. The holder of a revoked permit shall be entitled to an appeal before the Zoning Board of Appeals (see § Section 390-1105). Any person, firm, or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Zoning Board of Appeals.

§ 390-1014. Measuring signs.

In calculating the area of a sign to determine whether it meets the requirement of this chapter, the Building Inspector shall include the sign copy and any border or frame surrounding that copy.

Supporting members of a sign shall be excluded from the area calculation. Area of irregular -shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

§ 390-1015. Directional signs. [Added 8-18-2014]

- A. Purpose. The purpose of this section is to provide information to the public to assist in locating businesses in the Village of Williams Bay and other destination facilities, which are not located on high -traffic streets and/or which are not located in the central business area, while providing sufficient regulation to maintain a consistent and uncluttered look adjacent to the heavily traveled streets within the Village.
- B. Eligibility.
 - (1) The following are eligible for a directional sign:
 - (a) Businesses with a location in the Village for which a valid certificate of compliance for commercial activities has been issued. This subsection shall not apply to businesses with a location adjacent to Geneva Street, Elkhorn Road or North Walworth Avenue from Geneva Street to Olive Street.
 - (b) Destination facilities including, but not limited to, educational institutions, tourist attractions and health -care facilities.
 - (c) Municipal -owned facilities.
 - (2) Home-based occupations or other home-based commercial ventures are not eligible.
- C. Application for a directional sign permit shall be made on forms provided by the Building Inspector or Village Clerk and shall contain the following information:
 - (1) Name, address and telephone number of the applicant and name and location of the business structure or facility to which traffic is to be directed.
 - (2) Proposed location of directional sign.
- D. The directional sign permit application shall be filed with the Village Clerk, who shall forward all applications to the Streets and Highways Committee for review. Following its review, the Committee shall forward its recommendation on the application to the Village Board for final action.
- E. Where multiple businesses or commercial ventures are located in the same structure (e.g., mini mall), only the name of the structure may be listed on the directional sign.
- F. Where two businesses or commercial ventures are located on the same parcel but in separate structures, both names are to be listed on the same directional sign to reduce visual clutter. In the case of unusual circumstances, variances may be granted by the Village Board. [Amended 5-18-2015]
- G. The costs for the production of directional signs, post (if required) and the recurring maintenance are the responsibility of the business, commercial enterprise or destination facility listed on the directional sign. Village staff will arrange for fabrication of all

directional signs by a Village -approved vendor.

- H. Sign design. All signs shall consist of a blue background with white lettering. They shall be 10 inches by 36 inches in size.
- I. Location. To the extent possible, directional signs shall be mounted on existing Village poles and signs. If not possible, directional signs shall be installed on posts similar to those used on official signs.
- J. All directional signs shall be owned, erected and maintained by the Village, provided that the cost for erecting and maintaining directional signs shall be the responsibility of the entity identified on the sign, as noted in Subsection G above.

ARTICLE 11 Administration

§ 390-1101. Purpose.

The purpose of this article is to establish the administrative and enforcement framework for the application of this chapter.

§ 390-1102. Zoning Administrator.

The Building Inspector, and/or other designee of the Village Administrator, is hereby designated as the administrative and enforcement officer(s) for the provisions of this chapter and is also herein referred to as the Zoning Administrator. The general duty of the Zoning Administrator is to interpret and administer this chapter, as well as certain other Village of Williams Bay ordinances as indicated within those ordinances.

- A. With respect to this chapter, the Zoning Administrator shall have the following specific duties and responsibilities:
 - (1) Determine that all amendments, permits, and site plans comply with the provisions of this chapter.
 - (2) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter.
 - (3) Maintain permanent and current records of this chapter, including but not limited to all permits issued, fees collected, inspections made, work approved, map amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.
 - (4) Record the first floor and lowest floor (basement or crawlspace) elevations of all structures erected, moved, altered, or improved in the floodplain overlay districts.
 - (5) Receive, file, and forward all applications for all procedures governed by this chapter to the designated official bodies.
 - (6) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.

- (7) Give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
 - (8) Institute, in the name of the Village of Williams Bay, any appropriate actions or proceedings against a violator of this chapter, as provided by law, and assist the Village Attorney in the prosecution of violations of this chapter.
 - (9) Prohibit the use or erection of any structure, land, or water until inspection and approval of such use or erection.
 - (10) Where useful, the Zoning Administrator may set marks on bridges or buildings or other markers depicting the depth of the regional flood or may set marks delineating the boundaries of wetlands.
 - (11) Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.
 - (12) Make available to the public, to the fullest extent possible, all reports and documents concerning the Village's Comprehensive Plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Village Board may set fees necessary to recover the cost of providing information to the public.
 - (13) Make interpretations regarding the provisions of this chapter per [§ Section 390-1216](#).
 - (14) Grant minor variations from the dimensional (setback, height, and area) requirements of this chapter, up to a maximum variation of 5% for setbacks and height limitations and up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less), so long as the spirit and intent of the performance standards are preserved.
 - (15) Establish that all necessary permits required for floodland uses by state and federal law have been secured.
 - (16) Attend all meetings of the Village Plan Commission and the Village Zoning Board of Appeals.
- B. In the enforcement of this chapter, the Zoning Administrator shall be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If entry is refused, the Zoning Administrator may procure a special inspection warrant in accordance with § 66.0119(2), Wis. Stats.

§ 390-1103. Plan Commission.

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the planning and development of the Village to the Village Board, other public officials, and other interested organizations and citizens. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this chapter, its functions are primarily recommendatory to the

Village Board pursuant to the guidelines set forth in this chapter.

§ 390-1104. Village Board.

The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments to this Zoning Ordinance and the Official Zoning Map. The Village Board may, in arriving at its decision, on occasion and of its own volition, conduct its own public hearing.

§ 390-1105. Zoning Board of Appeals.

There is hereby established a Zoning Board of Appeals for the Village of Williams Bay for the purpose of hearing appeals and granting variances and exceptions to the provisions of this Zoning Ordinance.

A. Membership.

- (1) The Zoning Board of Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.
- (2) The Village President shall appoint a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest.
- (3) The second alternate member may act only when the first alternate is unable to act or is already sitting.
- (4) Terms shall be for staggered three-year periods.
- (5) The Village Clerk shall serve as the secretary.
- (6) Two members shall be Village Board members and three members shall be citizen members.
- (7) One member shall be a Village Plan Commissioner and one member shall be a registered architect, professional engineer, builder, real estate agent, or certified planner.
- (8) Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within ~~five~~¹⁰ days of receiving notice of their appointment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- (9) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (10) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

B. Organization.

- (1) The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

- (2) The Zoning Board of Appeals shall hold meetings as prescribed in its rules of procedures and such meetings shall be open to the public.
- (3) Minutes of the proceedings and a record of all actions taken shall be kept showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact. These records shall be immediately filed in the official records of the Zoning Board of Appeals and shall be a public record.
- (4) When a quorum is present, the concurring vote of the majority is required to correct an error, grant a variance, or make an interpretation.
- (5) Members shall serve without compensation.
- (6) Members shall be removable by the Village President for cause upon written charges and after public hearing.
- (7) The Village President shall designate one of the members Chairperson and the Zoning Board of Appeals may designate such other officers and employ such employees as it feels necessary.

C. Powers.

- (1) The Zoning Board of Appeals shall have the following powers:
 - (a) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Plan Commission.
 - (b) To hear and grant variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
 - (c) To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (d) To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (e) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of the Shoreland-Wetland Overlay Zoning District provisions.
- (2) The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
- (3) Conditions may be placed upon any building permit ordered or authorized by the

Zoning Board of Appeals.

- (4) The Board may request assistance from other Village officers, departments, commissions, and boards.
- (5) The Chairperson may administer oaths and compel the attendance of witnesses.
- D. Review by court of record. Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

§ 390-1106. Fees.

- A. All persons, firms, or corporations performing work that by this chapter requires the issuance of a permit shall pay a fee for such permit to help defray the cost of administration, investigation, advertising, and processing of permits. Permit fees shall be in addition to those established by the Village Building, Plumbing, and Electric Codes. The fees for permits shall be in accordance with the most current "Resolution of the Village Board Establishing Zoning Fees," which is on file in the office of the Village Clerk.
- B. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate.
- C. Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this chapter); and are not refundable.
- D. A double fee shall be charged if work is started before a permit is applied for and issued, or if a building is occupied prior to the issuance of a certificate of compliance, per [§ Section 390-1211](#). Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

§ 390-1107. Recovery of Village costs and expenses.

- A. General provisions.
 - (1) In addition to any other fees required to be paid in conjunction with the filing of an application requesting any consideration on the part of the Village Board, the Village Plan Commission, or the Village Board of Appeals to establish or modify any use of land or subdivision of land within the Village, the person, partnership, or entity requesting such consideration (hereinafter called "applicant") shall compensate the Village for all costs and expenses the Village incurs in the consideration of any such application or request. The obligation to compensate the Village for its costs or expenses shall include costs incurred as part of any ~~preapplication~~[pre-application](#) discussions with the Village or its representatives that precede an application to the Village.
 - (2) Applicant certificate and agreement. Before the Village shall incur any costs or expenses in consideration of any application as described in this section, the applicant shall sign a Cost Recovery Certificate and Agreement on a form to be made available

by the Village Clerk acknowledging the applicant's responsibility for all Village costs and expenses directly or indirectly related to the consideration of the applicant's proposal. The original of said Certificate and Agreement shall be kept on file with the Village Clerk. A copy shall be given to the applicant at the time of signing.

- B. Costs recoverable. All costs that are incurred by the Village in the consideration of any proposals related to the Village zoning or subdivision ordinance, the Official Map, building code, property maintenance code, or tax increment finance districts shall be recoverable. This shall include all professional and technical consultant services and fees incurred by the Village and rendered in review of any application, including, but not limited to, the Village Engineer, Planner, Building Inspector, Village Attorney or any other professional or expert hired by the Village for purposes of review of the application or [preapplication](#). ~~pre-application.~~
- C. Billing of costs. The Village Clerk shall, on a monthly basis, bill all costs recoverable pursuant to this section to the applicant. Said costs shall be paid by applicant within 10 days of receipt of the Village's billing. The Village Board may require an applicant to submit an advance deposit against future billings by the Village for the recovery of costs provided by this section. Surplus deposits shall be returned to the applicant at the conclusion of the project if such deposit exceeds the amount of billings for recoverable costs.
- D. Condition of all applications. Notwithstanding anything in the Village Municipal Code to the contrary, an applicant's failure to pay in full all recoverable costs pursuant to this section shall cause the Village to halt any further consideration of or action on the applicant's proposal until such recoverable costs have been paid. This condition shall extend to any Village Board request for an advance deposit against future billings for recoverable costs, as called for herein.
- E. Enforcement. In addition to those provisions for enforcement contained in the Village Municipal Code, in the event the Village is not paid billed recoverable fees as called for herein, the Village shall be entitled to assign such fees as a special assessment to the subject property. The Village shall also be entitled to recover all actual attorney fees, litigation expenses, witness fees, filing fees, expert witness fees, and all other costs or expenses incurred by the Village in the prosecution of a violation of this section.

ARTICLE 12 Procedures

§ 390-1201. Purpose.

The purpose of this article is to establish procedural requirements for amendments to the regulations of this chapter, Zoning Map amendments, site plans, conditional use permits, temporary use permits, zoning permits, building permits, certificates of compliance, sign permits, variances, interpretations, appeals, and violations and penalties. For procedures associated with the Planned Development [Overlay District](#) ~~overlay district~~, see [§ Section 390-0709](#).

§ 390-1202. Review and approval required.

- A. Review procedures differ depending on the type of proposal. Generally, the procedures for all applications have three common elements:
- (1) Submittal of a complete application, including fee payment along with appropriate information.
 - (2) Review of the submittal by appropriate Village staff and officials.
 - (3) Action by appropriate Village officials or staff to approve, approve with conditions, or deny the application.
- B. Figure 390-1202 summarizes the procedures, agencies, and personnel involved in the administrative development review process. Detailed information about the general procedures, applications, and the public officials involved in the process and methods of appeal are discussed in detail in [§ Section 390-1217](#).

Figure 390-1202 Review and Approval Processes

Application Process	Zoning Administrator	Public Hearing (Class 2 notice) Required	Review and Approval Bodies			
			Village Staff	Plan Commission	Village Board	Zoning Board of Appeals
Zoning Ordinance Text Amendment	RE	PC	RE	RR	A	--
Zoning Map Amendment	RE	PC	RE	RR	A	--
Site Plan Review	RE	--	RE	RR	A	--
Conditional Use Permit	RE	PC	RE	RR	A	--
Planned Development (see § 390-0709)						
Concept Plan	RE	--	RE	RR	A	--
General Development Plan	RE	PC	RE	RR	A	--
Final Development Plan	RE	--	RE	RR	A	--
Temporary	RE	--	RE	RR	A	--

Use Permit						
Zoning Permit	RE	--	RE	RR	A	--
Building Permit	A	--	--	--	--	--
Certificate of Compliance	RE	--	RE	RR	A	--
Sign Permit	A	--	--	--	--	--
Variance	RE	ZBA	RE	--	--	A
Interpretation	RE	--	RE	RR	A	â€”
Appeal	RE	ZBA	RE	--	--	A
Violations and Penalties	A	--		--	--	--

KEY:

PC = Plan Commission
VB = Village Board
ZBA = Zoning Board of Appeals
RE = Review and Evaluate
RR = Review and Recommend
A = Final Action

§ 390-1203. Public hearings.

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this chapter.

- A. Notice of any public hearing that the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this chapter shall specify the date, time, and place of the hearing, and the matter to be presented at the hearing. Pursuant to Ch. 985, Wis. Stats., the notice shall be published as a Class 2 notice.
- B. The notice of public hearing shall be published in a newspaper of general circulation in the Village of Williams Bay at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.
- C. Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the Clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within three miles of lands included in the petition. The failure to give any notice to any property owner shall not

invalidate the action taken by any of the aforementioned bodies.

- D. Except for hearings required for an amendment to the Official Zoning Map (rezoning), such request for a hearing shall be presented to the Village Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the Village ~~Fee Schedule~~[fee-schedule](#), payable to the Village, to defray the cost of notification and holding of a public hearing.

§ 390-1204. Zoning ~~Ordinance~~[ordinance](#) text amendment.

- A. Purpose. Pursuant to the provisions of § 62.23(7), Wis. Stats., the purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval or denial of proposed amendments to the provisions of this chapter.
- B. Initiation of request. A proposal to amend the text of this chapter may be initiated by an application by any member of the general public, a recommendation by the Plan Commission, or by action of the Village Board.
- C. Application. Amendment requests initiated by the general public shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~[§§ Sections](#) 390-1106 and 390-1107. In addition to all information required on the application form, the petitioner shall supply the following:
- (1) A copy of the portion of the current provisions of this chapter that is proposed to be amended.
 - (2) A copy of the text that is proposed to replace the current text.
 - (3) Written justification for the proposed text amendment.
 - (4) Any further information that may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- D. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the petitioner.
 - (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
 - (a) Advances the purposes of this chapter as outlined in ~~§ Section~~[§ Section](#) 390-0103.
 - (b) Advances the purposes of the general section in which the amendment is proposed to be located.
 - (c) Advances the purposes of the specific section in which the amendment is proposed to be located.
 - (d) Is in harmony with the recommendations of the Comprehensive Plan.

- (e) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district(s).
 - (f) The amendment may also address any of the following factors that may not be addressed in the current zoning text:
 - [1] A change in the land market, or other factors that suggest the need for a new form of development, a new type of land use, or a new procedure to meet said change(s).
 - [2] New methods of development or types of infrastructure.
 - [3] Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
 - (3) The Zoning Administrator shall prepare a written report addressing items in Subsection D(2)(a) through (f) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- F. Review and recommendation by Plan Commission.
 - (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding ~~§ Section~~ 390-1204D(2)(a) through (f) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of ~~§ Section~~ 390-1204D(2)(a) through (f) above and that the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
 - (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so ~~§ Section~~ 390-1203.
- G. Review and action by Village Board.
 - (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the petitioner. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
 - (2) The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning

Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment.

- (3) Any action to amend the provisions of the proposed amendment requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
 - (4) If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in § 62.23(7)(d), Wis. Stats., shall be followed prior to Board action.
- H. Effect of denial. No petition that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

§ 390-1205. Zoning Map amendments.

- A. Purpose. Pursuant to the provisions of § 62.23(7), Wis. Stats., the purpose of this section is to provide regulations that govern the procedures and requirements for the review and approval or denial of proposed amendments to the Official Zoning Map of the Village of Williams Bay.
- B. Initiation of request. A proposal to amend the Official Zoning Map may be initiated by an application by any member of the general public, a recommendation by the Plan Commission, or by action of the Village Board.
- C. Application. Amendment requests initiated by the general public shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the petitioner shall supply the following:
 - (1) A map depicting the general location of the subject property in relation to the Village as a whole.
 - (2) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Village of Williams Bay. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~north arrow shall be provided.
 - (3) As an optional requirement, the applicant may provide written justification for the proposed Official Zoning Map amendment, stating reasons why the application is

consistent with the Village's Comprehensive Plan.

- (4) Any further information that may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.

D. Review by the Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the petitioner.
- (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
 - (a) Advances the purposes of this chapter as outlined in [§ Section 390-0103](#) and the applicable rules of Wisconsin Department of Administration (~~WisDNR~~) and the Federal Emergency Management Agency (FEMA). [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)
 - (b) Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
 - (c) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district(s).
 - (d) The amendment may also address any of the following situations that may not be properly addressed on the current Official Zoning Map:
 - [1] The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan and the amendment is being requested to make the zoning district consistent with the Comprehensive Plan.
 - [2] A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading.
 - [3] Factors have changed (such as new data, infrastructure, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
 - [4] Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.
- (3) The Zoning Administrator shall prepare a written report addressing items in Subsection D(2)(a) through (d) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

- E. Public hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- F. Review and recommendation by the Plan Commission.
 - (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding ~~§ Section~~ 390-1205D(2)(a) through (d) above and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of ~~§ Section~~ 390-1205D(2)(a) through (d) above and that the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
 - (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so ~~§ Section~~ 390-1203.
- G. Review and action by the Village Board.
 - (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the petitioner. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
 - (2) The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment.
 - (3) Any action to amend the Official Zoning Map requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
 - (4) If the Village Board wishes to make significant changes in the proposed map amendment, as recommended by the Plan Commission, then the procedure set forth in § 62.23(7)(d), Wis. Stats., shall be followed prior to Board action.
- H. Effect of denial. No petition that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Protest. In case of protest against a change duly signed and acknowledged by the owners of 20% or more either of the area of land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent and extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from

the street frontage of such opposite land, such change shall require a favorable vote of 3/4 of the Village Board for passage.

§ 390-1206. Site plan.

- A. Purpose. The purpose of this section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this section are designed to ensure that all proposed land use and development activity complies with the requirements of this chapter. Specifically, this section requires that the initiation of all development activity (including building permits, zoning permits, certificates of compliance for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading, or filling) requires the approval of site, building and operational plans by the Village Plan Commission before the zoning, occupancy, and building permits can be issued; except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the Final Development Plan phase of a planned development~~Planned Development~~ (see § Section~~390-0709~~), is exempt from this requirement.
- B. Initiation of request. Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property or their legally authorized representative.
- C. Preapplication~~Pre-application~~ conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.
- D. Application. All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Zoning Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Said complete application shall be comprised of all of the following, unless specific application requirements are waived in writing by the Zoning Administrator:
 - (1) Written description. A written description of the intended use of the subject property, describing in reasonable detail, the following:
 - (a) Existing zoning district(s) [and proposed zoning district(s) if different];
 - (b) Future Land Use Map designation(s);
 - (c) Natural Resources Site Evaluation Worksheet (§~~Section~~ 390-0404);
 - (d) Inventory of land uses currently present on the subject property;
 - (e) Proposed land uses for the subject property (per Article 3);

- (f) Projected number of residents, employees, and daily customers;
 - (g) Proposed number of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, and landscape surface ratio;
 - (h) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
 - (i) Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article 8 including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Sections 390-0812 through 390-0820), then the statement "The proposed development shall comply with all requirements of ~~section~~Section." shall be submitted;
 - (j) Proposed exterior building and fencing materials (~~§§ (Sections~~ 390-0802 and 390-0809);
 - (k) Possible future expansions and related implications for Subsection D(1)(a) through (j) above; and
 - (l) Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (2) A Small Location Map at 11 inches by 17 inches showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Village's Future Land Use Map with the subject property clearly indicated shall suffice to meet this requirement.)
- (3) A ~~property site plan~~Property Site Plan drawing (and reduction at 11 inches by 17 inches) that includes:
- (a) A title block that indicates the name, address, and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for the project;
 - (b) The date of the original plan and the latest date of revision to the plan;
 - (c) A ~~North~~North arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 - (d) A legal description of the subject property;
 - (e) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - (f) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to easement ownership and purpose;

- (g) All required building setback lines;
- (h) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
- (i) The location and dimensions (cross-section and entry throat) of all access points onto public streets;
- (j) The location and dimensions of all on-site parking areas (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided compared with the number required by this chapter;
- (k) The location and dimensions of all loading and service areas on the subject property and labels indicating the dimensions of such areas;
- (l) The location of all outdoor storage areas and the design of all screening devices;
- (m) The location, type, height, size, and lighting of all signage on the subject property;
- (n) The location, height, design/type, illumination power, and orientation of all exterior lighting on the subject property, including the clear demonstration of compliance with [§ Section 390-0807](#);
- (o) The location and type of any permanently protected green space areas;
- (p) The location of existing and proposed drainage facilities; and
- (q) In the legend, the following data for the subject site:
 - [1] Lot area;
 - [2] Floor area;
 - [3] Landscape surface area;
 - [4] Landscape surface ratio (d/a); and
 - [5] Building height(s).
- (4) A Detailed Landscaping Plan of the subject property, at the same scale as the main plan (and reduction at 11 inches by 17 inches), showing the location of all required [buffer yard](#)~~buffer yard~~ and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Article 9. The plan shall clearly indicate individual plant locations and species, fencing types and heights, and berm heights.
- (5) A Grading and Erosion Control Plan at the same scale as the main plan (and reduction at 11 inches by 17 inches) showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.

- (6) Elevation ~~drawings~~Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
- (7) A ~~detailed photometric plan~~Detailed Photometric Plan that shows the impact of all exterior light fixtures based on the proposed fixture's pole heights and light bulb needs depicting resulting lighting levels across the entire property to the property lines rounding to the nearest 0.10 footcandle. The plan must be in compliance with lighting performance standards in Article 8.
- (8) A ~~certified survey~~Certified Survey may be required by the Zoning Administrator in instances where he or she determines compliance with setback requirements may be difficult. The survey shall be prepared by a ~~professional~~registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
- (9) A ~~detailed site analysis~~Detailed Site Analysis shall be required for any lot or parcel containing a protected natural resource covered in this section, as determined by Village staff. These protected natural areas include: floodplains, shoreland-wetlands, ~~lake shores~~lakeshores, woodlands, drainageways, and steep slopes. The analysis must be submitted using the following submission and review process:
 - (a) Purpose. The detailed site analysis required by this section is designed to provide the clear identification of permanently protected natural resource areas on a site that is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas.
 - (b) Description. The detailed site analysis shall be shown on a map of the subject property that depicts the location of all protected natural resource areas, as defined by the provisions of this section. The detailed site analysis shall meet the following requirements:
 - [1] Scale. A minimum scale of one inch equals 200 feet shall be used.
 - [2] Topography. Topographic information is not required for any property that does not contain steep slopes ($\geq 12\%$). For such properties, topographic information with a minimum contour interval of two feet is required.
 - [3] Specific natural resources areas. All natural resources areas that require protection under the provisions of this chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
 - (c) Development pads.

- [1] All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
 - [2] Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three inches, whose canopies are located adjacent to disturbed areas, that die within a period of five years following site disruption shall be replaced by the owner with a three-inch caliper tree of the same type (e.g., shade, tall deciduous, etc.). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.
- (d) Mitigation areas. All mitigation areas related to the provisions of this chapter shall be depicted on the detailed site map with notations that describe the mitigation techniques proposed to be employed.

E. Required procedure for submission and review.

- (1) Required timing of submission. The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the ~~preliminary~~Preliminary plat of ~~subdivision~~Subdivision or the Certified Survey Map, or if the proposed development does not involve a land division the submittal is required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of a concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property that has been previously approved by Village Staff may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.
- (2) Review by Village staff. Village Staff shall review the submitted detailed site analysis map for general compliance with the data sources listed below. The Zoning Administrator may provide the applicant with a written evaluation of the submitted detailed site analysis map that shall indicate the acceptance by Village Staff, or the need for further analysis work, discussion with the applicant and/or staff-recognized experts, or a joint site visit.

- (a) The Official Zoning Map;
 - (b) Applicable USGS 7.5 minute topographic maps for the Village of Williams Bay and its environs;
 - (c) Air photos of the subject property;
 - (d) USGS Quads and other sources of topographic information;
 - (e) Applicable FEMA and related floodplain maps;
 - (f) Applicable Federal and State Wetland Inventory Maps;
 - (g) The Village of Williams Bay Comprehensive Plan; and
 - (h) Site visits.
- (3) Modification of detailed site analysis map. If necessary, as determined by Village Staff, revised detailed site analysis maps shall be prepared and submitted for review by Village Staff, until a version is deemed acceptable. Staff review of the detailed site analysis may be appealed to the Zoning Board of Appeals as a matter of ~~ordinance~~[Ordinance](#) interpretation. (See ~~§ Section~~[390-1216](#).)
- (4) Acceptance of detailed site analysis map. Upon notification of acceptance by Village Staff (or, in case of appeal, by determination of the Zoning Board of Appeals), the applicant may proceed with the submittal of necessary development documents.
- (5) Integration of detailed site analysis information with required development and/or land division. Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a ~~building permit~~[Building Permit](#)) and on any proposed Plat of Subdivision or Certified Survey Map.
- (6) Review by the Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (b) The Zoning Administrator shall review the application and evaluate the proposal for compliance with the following data sources:
 - [1] Official Zoning Map.
 - [2] The Village of Williams Bay Comprehensive Plan.
 - [3] Applicable FEMA and related floodplain maps.
 - [4] Applicable federal and state wetland inventory maps.

- (c) The Zoning Administrator shall prepare a written report addressing items in Subsection E(6)(b)[1] through [4] above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (7) Review and recommendation by the Plan Commission.
- (a) The Plan Commission, in its consideration of the submitted application, shall take into account the basic intent of this chapter to ensure attractive, efficient, and appropriate development of land in the Village, and to ensure that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. In its review, the Plan Commission may require such additional measures and/or modifications as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the site plan until revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
 - (b) In its review of the application, the Plan Commission may make findings on each of the following criteria to determine whether the site plan shall be approved, approved with modification, or denied:
 - [1] All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - [2] The public health and safety is not endangered.
 - [3] Adequate public facilities, utilities, and open space areas are provided.
 - [4] Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns, and vegetative cover is ~~minimized~~maintained insofar as is practical. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - [5] Appropriate traffic control and parking are provided.
 - [6] Applicable performance standards, per Article 8, are met.
 - (c) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection E(7)(b) above and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of this section, and that the

public benefits outweigh any and all potential adverse impacts of the proposed site plan.

(8) Review and action by the Village Board.

- (a) The Village Board shall consider the Plan Commission's recommendation regarding the proposed site plan. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
 - (b) The Village Board may approve the site plan as originally proposed, may approve the proposed site plan with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed site plan.
- F. Initiation of land use or development activity. Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading, shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this chapter and shall be subject to all applicable enforcement mechanisms and penalties.
- G. Modification of an approved site plan. Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this chapter. An approved site plan shall be revised and approved via the procedures of this section, so as to clearly depict any and all proposed modifications to the previously approved site plan prior to the initiation of said modification.
- H. Sunset clause. All buildings on an approved site plan not fully developed within two years of final Village Board approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Village Board may extend this period, if requested by the applicant, through the conditional use permit process following a public hearing.

§ 390-1207. Conditional use permit.

- A. Purpose. Pursuant to § 62.23, Wis. Stats., the purpose of this section is to provide regulations that govern the procedure and requirements for the review and approval or denial of proposed conditional uses.
- (1) Certain uses in situations that are of a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this [chapter or ordinance](#) of specific standards, regulations, or conditions that would permit such determination in each individual situation, may be permitted as conditional uses.
 - (2) Under this chapter, a proposed conditional use shall be denied unless the applicant can demonstrate to the satisfaction of the Village that the proposed conditional use will not create undesirable impacts on nearby properties, the environment, or the community as a whole.

- B. Limited conditional uses. Limited conditional uses are those in which the Village Board has found that any of the following should be of lesser permanence than regular conditional uses, and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate:
- (1) Their particularly specialized nature.
 - (2) Their particular location within a district.
 - (3) The peculiarly unique relationships or needed compatibility between uses and involved individuals.
 - (4) Any other reason(s) the Board deems specially relevant and material to delimit the scope thereof.
- C. Initiation of request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- D. Application. Conditional use permit applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the Village of Williams Bay). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~north arrow shall be provided.
 - (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (3) A site plan of the subject property as proposed for development. Said site plan shall conform to all requirements of ~~§ Section~~ 390-1206. If the proposed conditional use is a group or large development (per ~~§ Section~~ 390-0821), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per ~~§ Section~~ 390-1206.
 - (4) As an optional requirement, the applicant may provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate.
- E. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.

- (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
 - (a) Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
 - (b) Will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 - (d) The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
 - (e) The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (3) The Zoning Administrator shall prepare a written report addressing items in Subsection E(2)(a) through (E(2)(e)) above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. ~~Plan Commission~~. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- F. Public hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with § Section 390-1203 to consider the request.
- G. Review and recommendation by the Plan Commission.
 - (1) Within 60 days after the public hearing, the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its findings regarding § Section 390-1207E(2)(a) through (e) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of § Section 390-1207E(2)(a) through (e) above.

- (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said sixty-day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so ~~§ Section~~ 390-1203.

H. Review and action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed conditional use. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
- (2) The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed conditional use.
- (3) Any action to amend the provisions of proposed conditional use requests requires a majority vote of the Board. The Village Board's approval of the requested conditional use permit shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (4) If the Village Board wishes to make significant changes in the proposed ~~conditional use~~~~text amendment~~, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

- I. Effect of denial. No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- J. Termination of an approved conditional use. Upon approval by the Village Board, the applicant must demonstrate that the proposed conditional use meets all general and specific requirements and conditions of approval on the site plan required for initiation of development activity on the subject property per ~~§ Section~~ 390-1206. Once a conditional use is granted, no erosion control permit, site plan approval, occupancy permit, or building permit shall be issued for any development that does not comply with all requirements of this chapter. Any conditional use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in Subsections E through H~~7~~ above.
- K. Time limits on the development of conditional use. The start of construction on any and all conditional uses shall be initiated within 365 days of their approval by the Village Board

and they shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this section, "operational" shall be defined as the granting of an occupancy permit for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board).

- L. Discontinuing an approved conditional use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- M. Change in ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property, unless specifically stated elsewhere in this chapter or in the conditions of approval for a conditional use permit. Modification, alteration, or expansion of any conditional use in violation as approved per Subsection H, above, without approval by the Village Board, shall be considered in violation of this chapter and shall be grounds for revocation of said conditional use permit per this [§ Section 390-1207](#).
- N. Recording of conditional use requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific conditions of approval, shall be recorded by the Village with the County Register of Deeds office.
- O. Notice to the WisDNR. The Plan Commission shall transmit a copy of each application for a conditional use permit in the Shoreland-Wetland [Overlay](#)~~overlay~~, Floodway [Overlay](#), [Flood-Fringe Overlay](#)~~overlay~~, [Flood-Fringe overlay](#), or General Floodplain [Overlay Zoning District](#)~~overlay zoning districts~~ to the WisDNR for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the WisDNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for [Shoreland-Wetland Overlay District](#)~~shoreland-wetland overlay district~~ regulations or for floodplain overlay district regulations shall be transmitted to the WisDNR within 10 days of the date of such decision.
- P. Formerly approved conditional uses. A use now regulated as a conditional use that was approved as a legal land use, either permitted by right or as a conditional use, prior to the effective date of this chapter, shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this section.

§ 390-1208. Temporary use permit.

- A. Purpose. The purpose of this section is to provide regulations that govern the procedures and requirements for the review and approval, or denial, of a proposed temporary use.

- (1) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this chapter and the requirements of the zoning district in which the subject property is located.
 - (2) Land uses that fail to meet one, but not more than one, of the requirements for temporary uses of ~~§ Section~~ 390-0316 may be reviewed as a conditional use.
- B. Regulations applicable to all temporary uses. No public hearing is required to review a temporary use; however, a demonstration that the developer proposes to meet all temporary use requirements of this section must be made at time of site plan application. Furthermore, no building permit shall be issued for any development that does not comply with all requirements of this chapter. Any temporary use found not to be in compliance with the terms of this chapter shall be considered in violation of this chapter and shall be subject to all applicable procedures and penalties.
- C. Application. Temporary use permit applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~~~north~~ arrow shall be provided.
 - (2) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (3) The Zoning Administrator may require a site plan of the subject property, in which case said site plan shall conform to any and all the requirements of ~~§ Section~~ 390-1206.
- D. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the ~~temporary use permit~~~~Temporary Use Permit~~ application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (2) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this chapter.

- (3) The Zoning Administrator shall prepare a written report addressing items in § 390-1208D(2) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter, the Zoning Administrator shall note this determination in the report.

E. Review and recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the temporary use permit~~Temporary Use Permit~~ shall be approved, approved with modification, or denied:
 - (a) All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - (b) The public health and safety is not endangered.
 - (c) Adequate public facilities, utilities, and open space areas are provided.
 - (d) Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
 - (e) Appropriate traffic control and parking are provided.
 - (f) Applicable performance standards, per Article 8, are met.
- (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection E(1) above and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of Subsection E(1) above.

F. Review and action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed temporary use permit~~Temporary Use Permit~~. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting; or may continue the proceedings.
- (2) The Village Board may approve the temporary use permit~~Temporary Use Permit~~ as originally proposed, may approve the proposed temporary use permit~~Temporary Use Permit~~ with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed temporary use permit~~Temporary Use Permit~~.

§ 390-1209. Zoning permit.

- A. Purpose. The purpose of this section is to specify the requirements and procedures for the

issuance of zoning permits.

- B. Applicability. No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, structurally repaired, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted in this chapter.
- C. Application. An application for a zoning permit shall be prepared in triplicate on printed forms provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a professional land surveyor~~—registered in Wisconsin~~ showing the location, boundaries, dimensions, uses, and size of the following:
 - (a) Subject site;
 - (b) Existing and proposed structures;
 - (c) Existing and proposed easements;
 - (d) Streets and other public ways;
 - (e) Off-street parking areas;
 - (f) Loading areas and driveways;
 - (g) Existing highway access restrictions;
 - (h) High water, channel floodway, and floodplain boundaries;
 - (i) Existing and proposed front, street side, rear, interior side, and shore yards;
 - (j) Type, slope, and boundaries of soils shown in the Walworth County Soils Survey prepared by the United States Department of Agriculture Natural Resources~~Soil~~ Conservation Service; and
 - (k) The location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - (4) The Zoning Administrator may waive the plat of survey requirement for accessory buildings and additions to single-family and two-family dwellings when the building or addition is less than 250 square feet in area. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.

- (5) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.
- ~~(5) Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.~~
- (6) Proposed water supply plan~~Water Supply Plan~~ if municipal water service is not available. This plan shall be in accordance with Chapter NR 812 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
- (7) Additional information as may be required by the Plan Commission or Zoning Administrator.
- D. Review by Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the zoning permit~~Zoning Permit~~ application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this chapter.
- (3) The Zoning Administrator shall prepare a written report addressing items in § 390-1209D(2) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter, the Zoning Administrator shall note this determination in the report.
- E. Review and recommendation by the Plan Commission.
- (1) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the zoning permit~~Zoning Permit~~ shall be approved, approved with modification, or denied:
- (a) All standards of this chapter and other applicable Village, state, and federal regulations are met.
- (b) The public health and safety is not endangered.
- (c) Adequate public facilities, utilities, and open space areas are provided.
- (d) Adequate control of stormwater and erosion is provided and the disruption of

existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.

- (e) Appropriate traffic control and parking are provided.
 - (f) Applicable performance standards, per Article 8, are met.
 - (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection E(1) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of Subsection E(1) above.
- F. Review and action by the Village Board.
- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed [zoning permit](#)~~Zoning Permit~~. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting; or may continue the proceedings.
 - (2) The Village Board may approve the [zoning permit](#)~~Zoning Permit~~ as originally proposed, may approve the proposed [zoning permit](#)~~Zoning Permit~~ with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed [zoning permit](#)~~Zoning Permit~~.
- G. Following Village Board approval, the applicant shall post the [zoning permit](#)~~Zoning Permit~~ in a conspicuous place at the site. The permit shall expire within 12 months unless work equal to 10% of the dollar amount of the permit has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the permit. The applicant shall reapply for a [zoning permit](#)~~Zoning Permit~~ before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.
- H. Uses not requiring a zoning permit:
- (1) No [zoning permit](#)~~Zoning Permit~~ shall be required for any of the following:
 - (a) Construction of accessory buildings less than 100 square feet in area.
 - (b) Improvement or alteration to an existing building that is less than 100 square feet in area and does not effect a change in use.
 - (c) Ordinary maintenance repair that does not require a building permit.
 - (2) Any development that qualifies for an exemption under Subsection H(1)(a) through (c) above shall still be required to comply with the applicable setback, yard, height, and other requirements set forth in this chapter.
 - (3) No structure or development in a floodplain overlay district (FWO, FFO, GFO) shall be exempt from obtaining a zoning permit, even if it is otherwise listed in Subsection

H(1)(a) through (c) above.

§ 390-1210. Building permit.

No building shall be erected, structurally altered, or relocated within the Village of Williams Bay until a building permit has been issued by the Zoning Administrator certifying that such building, as proposed, would be in compliance with the provisions of this chapter and with Chapter 153, Building Construction, of the Village Code. No building permit shall be issued until a zoning permit is issued.

§ 390-1211. Certificate of compliance.

- A. Purpose. The purpose of this section is to provide regulations governing the review and approval of ~~certificates~~~~Certificates~~ of ~~compliance~~~~Compliance~~. This procedure is required to ensure completed development complies with the approved site plan (per the requirements of ~~§ Section~~ 390-1206), and the requirements of this chapter as a whole.
- B. Land uses and development requiring certificate of compliance.
- (1) Certificate of ~~compliance~~~~Compliance~~ shall be required for any of the following:
 - (a) Occupancy and use of a building or structure hereafter erected or structurally altered.
 - (b) New occupancy and use of an existing building when the new use is of a different land use classification.
 - (c) Occupancy and use of vacant land.
 - (d) New use of vacant land when the new use is of a different land use classification.
 - (e) Any change in the use of a nonconforming use.
 - (2) No such occupancy or change of use shall take place until ~~certificate~~~~Certificate~~ of ~~compliance~~~~Compliance~~ has been issued.
- C. Issuance of certificate of compliance.
- (1) Every application for a building permit shall also be deemed to be an application for a ~~certificate~~~~Certificate~~ of ~~compliance~~~~Compliance~~ for a new building or for an existing building that is to be substantially altered or enlarged as determined by the Zoning Administrator. Such permit shall be issued within 10 working days after a written request for the same has been made to the Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this chapter.
 - (2) Application. Written application for a ~~certificate~~~~Certificate~~ of ~~compliance~~~~Compliance~~ for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be prepared in triplicate on printed forms provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and

390-1107. In addition to all information required on the application form, the applicant shall supply the following:

- (a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
- (b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- (c) Plat of survey prepared by a [professional](#) land surveyor ~~registered in Wisconsin~~ showing the location, boundaries, dimensions, uses, and size of the following:

- [1] Subject site;
- [2] Location of structures;
- [3] Existing and proposed easements;
- [4] Streets and other public ways;
- [5] Off-street parking areas;
- [6] Loading areas and driveways;
- [7] Existing highway access restrictions;
- [8] High water, channel floodway, and floodplain boundaries;
- [9] Front, street side, rear, interior side, and shore yards;
- [10] Type, slope, and boundaries of soils shown in the Walworth County Soils Survey prepared by the United States Department of Agriculture [Natural Resources](#) ~~Soil~~ Conservation Service; and
- [11] The location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.

- (d) At his discretion, the Zoning Administrator may waive the plat of survey requirement. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.

- ~~(e) [Proposed Sewage Disposal Plan](#) if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.~~

- [\(e\) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an on-site soil absorption sanitary sewage disposal](#)

system or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

- (f) Proposed ~~water supply plan~~Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR 812 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
 - (g) Additional information as may be required by the Plan Commission or Zoning Administrator.
- (3) Review by Zoning Administrator.
- (a) The Zoning Administrator shall determine whether the ~~certificate~~Certificate of ~~compliance~~Compliance application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (b) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this chapter.
 - (c) The Zoning Administrator shall prepare a written report addressing the items in § 390-1211C(3)(b) above and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter, the Zoning Administrator shall note this determination in the report.
- (4) Review and recommendation by the Plan Commission.
- (a) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the ~~certificate~~Certificate of ~~compliance~~Compliance shall be approved, approved with modification, or denied:
 - [1] All standards of this chapter and other applicable Village, state, and federal regulations are met.
 - [2] The public health and safety is not endangered.
 - [3] Adequate public facilities, utilities, and open space areas are provided.
 - [4] Adequate control of stormwater and erosion is provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
 - [5] Appropriate traffic control and parking are provided.
 - [6] Applicable performance standards, per Article 8, are met.
 - (b) The Plan Commission may make a written report to the Village Board and/or

may state in the minutes its findings regarding Subsection C(4)(a) above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of Subsection C(4)(a) above.

(5) Review and action by the Village Board.

- (a) The Village Board shall consider the Plan Commission's recommendation regarding the proposed ~~certificate~~Certificate of ~~compliance~~Compliance. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
- (b) The Village Board may approve the ~~certificate~~Certificate of ~~compliance~~Compliance as originally proposed, may approve the proposed ~~certificate~~Certificate of ~~compliance~~Compliance with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed ~~certificate~~Certificate of ~~compliance~~Compliance.
- (6) Every ~~certificate~~Certificate of ~~compliance~~Compliance shall state that both the building and the proposed use of a building or land substantially comply with all provisions of this chapter. A record of all ~~certificates~~Certificates of ~~compliance~~Compliance shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

D. Certificate of compliance for legal nonconforming uses. Upon application, ~~certificate~~Certificate of ~~compliance~~Compliance shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this chapter, or in existence at the effective date of this chapter (November 7, 2011). Application for a ~~certificate~~Certificate of ~~compliance~~Compliance for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this chapter. It shall be the duty of the Building Inspector to issue ~~certificate~~Certificate of ~~compliance~~Compliance for a legal nonconforming use.

E. Termination of a ~~certificate~~Certificate of ~~compliance~~Compliance. It shall constitute a violation of this chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection B₅ above without having first obtained ~~certificate~~Certificate of ~~compliance~~Compliance. Any permit issued upon a false statement of any fact that is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the ~~certificate~~Certificate of ~~compliance~~Compliance by notice in writing to be delivered by him to the holder of the void permit upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by certified letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new

~~certificate~~Certificate of ~~compliance~~Compliance shall be deemed guilty of violation of this chapter.

§ 390-1212. Sign permit.

Refer to ~~§ Section~~ 390-1012 for applicable procedural requirements for sign permits.

§ 390-1213. Development agreement required.

All development that occurs in any multifamily residential, business, industrial, institutional or planned development district shall require the execution of a development agreement that covers in some detail the manner and methods by which the land will be developed. Through the execution of the ~~development agreement~~Development Agreement, the Village Board may impose time limits for the completion of projects and may require the execution of an irrevocable letter of credit or other appropriate surety to guarantee that the project will be completed on schedule, subject to review and approval of the Village Board.

§ 390-1214. Other permits.

For any development or land use activity, it is the responsibility of the applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes and a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

§ 390-1215. Variance.

- A. Purpose. The purpose of this section is to provide regulations that enable the Village to hear and decide requests for permitted variation from the terms of this chapter as will not be contrary to the public interest, where, owing to special factors, a literal enforcement of the provisions of this chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done, as provided for by § 62.23(7)(e)7, Wis. Stats.
- B. Initiation of request. Proceedings for approval of a variance may be initiated by an application of the owner(s) of the subject property.
- C. Application. Variance applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
 - (1) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as determined by the Village of Williams Bay). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is

not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~^{North} arrow shall be provided.

- (2) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- (3) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of ~~§ Section~~[§] 390-1206.
- (4) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out in Subsection D(2)(c) below.

D. Review by ~~the~~^{the} Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per the following:
 - (a) What exceptional or extraordinary circumstances or special factors are present that apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district, specifically the following:
 - [1] The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations and is not economically suitable for an allowed use or will not accommodate a structure of reasonable design for an allowed use if all area, yard, green space, and setback requirements are observed.
 - [2] Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - [3] Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.
 - [4] Violations by, or variances granted to, neighboring properties shall not justify a variance.
 - [5] The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable

because of topography in the absence of any or all setback requirements.)

- (b) In what manner do the factors identified in Subsection D(2)(a) above prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
 - (c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 - (d) Would the granting of the proposed variance as depicted on the required site plan [see Subsection C(3) above] result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
 - (e) Have the factors that present the reason for the proposed variance been created by an act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this chapter? The response to this question shall clearly indicate that such factors existed prior to the effective date of this chapter and were not created by action of the applicant, a previous property owner, or their agent.
 - (f) The Zoning Administrator may also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the Village of Williams Bay's Comprehensive Plan.
- (3) The Zoning Administrator shall prepare a written report addressing items in Subsection D(2)(a) through (f) above to be forwarded to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or the Village's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public hearing. Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- F. Review and action by the Zoning Board of Appeals.

- (1) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per Subsection D(2)(a) through (f) above and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time to time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
 - (2) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
 - (3) Said report shall include formal findings of fact developed and approved by the Zoning Board of Appeals concerning the requirements of Subsection D(2)(a) through (f) above.
- G. Effect of denial. No application for a variance that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- H. Limited effect of a variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- I. Stay of proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Zoning Board of Appeals, or by a court of record on application, on notice to the Zoning Administrator, and on due cause shown. See § 62.23(7)(e)5, Wis. Stats.
- J. Notice to the WisDNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to regulations in the Shoreland-Wetland ~~Overlay~~overlay, Floodway, ~~Flood-Fringe Overlay~~Floodfringe—overlay, or General Floodplain ~~Overlay~~overlay ~~Zoning District~~overlay zoning districts to the WisDNR for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the WisDNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to Shoreland-Wetland ~~Overlay District~~overlay district regulations or to floodplain overlay district (FWO, FFO, and GFO) regulations, and a copy of all decisions relating to Shoreland-Wetland ~~Overlay District~~overlay district appeals and floodplain overlay district appeals, shall be transmitted to the WisDNR within 10 days of the date of such decision.

§ 390-1216. Interpretation.

- A. Purpose. The purpose of this section is to assign responsibility for the official interpretation of the provisions of this chapter, and to describe the required procedure for securing such interpretation.
- B. Initiation of request. Proceedings for an interpretation may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; by action of the Village Board, or by a request by the Zoning Administrator.
- C. Application requirements. An application for an interpretation shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
 - (1) Clear indication of the part of the text of this chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
 - (2) If the requested interpretation relates to the application of this chapter to a specific property, the additional following information shall be required. The Zoning Administrator may waive one or more of the following requirements where such information is not deemed to be substantive, in the opinion of the Zoning Administrator, to the issue at hand.
 - (a) A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County as provided by the Village of Williams Bay. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a ~~North~~north arrow shall be provided.
 - (b) A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
 - (c) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of ~~§ Section~~ 390-1206.
 - (3) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this chapter, a series of written responses to the following questions:
 - (a) How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies, and standards of the Village's Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted, or under

consideration pursuant to official notice by the Village?

- (b) How is the subject land use in harmony with the purposes, goals, objectives, policies, and standards of the pertinent zoning district for which the interpretation is being sought?
- (c) Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

D. Review by Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall prepare a written report ~~forward a report to the applicant~~ indicating the interpretation of the Zoning Administrator and forward the report to the Plan Commission with a copy to the applicant. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this chapter or of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

E. Review and recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the requested interpretation, may make findings based on the standards listed in ~~Subsections~~subsection G below.
- (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding Subsection G below, and its recommendations regarding the request for interpretation as a whole.

F. Review and action by the Village Board. The Village Board shall consider the Plan Commission's recommendation regarding the request for interpretation. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may make its final interpretation at the time of its initial meeting, or may continue the proceedings.

G. Standards for review of requested interpretations. This chapter shall be interpreted in a manner that is consistent with the purposes intended by the Village Board, as noted in this chapter, and the Comprehensive Plan. The intent of the standards and supporting definitions of this chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this chapter shall proceed as follows:

- (1) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. [Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound

interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation that are not explicitly articulated.]

- (2) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. (Rationale: There is a critical distinction between an interpretation that provides a greater degree of design freedom to achieve an allowed land use, and an interpretation that permits a new or not previously allowed use, or that allows a use to be enlarged, or have its intensity increased beyond the degree specified in this chapter. Design freedom is to be encouraged while a lowering of the standards of this chapter is to be prohibited.)
- (3) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. [Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation that would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this chapter. Similarly, any interpretation that would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this chapter. Any interpretation that will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this chapter has the power to impose additional restrictions or requirements.]
- (4) This chapter has been carefully designed by the Village Board to combine maximum achievement of public goals and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Village's Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this chapter should not substitute their own judgments for the legislative acts of the Village Board.
- (5) In addition to the applicant's response to the questions required by Subsection G(1) through [G\(5\)](#) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
 - (a) No interpretation shall allow the establishment of any land use that was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
 - (b) No interpretation shall allow a land use listed as permitted by right or a conditional use in another zoning district if the use is not listed as allowed in the zoning district of the subject property (see Article 2).

- (c) No interpretation shall allow a land use in a zoning district unless evidence is presented that demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district.
 - (d) No interpretation shall allow a land use in a particular zoning district unless such use is substantially similar to other uses allowed in that same district and is more similar to such other uses than to uses that are either not allowed in said district, or that are allowed in a more intensive district in the same zoning district category.
 - (e) If the proposed land use is more similar to a land use allowed only as a conditional use in the subject property's district than to a use permitted by right, an interpretation allowing such use shall be conditioned upon the approval of a conditional use permit pursuant to ~~§ Section~~ 390-1207.
- H. Effect of a favorable land use interpretation. No interpretation finding a particular land use to be permitted by right or allowed as a conditional use in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this chapter. These permits and approvals include, but are not limited to, required site plans, conditional uses, and occupancy permits.
- I. Limitations on favorable land use interpretation.
 - (1) No interpretation finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or an occupancy permit is obtained and a use commenced within that period.
 - (2) An interpretation finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

§ 390-1217. Appeal.

- A. Purpose. The purpose of this section is to provide regulations that enable the Village to hear and decide on requests for appeals of the decision or interpretation of the Zoning Administrator, as provided by § 62.23(7)(e)7, Wis. Stats.
- B. Initiation of request. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.

- C. Time limit for filing an appeal. Any appeal of an interpretation under the provisions of this section shall be made per the requirements of ~~§ Section~~ 390-1216 within 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this forty-five-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- D. Application. All applications for review of an appeal shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in ~~§§ Sections~~ 390-1106 and 390-1107. In addition to all information required on the application form, the applicant shall supply the following:
 - (1) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the applicant.
 - (2) A written statement from the applicant indicating the reasons why an appeal is justified based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the applicant.
- E. Review by the Zoning Administrator.
 - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
 - (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Plan.
 - (3) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- F. Public hearing. Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with ~~§ Section~~ 390-1203 to consider the request.
- G. Review and action by the Zoning Board of Appeals.
 - (1) Within 60 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall make its findings per Subsection E(1) through (3) above. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at the applicant's request. Said final action shall be followed by a written report that shall include formal findings of fact developed and approved by the Zoning Board of Appeals concerning the request.

- (2) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- H. Effect of denial. No application for an appeal that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Limited effect of a favorable ruling on an appeal.
 - (1) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or an occupancy permit is obtained and a use commenced within that period.
 - (2) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted by right or allowed as a conditional use in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

§ 390-1218. Violations and penalties.

- A. Violation of this chapter. It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land, or water in violation of any of the provisions of this chapter, or otherwise neglect, refuse, or fail to comply with this chapter's requirements. Any person who violates or fails to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection B below and, in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- B. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this chapter or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500 for the first offense and not less than \$10 nor more than \$500 for the second and subsequent offenses and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the [county jail](#) ~~County Jail~~ until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- C. Promulgated correction of violation. In addition to any other penalty imposed by this chapter for a violation of the provisions of this chapter, the Village reserves and maintains the continued right to abate violations of this chapter.

- D. Hazardous condition caused by violation of this chapter. If the Zoning Administrator determines that a violation of this chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection F below. The Zoning Administrator is hereby authorized to abate a violation of this chapter.
- E. ~~Non-hazardous~~ Nonhazardous condition caused by violation of this chapter. If the Zoning Administrator determines that a violation of this chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current Village of Williams Bay tax records) on which said violation is occurring to remove said violation within 30 working days. If such violation is not removed within such 30 working days, the Zoning Administrator shall cause the violation to be abated per Subsection D above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection F below.
- F. Cost of abatement. In addition to any other penalty imposed by this chapter for a violation of the provisions of this chapter, the cost of abating a violation of this chapter per Subsection D and/or E above shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by § 66.0907(5), Wis. Stats.

ARTICLE 13
(Reserved)

ARTICLE 14
(Reserved)

ARTICLE 15
(Reserved)

ARTICLE 16
(Reserved)

ARTICLE 17
Extraterritorial Zoning

§ 390-1701. Intent, scope and authority.

- A. Authority. These regulations are adopted under the authority granted by § 62.23(7a), Wis. Stats.
- B. Purpose. The purpose of this Extraterritorial Zoning Ordinance ("ETZ Ordinance") is to

promote the public health, safety, morals, and general welfare, and to provide sound controls over land uses within the areas over which the governing body of the Village has jurisdiction pursuant to § 62.23(7a), Wis. Stats. This purpose is consistent with the Village's current ~~Zoning Ordinance~~~~zoning ordinance~~ set forth within Chapter 390 of the Village Municipal Code, which, together with this ETZ Ordinance, provide a comprehensive plan for the orderly development of the Village and those areas within its extraterritorial zoning jurisdiction. This ETZ Ordinance and the incorporated map have been approved by the Joint Extraterritorial Zoning Committee for the Town of Delavan, the Town of Geneva, the Town of Linn, and the Town of Walworth, and all necessary public hearings have been held and all approving and recommending actions taken by the ~~towns~~~~Towns~~ and the Village, as called for by the Wisconsin Statutes.

- C. Intent. It is the general intent of this ETZ Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict 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; protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community and those areas within its extraterritorial zoning jurisdiction; and implement the community's and the Towns' Comprehensive Plan or plan components. In addition, the floodland zoning regulations and stormwater management regulations set forth in this ~~chapter~~~~Ordinance~~ have been adopted to minimize and control erosion, sedimentation and other pollution of surface waters, to further the maintenance of safe and healthful water conditions and provide for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this ETZ Ordinance and to provide penalties for its violation.
- D. Abrogation and greater restrictions. It is not intended by this ETZ Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ETZ Ordinance imposes greater restrictions, the provisions of this ETZ Ordinance shall govern. In addition, the shoreland-wetland provisions required by § 61.351, Wis. Stats., and Ch. NR 117, Wis. Adm. Code, supersede less restrictive provisions of this ETZ Ordinance. Should this ETZ Ordinance be found in conflict with any other state statute, local ordinance, or regulation, or any existing easement, covenant, or agreement, or any permits previously issued pursuant to law applicable to the use of any land or structure in the area specified herein as the extraterritorial zoning jurisdiction limits, the more stringent law, ordinance, regulation, restriction, or requirement shall govern.
- E. Interpretation. In their interpretation and applications, the restrictions and requirements set forth by this ETZ Ordinance shall be deemed the minimum necessary to conserve the value of land and buildings and encourage the most appropriate use of land, and other public requirements, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

- F. Repeal. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this [articleOrdinance](#), to the extent of the inconsistency only, are hereby repealed.
- G. Title. This [articleOrdinance](#) shall be known as, referred to as, or cited as the "Extraterritorial Zoning Ordinance, Village of Williams Bay, Wisconsin."

§ 390-1702. Extraterritorial zoning boundaries.

- A. Description of extraterritorial zoning boundaries. The Village hereby adopts and approves the extraterritorial zoning jurisdiction boundaries ("ETZ [boundariesBoundaries](#)") and ETZ Zoning Map, as submitted by the Joint Extraterritorial Zoning Committee, working in conjunction with the Village of Williams Bay [PlanPlanning](#) Commission, as depicted in Part II of the Official Zoning Map for the Village, and as described and depicted in Appendix A.[10-at the end of this chapter.](#)
- B. Boundary disputes. The above set forth ETZ [boundariesBoundaries](#) are intended to and shall describe the area evidenced by Part II of the Official Zoning Map of the Village as to the ETZ [boundariesBoundaries](#). However, in the event of any dispute, a court of competent jurisdiction determining whether an area is included within or excluded from the extraterritorial zoning jurisdiction shall refer to § 62.23(7a), Wis. Stats., which requires all boundary lines to follow government lot or survey section lines or public roads.

§ 390-1703. Zoning uses and districts.

- A. Zoning districts.
- (1) The following zoning districts now existing within Walworth County are adopted and redesignated as follows:

Former Walworth County District	Village ETZ District
A-1	A-1, ETZ
A-2	A-2, ETZ
A-3	A-3, ETZ
A-4	A-4, ETZ
A-5	A-5, ETZ
C-1	C-1, ETZ
C-2	C-2, ETZ
C-3	C-3, ETZ
C-4	C-4, ETZ
P-1	P-1, ETZ
P-2	P-2, ETZ
R-1	R-1, ETZ
R-2	R-2, ETZ
R-2A	R-2A, ETZ
R-3	R-3, ETZ

[10. Editor's Note: Appendix A is on file in the Village office.](#)

R-4	R-4, ETZ
B-1	B-1, ETZ
B-2	B-2, ETZ
B-3	B-3, ETZ
B-4	B-4, ETZ
B-5	B-5, ETZ
B-6	B-6, ETZ

(2) In addition, the following zoning districts have been created for the area within the Village Extraterritorial Zoning Boundaries:

- (a) M-1, ETZ, Industrial District.
- (b) I-1, ETZ, Institutional District.
- (c) PUD, ETZ, Planned Unit Development District.

(3) Finally, for any property within the ETZ ~~boundaries~~Boundaries which, as of the effective date of this ETZ Ordinance, has a Walworth County Zoning District classification not included among those districts described in the conversion chart above, said properties, if any, shall continue to be subject to the text of the Walworth County Zoning District regulations in effect as of the effective date of the ETZ Ordinance, which said district regulations are incorporated herein by reference as if set forth at length herein.

B. A-1, ETZ Prime Agricultural Land District. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Department of Agriculture, Natural Resources~~Soil~~ Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. All structures and improvements must be consistent with agricultural use.

(1) Principal uses:

- (a) Single-family dwelling.
- (b) Apiculture (beekeeping).
- (c) Dairying.
- (d) Floriculture (cultivation of ornamental flowering plants).
- (e) Grazing, subject to regulations as set forth in Walworth County Zoning Ordinance, Section 2.0.
- (f) Livestock raising, except commercial feed lots.
- (g) Orchards.
- (h) Paddocks.
- (i) Plant nurseries.

- (j) Poultry raising, except commercial egg production.
 - (k) Raising of grain, grass, mint, and seed crops.
 - (l) Raising of tree fruits, nuts and berries.
 - (m) Sod farming.
 - (n) Vegetable raising.
 - (o) Viticulture (grape growing).
 - (p) Equestrian trails.
 - (q) Forest and game management.
 - (r) Greenhouse.
 - (s) Nature trails and walks.
 - (t) Stables.
 - (u) Roadside stand not exceeding one per farm.
- (2) Conditional uses:
- (a) Veterinary services for farm animals.
 - (b) Utilities.
 - (c) Schools and churches.
 - (d) Composting.
 - (e) Governmental and cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (f) Land restoration.
 - (g) Two single-family farm dwellings or one two-family farm dwelling for resident owners, and children of resident owners substantially engaged in conducting a related principal or approved conditional use. The need for more than one single-family farm dwelling to support and carry on the principal or approved conditional use must be established to the satisfaction of the ETZ Joint Committee before the issuance of a zoning permit. If approval is granted for more than one farm dwelling, each additional dwelling may be placed on a parcel separated from the farm lot provided that any parcel so created conforms with all regulations set forth in Sections 2.5 and 2.6 of the Walworth County Zoning Ordinance, except that no such parcel shall be less than 40,000 square feet in area.
 - (h) The separation of farm structures from farmland. The separation must conform with the regulations set forth in the Walworth County Zoning Ordinance, Sections 2.5 and 2.6. The parcel shall be not less than 40,000 square feet in area,

nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum yard required in the A-1 ETZ, A-2 ETZ or A-3 ETZ ~~Districts~~~~districts~~, whichever applies; it will not leave the balance of the land in a substandard condition; and the property owner will be required to record deed restrictions on both the farm separation parcel and on a parcel which meets the minimum required by the applicable zoning district, which directly adjoins or abuts the farm separation parcel, and which meets the intent of these provisions. A Certified Survey Map for said parcel shall be prepared by a ~~professional land surveyor~~~~Registered Land Surveyor~~ licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be placed on the adjoining acreage without first obtaining a conditional use permit from the ETZ Joint Committee and that no land may be deeded to the farm separation parcel which increases its size above that outlined above without first obtaining proper approval which may include either a rezone or conditional use.

(3) Area, height and yard requirements:

(a) Lot (farm size) area: minimum 35 acres.

(b) Building:

[1] Farm dwelling height: maximum 35 feet.

[2] Agricultural structures height: maximum two times their distance from the nearest lot lines.

(c) Yards setback.

[1] Rear: minimum 100 feet.

[2] Side: minimum 20 feet.

[3] Animals: structures used for housing of animals, minimum 100 feet from all lot lines.

[4] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[5] Shore: minimum 75 feet.

C. A-2, ETZ, Agricultural Land District. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 ETZ Prime Agricultural Land District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural ~~-~~related farming activities.

- (1) Principal uses. All principal uses permitted in the A-1 ETZ Prime Agricultural Land District.
 - (2) Conditional uses:
 - (a) Animal hospitals, shelters, and kennels.
 - (b) Veterinarian services.
 - (c) Utilities.
 - (d) Schools and churches.
 - (e) Composting.
 - (f) Land restoration.
 - (g) Governmental and cultural uses such as fire and police stations, community centers, parks, libraries, public emergency shelters, playgrounds, museums, historic home sites and landmarks.
 - (3) Area, height and yard requirements:
 - (a) Lot area: minimum 20 acres.
 - (b) Width: minimum 300 feet.
 - (c) Building:
 - [1] Farm dwelling height: maximum 35 feet.
 - [2] Agricultural structures height: maximum two times their distance from the nearest lot lines.
 - (d) Yards setback:
 - [1] Rear: minimum 100 feet.
 - [2] Side: minimum 20 feet.
 - [3] Animals: structures used for housing of animals, minimum 100 feet from all lot lines.
 - [4] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [5] Shore: minimum 75 feet.
- D. A-3, ETZ, Agricultural Land Holding District. The primary purpose of this district is to

preserve for a limited time period in agricultural and related open space land uses those lands generally located adjacent to existing incorporated urban centers within the Williams Bay ETZ area. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the Williams Bay/Township Joint ETZ Committee no less frequently than every three years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.

- (1) Principal uses. All principal uses permitted in the A-1, ETZ Prime Agricultural Land District.
- (2) Conditional uses:
 - (a) Animal hospitals, shelters and kennels.
 - (b) Land restorations.
 - (c) Utilities.
 - (d) School and churches.
 - (e) Composting.
 - (f) Governmental and cultural uses such as fire and police stations, community centers, shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (g) Golf courses and country clubs.
- (3) Area, height and yard requirements.
 - (a) Lot area: minimum 35 acres.
 - (b) Building:
 - [1] Farm dwelling height: maximum 35 feet.
 - [2] Agricultural structures height: maximum two times their distance from the nearest lot lines.
 - (c) Yards setback.
 - [1] Rear: minimum 100 feet.
 - [2] Side: minimum 20 feet.
 - [3] Animals: structures used for the housing of animals minimum 100 feet from all lot lines.

[4] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[5] Shore: minimum 75 feet.

E. A-4, ETZ, Agricultural-Related Manufacturing, Warehousing and Marketing District. The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural industry.

(1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).

(a) Recreational vehicle and boat storage.

(b) Animal hospitals, shelters and boat storage.

(c) Veterinarian services.

(d) Land restoration.

(e) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(f) Utilities.

(g) Schools and churches.

(h) Contractor storage yards.

(i) Composting.

(2) Area, height and yard requirements:

(a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, all required yards, and off-street parking as required by Walworth County Zoning Ordinance, Section 5.3.

(b) Building height: maximum 35 feet.

(c) Yards setback:

[1] Rear: minimum 75 feet.

[2] Side: minimum 75 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
- [4] Shore: minimum 75 feet.

F. A-5, ETZ, Agricultural-Rural Residential District. The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural area for rural-residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soil, topography, or severance from larger agricultural parcels. It is not intended that this district be utilized to accommodate residential subdivisions as defined in Chapter 375, Land Division, of the Williams Bay Municipal Code.

(1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).

- (a) Single-family dwellings.
- (b) Home occupations.
- (c) Orchards.
- (d) Vegetable raising.
- (e) Plant nurseries.
- (f) Greenhouses.
- (g) Roadside stands not exceeding one per farm.
- (h) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(2) Area, height and yard requirements.

- (a) Lot:
 - [1] Area: minimum 40,000 square feet.
 - [2] Width: minimum 150 feet.
- (b) Building height: maximum 45 feet.
- (c) Yards setbacks:
 - [1] Rear: minimum 25 feet.
 - [2] Side: minimum 25 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

G. C-1, ETZ, Conservation District. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the Williams Bay Extraterritorial Zoning District. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such uses; protect natural watersheds; and protect the water -based resources of the area.

(1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedure established in [§ Section 390-1714](#).

(2) Conditional uses:

(a) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.

(b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, and wild flowers in a manner that is not injurious to the natural reproduction of such crops.

(c) The practice of silviculture, including the planting, thinning, and harvesting of timber.

(d) Construction and maintenance of fences.

(e) Existing agricultural uses, provided that they do not involve extension of cultivated areas or extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.

(f) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

(g) The construction and maintenance of piers, docks, and walkways, including those built on pilings.

(h) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.

(i) Cultivation of native plants.

- (j) The construction and maintenance of hiking, bicycling, and cross country ski trails.
 - (k) The construction and maintenance of observation towers not to exceed 35 feet in height.
 - (l) The construction and maintenance of ponds and other suitable conditions for wildlife, wild fowl, and migrating bird habitat.
 - (m) Snowmobile trails may be designated for use by the owner upon specific approval by the ETZ Joint Committee with such use to be limited to marked designated trails only for the period December 1 to March 1, annually. All ~~terrain~~ vehicle use is not permitted.
 - (n) Stream bed and stream bank improvement and restoration projects.
 - (o) The construction and maintenance of official signs such as identification, educational, informational, directional, warning, parking or traffic control or similar type signs with the permission of the ETZ Joint Committee as may be necessary and appropriate for the functioning of the conservancy district.
 - (p) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - [1] Any such building does not exceed 500 square feet in floor area; and
 - [2] No filling, flooding, draining, dredging, tiling or excavating shall be done.
- H. C-2, ETZ, Upland Resource Conservation District. The primary purpose of the district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farmlands, and abandoned mineral extraction lands within the Williams Bay Extraterritorial Zoning District. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the ETZ area, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the area.
- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with procedures established in [§ Section 390-1714](#).
 - (2) Conditional uses:
 - (a) Farming and related agricultural uses when conducted in accordance with Walworth County conservation standards.
 - (b) Forest preservation.
 - (c) Forest and game management.
 - (d) Parks and recreation areas; arboreta; botanical gardens.

- (e) Single-family detached dwellings.
 - (f) Animal hospitals, shelter, kennels.
 - (g) Land restoration.
 - (h) Golf courses.
 - (i) Utilities.
 - (j) Governmental and cultural use such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (3) Area, height and yard requirements:
- (a) Lot.
 - [1] Area: minimum five acres.
 - [2] Width: minimum 300 feet.
 - (b) Building height: maximum 35 feet.
 - (c) Yard setbacks:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.
- I. C-3, ETZ, Conservancy-Residential District. The primary purpose of this district is essentially the same as that of the C-2, ETZ District, namely the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those relatively small parcels or which, because of their proximity to urban areas, have a very high residential value potential. It is thus intended that this district recognize and attempt to balance man's need for shelter locations with his need to protect and restore the natural environment. Because of its residential character and smaller lot area minimum, farming and commercial recreation uses are not permitted.
- (1) Principal uses:
- (a) Forest preservation.

- (b) Forest and game management.
 - (c) Single-family detached dwellings.
 - (2) Accessory uses:
 - (a) Residential accessory structures.
 - (3) Conditional uses:
 - (a) Animal hospitals, shelters and kennels.
 - (b) Land restoration.
 - (c) Planned residential developments.
 - (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (4) Area, height and yard requirements:
 - (a) Lot:
 - [1] Area: minimum 100,000 square feet.
 - [2] Width: minimum 200 feet.
 - (b) Building height: maximum 35 feet.
 - (c) Yards setback:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.
- J. C-4, ETZ, Lowland Resource Conservation District. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the ETZ Zoning District. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water-based recreational resources of the ETZ Area.
- (1) Designation. The C-4, ETZ, District includes all shorelands in the jurisdiction of this

- articleOrdinance which are designated as wetlands on the Final Wisconsin Wetland Inventory Maps, dated June 27, 1983, that are hereby adopted and made a part of this articleOrdinance.
- (2) Principal uses. The following uses are permitted, subject to general shoreland zoning regulations in § Section 390-1709 of this articleOrdinance, the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other stateState and federalFederal laws, if applicable:
- (a) Activities and uses which do not require the issuance of a zoning permit but which must be carried on without filling, flooding, draining, dredging, ditching, tiling or excavating:
- [1] Hiking, fishing, trapping, hunting, swimming, and boating;
 - [2] The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - [3] The practice of silviculture, including the planting, thinning and harvesting of timber;
 - [4] The pasturing of livestock and the construction and maintenance of fences;
 - [5] The cultivation of agricultural crops;
 - [6] The construction and maintenance of duck blinds;
 - [7] The construction and maintenance of piers, docks and walkways, including those built on pilings; and
 - [8] The maintenance, repair, replacement and reconstruction of existing townTown and countyCounty highways and bridges.
- (b) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
- [1] Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - [2] Dike and dam construction and ditching for the purpose of growing and harvesting cranberries; and
 - [3] Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (3) Conditional uses.

- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - [1] The road cannot as a practical matter be located outside wetland; and
 - [2] The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - [a] The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - [b] Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - [c] Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.
- (b) The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - [1] Any such building does not exceed 500 square feet in floor area; and
 - [2] No filling, flooding, draining, dredging, tiling or excavating shall be done.
- (c) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education area, historic and scientific area, wildlife refuges, game preserves, and private wildlife habitat areas, provided that:
 - [1] Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - [2] No filling is to be done except limited filling which is necessary for the development of a boat access site; and
 - [3] Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat or to otherwise enhance wetland values.
- (d) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, provided that:
 - [1] The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and

[2] Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.

- (4) Prohibited uses. Any use not listed in ~~§ Section~~ 390-1703J(2) or (3) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ~~article~~Ordinance in accordance with ~~§ Section~~ 390-1717 and Chapter NR 115, Wisconsin Administrative Code.
- (5) Establishment. When an apparent discrepancy exists between the shoreland-wetland district shown on the Official Zoning Map and actual field conditions at the time the maps were adopted, the ETZ Joint Committee shall contact the appropriate field office of the Department of Natural Resources to determine if the Shoreland-Wetland District~~shoreland-wetland district~~ as mapped is in error. If the Department staff concur with the ETZ Joint Committee that a particular area was incorrectly mapped as a wetland, the ETZ Joint Committee shall have the authority to immediately grant or deny a land use permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the Official Zoning Map, the ETZ Joint Committee shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

K. P-1, ETZ, Recreational Park District.

- (1) Principal uses. All uses in this ~~district~~District are conditional uses and must be approved in accordance with the procedures established in ~~§ Section~~ 390-1714.
- (2) Conditional uses:

Parks, general recreation
Parks, leisure and ornamental
Forest preserves
Boat rentals and boat access sites
Gymnasiums and athletic clubs
Ice skating
Picnic grounds
Play fields and athletic fields
Playgrounds
Play lots and tot lots
Recreational ~~accessways~~access ways
Forest and game management
Golf courses and country clubs
Ski hills
Yachting clubs and marinas
Hunting and fishing clubs
Cultural activities
Amusement activities
Public assembly uses
Riding stable

Archery ranges
Golf driving ranges
Sports fields facilities
Polo fields
Skating rinks
Governmental and cultural uses such as fire and police stations, community centers, libraries,
public emergency shelters, and museums
Municipal utilities

(3) Area, height and yard requirements:

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by ordinance, and all required yards.
- (b) Building height: maximum 35 feet.
- (c) Yards setback:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 20 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.

L. P-2, ETZ, Institutional Park District.

- (1) Principal uses. All uses in this ~~district~~[District](#) are conditional uses and must be approved in accordance with procedures established in ~~§ Section~~[390-1714](#).
- (2) Conditional uses: [\[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. II\)\]](#)

Churches, synagogues, and temples
Rectories and convents
College dormitories
Hospitals
Junior colleges
Monasteries
~~Nurses homes~~
Nursing homes and sanitariums
Nursery schools and day-care centers

Orphanages
Retirement homes
Universities and colleges
Lodges and fraternal buildings
Town hall or town garage
Golf courses and country clubs
Ski hills
Yachting clubs and marinas
Cultural activities
Public assembly uses
Riding stables
Archery ranges
Golf driving ranges
Sports fields
Polo fields
Airports, airstrips, landing fields, and heliports
Governmental and cultural uses such as fire and police stations, community centers, libraries,
public emergency shelters, parks, playgrounds, and museums
Municipal utilities
Schools
Cemeteries and crematories
Recycling centers
Composting

(3) Area, height and requirements:

(a) Lot (sewered):

[1] Area: minimum 10,000 square feet.

[2] Width: minimum 100 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 25 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including

freeways).

[4] Shore: minimum 75 feet.

M. R-1, ETZ, Single-Family Residence District (unsewered). The Single-Family Residence District is hereby established to provide location for and maintain values of low density single-family development only.

(1) Principal uses:

(a) Single-family detached dwellings on lots not served by public sanitary sewer.

(2) Accessory uses:

(a) Residential accessory structures.

(3) Conditional uses:

(a) Golf courses and country clubs.

(b) Planned residential developments.

(c) Home occupations including barbering and beauty culture.

(d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(e) Municipal utilities.

(f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot: width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(b) Building height: maximum 35 feet.

(c) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 15 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

N. R-2, ETZ, Single-Family Residence District (sewered). The Single-Family Residence District is hereby established to provide location for and maintain values of low density single-family development only.

(1) Principal uses:

- (a) Single-family detached dwellings on lots served by public sanitary sewers.

(2) Accessory uses:

- (a) Residential accessory structures.

(3) Conditional uses:

- (a) Golf courses and country clubs.
- (b) Planned residential developments.
- (c) Home occupations including barbering and beauty culture.
- (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (e) Municipal utilities.
- (f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot:

[1] Area: minimum 15,000 square feet.

[2] Width: minimum 100 feet.

(b) Building height: maximum 35 feet.

(c) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 15 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

- O. R-2A, ETZ, Single-Family Residence District (Sewered). The primary purpose of the R-2A ~~District~~district is to require larger residential sewerred lots in environmentally sensitive areas. Such environmentally sensitive areas may include but not be limited to, environmental corridors, shoreland areas and significant woodlands.

(1) Principal uses:

- (a) Single-~~family detached dwellings~~Family Detached Dwellings on lots served by public sanitary sewers.

(2) Accessory uses:

- (a) Residential accessory structures.

(3) Conditional uses:

- (a) Golf courses and country clubs.
- (b) Planned residential developments.
- (c) Home occupations including barbering and beauty culture.
- (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (e) Municipal utilities.
- (f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot:

- [1] Area: minimum 50,000 square feet.
- [2] Width: minimum 100 feet.

(b) Building height: maximum 35 feet.

(c) Yards setback:

- [1] Rear: minimum 25 feet.
- [2] Side: minimum 15 feet.
- [3] Street:
- [a] Subdivision road: minimum 25 feet.
- [b] Town road: minimum 50 feet.
- [c] County road: minimum 65 feet.
- [d] State and federal highways: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

P. R-3, ETZ, Two-Family Residence District (Sewered or Unsewered).

(1) Principal uses:

- (a) Single-family detached dwellings.
- (b) Two-family dwellings.

(2) Accessory uses:

- (a) Residential accessory structures.

(3) Conditional uses:

- (a) Golf courses and country clubs.
- (b) Planned residential developments.
- (c) Home occupations including barbering and beauty culture.
- (d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
- (e) Municipal utilities.
- (f) Schools and churches.

(4) Area, height and yard requirements:

(a) Lot (sewered):

- [1] Area: minimum 15,000 square feet per duplex building.
- [2] Width: minimum 100 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

- [1] Rear: minimum 25 feet.
- [2] Side: minimum 15 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
- [b] Town road: minimum 50 feet.
- [c] County road: minimum 65 feet.
- [d] State and federal highways: minimum 85 feet (not including

freeways).

[4] Shore: minimum 75 feet.

Q. R-4, ETZ, Multiple-Family Residence District (Sewered or Unsewered).

- (1) Principal uses: All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Accessory uses:
 - (a) Residential accessory structures.
- (3) Conditional uses:
 - (a) Single-family dwellings.
 - (b) Two-family dwellings.
 - (c) Multiple-family dwellings.
 - (d) Golf courses and country clubs.
 - (e) Planned residential developments.
 - (f) Lodges and fraternal buildings.
 - (g) Nursery schools and day-care centers.
 - (h) Government and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
 - (i) Municipal utilities.
 - (j) Schools and churches.
- (4) Area, height and yard requirements:
 - (a) Multiple-family density: maximum six dwelling units per net developable acre.
 - (b) Lot (sewered).
 - [1] Width:
 - [a] Minimum two-family: 80 feet.
 - [b] Multiple-family: 100 feet.
 - [2] Area:
 - [a] Minimum two-family: 12,000 square feet.
 - [b] Multiple-family: 15,000 square feet.
 - [c] Single-family: 15,000 square feet.
 - (c) Lot (unsewered): width and area of all lots to be determined in accordance with

Walworth County Zoning Ordinance Section 2.5. No more than four dwelling units per building shall be permitted on an unsewered lot.

- (d) Building height: maximum 35 feet.
- (e) Yards setback:
 - [1] Rear: minimum 25 feet.
 - [2] Side: minimum 10 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeway).
 - [4] Shore: minimum 75 feet.
- (5) Park and open space lands. Park and open space land, exclusive of required yards, access drives, and parking area, shall comprise at least 20% of the total development area. Such required park and open space land may be placed in more than one location within the development area; provided, however, that no single such area shall contain less than 1/2 acre and that such area shall have its least dimension more than 1/4 its length.

R. B-1, ETZ, Local Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section-390-1714](#).
- (2) Conditional uses:

Bakeries
Barber shops
Beauty shops
Business offices
Clinics
Clothing and apparel stores
Clubs
Confectioneries
Delicatessens
Drugstores
Fish markets
Florists
Fruit stores
Gift stores

Grocery stores
Hardware stores
Hobby stores
Lodges
Meat markets
Optical stores
Packaged beverage stores
Professional offices
Restaurants
Self-service and pick-up laundry and dry cleaning establishments
Sporting goods stores
Supermarkets
Tobacco stores
Vegetable stores
Antique shops
One residential dwelling unit when located within the principal building structure
On and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Vehicle sales and service
Public parking lots
Taxi stands
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks

(3) Area, height and yard requirements:

(a) Lot (sewered).

[1] Area: minimum 7,500 square feet.

[2] Width: minimum 75 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 20 feet.

[2] Side: minimum 10 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highway: minimum 85 feet (not including freeways).

[4] Shore: minimum 75 feet.

S. B-2, ETZ, General Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Conditional uses:

All conditional uses permitted in the B-1, ETZ, Local Business District

Appliance stores
Caterers
Churches
Clothing repair stores
Crockery stores
Department stores
Electrical supply
Financial institutions
Food lockers
Furniture stores
Furniture upholstery shops
Heating supply
Hotels and motels
Laundry and dry cleaning establishments not employing over 7 persons
Liquor stores, bars, taverns, cocktail lounges
Music stores
Newspaper offices and press rooms
Night clubs and dance halls
Office supply stores
Pawn shops
Personal service establishments
Pet shops
Photographic supplies
Plumbing supplies
Printing
Private clubs
Private schools
Publishing
Radio broadcasting studios
Secondhand stores
Television broadcasting studios
Trade and contractor's offices
Upholsterer's stores
Variety stores
Boat and marine supplies not including manufacturing

Gasoline service stations
One residential dwelling unit when located within the principal business structure
Public assembly uses
Animal hospitals, shelters and kennels
Commercial recreational facilities
On- and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in theaters
Funeral homes
Drive-in banks
Vehicle sales and service
Public parking lots
Taxi stands
Building contractors storage yards
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks
Municipal utilities
Heliports, bus and rail depots
Schools and churches
Hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries and crematories
Packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood
Tanning studios
Small engine repair shops
Flea markets

(3) Area, height and yard requirements:

(a) Lot (sewered).

[1] Area: minimum 7,500 square feet.

[2] Width: minimum 75 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth Country Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 20 feet.

[2] Side: minimum 10 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: minimum 85 feet (not including freeways).
- [4] Shore: minimum 75 feet.

T. B-3, ETZ, Waterfront Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section 390-1714](#).
- (2) Conditional uses:

All conditional uses permitted in the B-1 and B-2 Districts

Boat rental and boat access sites
Boats and marine supplies
Bowling alleys
Hotels, motels, and tourist courts
Bait shops
Restaurants
Skating rinks
Sporting goods and supplies
Supper clubs
Swimming beaches and pools
Taverns and bars
Yachting clubs and marinas
Bath houses
Boat liveryes
Dance halls
One residential dwelling unit when located within the principal business structure
Public assembly uses
Commercial recreational facilities
On and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in food and beverage establishments
Vehicles sales and service
Public parking lots
Taxi stands
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks
Municipal utilities
Schools and churches

(3) Area, height and yard requirements:

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by [§ Section-390-1704](#), and all required yards. In addition, in all areas not served by a centralized sanitary sewerage system, the lot area shall comply with the requirements of Walworth County Zoning Ordinance Section 2.5.
- (b) Building height: maximum 35 feet.
- (c) Yards setback:
 - [1] Rear: minimum 50 feet.
 - [2] Side: minimum 10 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 75 feet.

U. B-4, ETZ, Highway Business District.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with the procedures established in [§ Section-390-1714](#).
- (2) Conditional uses:

All conditional uses permitted in the B-1 and B-2 Districts

- Automobile and truck retail services
- Automobile and repair services
- Bars and taverns
- Candy, nut, and confectionery sales
- Gasoline service stations
- Gift, novelty, and souvenir sales
- Hotels, motels, and tourist courts
- Night clubs and dance halls
- Restaurants
- Sales, service, and installation of tires, batteries and accessories
- One residential dwelling unit when located within the principal business structure
- Animal hospitals, shelters, and kennels
- Yachting clubs and marinas
- Public assembly uses
- Commercial recreation facilities

On- and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in food and beverage establishments
Drive-in bank
Vehicle sales and service
Public parking lots
Taxi stands
Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks
Municipal utilities
Schools and churches
Commercial greenhouses

(3) Area, height, and yard requirements:

- (a) Lot area: minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by [§ Section 390-1704](#), and all required yards. In addition, in all areas not served by a centralized sanitary sewerage system, the lot area shall comply with the requirements of Walworth County Zoning Ordinance Section 2.5.
- (b) Building height: maximum 35 feet.
- (c) Yards setback:
 - [1] Rear: minimum 40 feet.
 - [2] Side: minimum 40 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: 85 feet minimum (not including freeways)
 - [4] Shore: minimum 75 feet.

V. B-5, ETZ, Planned Commercial-Recreation Business District. The primary purpose of this district is to permit on a planned basis major commercial-recreation development projects, including recreation-related residential land uses. Such planned development projects are likely to include a large number of different individual land uses which are needed to carry on and support the primary commercial-recreational venture.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in

accordance with the procedures established in ~~§ Section~~ 390-1714.

(2) Conditional uses:

Aircraft landing and ~~takeoff~~~~take-off~~ fields-
Amusement parks and miniature golf courses
Boat rentals and boat access sites
Dance halls
Restaurants, taverns, bars, and night clubs
Drive-in movies
Dude ranches
Fairgrounds

Health and recreational resorts, including the following uses which may be permitted as a part of the resort complex, provided that either in combination or individually they do not occupy more than 25% of the total floor area of the principal resort buildings:

Retail sales

Antiques
Books
Camera and photographic supplies
Candy, nut and confectionery
China, glassware, and ~~metalware~~~~metal-ware~~
Cigars, cigarettes, and tobacco
Flowers
Fur apparel
Gifts, novelties, and souvenirs
Jewelry
Men's and boy's clothing and furnishings
Music supplies
Newspapers and magazines
Shoes
Sporting goods
Stationery
Toys
Women's and girl's clothing and furnishings

Personal services

Artists services
Barber services
Beauty services
Dry cleaning
Laundry
Photographic studios
Shoe repair and cleaning services
Custom tailoring
Travel arranging services
Go-cart tracks
Golf course and related facilities
Hotels and motels

Penny arcades
Race tracks
Riding stables
Roller skating rinks
Skiing and tobogganing
Snowmobile trails
Swimming beaches
Golf courses and country clubs
Ski hills
Yachting clubs and marinas
Public or private campgrounds
Cultural activities
Amusement activities
Public assembly uses
Archery ranges
Golf driving range
Sports field
Polo field
Skating rinks
Commercial recreational facilities
On and off-season storage facilities
Lodges and fraternal buildings
Nursing homes
Nursery and day-care centers
Retirement homes
Drive-in theaters
Motels, hotels, and tourist courts
Vehicle sales and service
Public parking lots
Taxi stands
Airports, airstrips, landing fields, and heliports
Municipal utilities
Schools and churches
Commercial water slides

Single-family and multiple-family dwelling units when located on the same site with health or recreational resorts; provided, however, that the transfer of ownership of any dwelling units may only include, therewith, a fractional interest in the site on which the dwelling unit is located, and such transfer shall not result in a subdivision or minor subdivision as defined under [Chapter 375, the Village of Williams Bay Land Division Ordinance](#). Any permitted dwelling units may be used either for the accommodation of transient guests or exclusively for living quarters for one family.

Governmental and cultural centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks

(3) Area, height and yard requirements:

(a) Dwelling unit density. No planned development approved as a conditional use

in the B-5, ETZ District may, with respect to that area exclusively devoted to residential land uses, exceed 10 dwelling units per net developable acre.

(b) Building height: maximum 35 feet.

(c) Yards setback (interior):

[1] Rear: minimum 40 feet.

[2] Side: minimum 15 feet.

[3] Street: minimum 25 feet.

(d) Yards setback (perimeter): minimum 75 feet.

[1] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highway: 85 feet; minimum (not including freeways).

(e) Open space: minimum 70% of total lot area.

W. B-6, ETZ, Bed-and-Breakfast District. The Bed-and-Breakfast District is hereby established to provide areas to include bed-and-breakfast establishments which meet all state code requirements for such establishments.

(1) Principal uses:

(a) Bed-and-breakfast establishments.

(2) Area, height, and yard requirements.

(a) Lot (sewered).

[1] Area: minimum 15,000 square feet.

[2] Width: minimum 100 feet.

(b) Lot (unsewered): width and area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5.

(c) Building height: maximum 35 feet.

(d) Yards setback:

[1] Rear: minimum 25 feet.

[2] Side: minimum 15 feet.

[3] Street:

- [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highways: minimum 85 feet (not including freeways).
- [4] Shore: minimum 75 feet.

X. M-1, ETZ, Industrial District. The M-1 ETZ Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the ETZ District as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors, and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

- (1) Principal uses. All uses in this district are conditional uses and must be approved in accordance with procedures established in [§ Section 390-1714](#).
- (2) Conditional uses.

Automotive and marine products; storage, manufacturing, and repair/cleaning, dressing, and dyeing

- Commercial bakeries
- Commercial greenhouses
- Cosmetic manufacturing
- Distributors
- Electrical appliances manufacturing
- Electronic devices manufacturing
- Farm machinery sales and repair
- Food locker plants
- Glass manufacturing
- Jewelry manufacturing
- Instrument manufacturing
- Laboratories
- Leather fabrication, not including tanning
- Machine shops
- Manufacture and bottling of nonalcoholic beverages
- Mini warehousing
- Packaging and packing of confections
- Packaging and assembly of products made from fur
- Painting
- Pharmaceutical processing
- Printing and publishing

Storage and sale of machinery and equipment
Tobacco and toiletries
Upholstery
Warehousing
Wholesaling

- (3) Permitted accessory uses.
 - (a) Garages for storage of vehicles used in conjunction with the operation of an industry.
 - (b) Off-street parking and loading areas.
 - (c) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
 - (d) Residential quarters for the owner or caretaker.
 - (e) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
 - (f) Roof-mounted solar collectors, provided that a registered professional engineer shall certify that the structure is adequate to support the load.
- (4) Certain incompatible uses prohibited. The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:
 - (a) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, ~~pyroxylin~~proxline, and radium.
 - (b) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coat tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, ~~pyroxylin~~pyroxyline, and radioactive materials.
 - (c) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
 - (d) Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- (5) Area, height and yard requirements:
 - (a) Lot area: sufficient area and width for principal building(s) and its accessory buildings, off-street parking and loading areas and required yards.
 - (b) Building:
 - [1] Height: maximum 35 feet.
 - [2] Area: no more than 30% of the lot area.

- (c) Yards setback:
 - [1] Rear: minimum 30 feet.
 - [2] Side: minimum 15 feet.
 - [3] Street:
 - [a] Subdivision road: minimum 25 feet.
 - [b] Town road: minimum 50 feet.
 - [c] County road: minimum 65 feet.
 - [d] State and federal highway: minimum 85 feet (not including freeways).
 - [4] Shore: minimum 150 feet.
- Y. I-1, ETZ, Institutional District. The I-1 ETZ Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
 - (1) Permitted uses.
 - (a) Public or private schools, colleges, universities, field campuses, or outdoor educational facilities.
 - (b) Churches.
 - (c) Funeral homes.
 - (d) Hospitals, sanatoriums, nursing homes, and clinics.
 - (e) Libraries, community centers, conference centers, museums, and public art galleries.
 - (f) Observatories and planetariums.
 - (g) Public administrative offices, and public service buildings, including fire and police stations.
 - (h) Municipal utility offices.
 - (2) Permitted accessory uses.
 - (a) Residential quarters for caretakers or clergy.
 - (b) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
 - (c) Service buildings and facilities normally accessory to the permitted use.
 - (d) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional

engineer shall certify that the structure is adequate to support the load.

(3) Conditional uses.

- (a) Those uses set forth in [§ 390-0223C. \[Amended at time of adoption of Code \(see Ch. 1, General Provisions, Art. I\)\]](#)~~Section 18.0504, 18.0511 and 18.0513.~~

(4) Area, height and yard requirements.

- (a) Lot area: minimum 12,000 square feet with: minimum 90 feet.

(b) Building:

[1] Height: maximum 35 feet.

[2] Area: residential uses shall comply with the single-family area requirements of the R-4, ETZ, Multiple-Family Residence District.

(c) Yards setback:

[1] Rear: minimum 30 feet.

[2] Side: minimum 15 feet.

[3] Street:

[a] Subdivision road: minimum 25 feet.

[b] Town road: minimum 50 feet.

[c] County road: minimum 65 feet.

[d] State and federal highway: minimum 85 feet.

[4] Shore: minimum 150 feet.

- (5) Plans and specifications to be submitted to Extraterritorial Zoning Committee. To encourage an institutional use environment that is compatible with the residential character of the Village of Williams Bay, and the extraterritorial zoning area, zoning permits for permitted uses in the Institutional District shall not be issued without review and approval of the appropriate joint Extraterritorial Zoning Committee and the Village of Williams Bay Plan Commission and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

Z. PUD ETZ Planned Unit Development Overlay District. The Planned Unit Development (PUD) Overlay District is intended to permit areas to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and public, quasi-public, agricultural and/or conservation areas.

- (1) Purpose and intent. The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring

substantial compliance with the basic intent of the Zoning Ordinance and the general plan for community development. Consistent with this intent it allows diversification and variation in relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and can encourage and facilitate preservation of open land. The unified and planned development of a site in single or corporate ownership or control or in common ownership under the Unit Ownership Act as set forth in Chapter 703 of the Wisconsin Statutes (Condominiums) may be permitted by the Village upon specific petition under this section of the [chapterOrdinance](#) and after public hearing, with such development encompassing one or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the [chapterOrdinance](#) have been met.

- (2) Permitted uses. Uses permitted in a PUD shall conform to the uses, principal and/or conditional, permitted in the underlying zoning district classification.
- (3) Minimum area requirements. Areas designated as Planned Unit Development Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

Principal Uses	Minimum Area of PUD (acres)
Residential PUD	20
Commercial PUD	30
Industrial PUD	35

- (4) Procedural requirements.
 - (a) Pre-petition conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District or development of said [districtDistrict](#), the owner or his agent making such petition is encouraged to consult with the Plan Commission of the town in which the property is located. Subsequent to that meeting or, if no meeting is held with the town Plan Commission prior to the official submission of the petition the owner or his agent making such petition shall meet with the appropriate joint Extraterritorial Zoning Committee to discuss the scope and proposed nature of the contemplated development.
 - (b) Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as required by [§ Section-390-1718](#) and the following information:-
 - [1] A statement which sets forth the relationship of the proposed PUD to the Village's and the extraterritorial master plan or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
 - [a] Total area to be included in the PUD, area of open space, residential

density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

- [b] A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - [c] A general outline of the organizational structure of a property owners' or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - [d] Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations, or administrative rules, or other universal guidelines.
 - [e] The expected date of commencement of physical development as set forth in the proposal.
- [2] A general development plan including:
- [a] A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - [b] The location of existing and proposed public and existing private roads, existing and proposed driveways, and existing and proposed parking facilities.
 - [c] The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 - [d] The location of institutional, recreation, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and ~~drainageways~~drainage ways.
 - [e] The type, size, and location of all structures.
 - [f] General landscape treatment.
 - [g] Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
 - [h] The existing and proposed location of public sanitary sewer and water supply facilities.
 - [i] The existing and proposed location of all private utilities or other easements.
 - [j] Characteristics of soils related to contemplated specific uses.
 - [k] Existing topography on the site with contours at not greater than

two-foot intervals.

- [l] A stormwater management plan for development of the site.
 - [m] A construction erosion control plan for the project.
 - [n] Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- (c) Referral to Joint Extraterritorial Zoning Committee (ETZ Joint Committee) and Plan Commission. The petition for a Planned Unit Overlay Development District shall be referred to the appropriate ETZ Joint Committee and Plan Commission, which shall formulate tentative recommendations for the petition, including any additional conditions or restrictions which it may deem necessary or appropriate. The ETZ Joint Committee shall then hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to which the petition pertains as a Class 2 notice, under Ch. 985, Wis. Stats., during the preceding 30 days, and by mailing notice to the Town Clerk of the ~~town~~^{Town} in which the land to which the petition pertains is located. Following the public hearing, the ETZ Joint Committee shall vote on the proposed petition including any conditions or restrictions which it may deem necessary or appropriate. The Village may not adopt the petition, or amendments thereto, unless the petition, or amendments thereto, receives a favorable vote of the majority of the six members of the ETZ Joint Committee. Such vote shall be deemed action taken by the entire Plan Commission.
- (d) Referral to Village Board. The Village Board may adopt by ordinance the proposed petition for a Planned Unit Development Overlay District including the conditions or restrictions recommended by the ETZ Joint Committee after giving notice and holding a hearing as provided in Subsection Z(4)(c), or the Village Board may change the proposed conditions or restrictions for the proposed Planned Unit Development District after first submitting the proposed changes to the ETZ Joint Committee for recommendation and report. The ETZ Joint Committee and the Village Board may hold a joint hearing on the proposed changes after giving notice as provided in Subsection Z(4)(c).
- (e) The ETZ Joint Committee recommendation and the proposed changes shall be submitted to the Village Board in accordance with the voting requirements set forth in Subsection Z(4)(c).
- (5) Basis for approval of the petition. The ETZ Joint Committee in making its recommendation and the Village Board in making its determination shall consider:
- (a) That the proposed Planned Unit Development Overlay District is consistent in all respects with the purpose of this section and the spirit and intent of this ~~chapter~~^{Ordinance}; is in conformity with the adopted master plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
- [1] The ETZ Joint Committee shall specify lot area, width, yard, and height

requirements in the granting of a permit. The requirements of the underlying zoning district may be relaxed to the discretion of the ETZ Joint Committee but in no case shall the maximum number of units per square foot in relation to the total development be exceeded for the underlying zoning district. However, the ETZ Joint Committee shall not grant approval for any building or structure exceeding 35 feet in height.

[2] The ETZ Joint Committee, in making its recommendations, and the Village Board, in making its determination, shall further find that:

- [a] The proposed site shall be provided with adequate drainage facilities for surface water and stormwater.
- [b] The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
- [c] No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas, by the proposed development.
- [d] The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- [e] Public water and sewer facilities shall be provided.
- [f] Natural areas such as significant woodlands, meadows, wetlands, wildlife habitat areas, lakes, streams, and floodplain shall be protected as "environmental corridors." Environmental corridors shall not be used in the calculation of residential densities within a planned unit development.
- [g] The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one owner, the petition for such Planned Unit Development Overlay district shall be considered as one tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Walworth County.

(b) That in the case of a proposed residential Planned Development project:

- [1] Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
- [2] The total net density within the Planned Unit Development Overlay District will be compatible with the density of development either existing

or permitted in areas adjacent to the proposed PUD project.

- [3] Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
- [4] Adequate, continuing fire and police protection is available.
- [5] The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
- [6] Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(c) That in the case of a proposed commercial Planned Unit Development project:

- [1] The proposed development will be adequately served by off-street parking and truck service facilities.
- [2] The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
- [3] The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
- [4] The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(d) That in the case of a proposed industrial Planned Unit Development project:

- [1] The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
- [2] The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
- [3] The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
- [4] The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of public streets.

- (6) Changes and additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the appropriate Joint Extraterritorial Zoning Committee and Plan Commission for its review and approval and, if in the opinion of the ETZ Joint Committee, such change or addition constitutes a material alteration of the original plan, the procedural requirements Subsection Z(4)(c) and (d) shall apply
- (7) Subsequent land division. The division of any land or lands within a Planned Unit Development District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a preliminary plat of lands to be divided shall accompany the petition for PUD approval.
- (8) Development of preexisting ~~Planned Unit Development Districts~~planned-unit development districts. It shall be the policy of the Village of Williams Bay to create ETZ Planned Unit Development Districts only in those areas where a detailed unified development plan has been presented and approved. In areas where the district was applied prior to the enactment of this ~~article~~ordinance, or where approved petitions have not been implemented within a reasonable period of time, the subsequent development of the PUD shall require the issuance of a conditional use permit. Such conditional use permit shall be issued only after a new petition has been filed and approved by the Joint Committee and the Village Board after a new public hearing in the manner required in Subsection Z(4)(d). The Village Board may set a time schedule for the completion of a planned unit development project. Any existing undeveloped Planned Unit Development District shall be reviewed annually in April by the ETZ Joint Committee and report regarding the disposition of that district shall be made to the Village Board.
- (9) Applicability. This section shall be applicable to all property within the Extraterritorial Zoning Jurisdiction of the Village of Williams Bay with the exception of that property located within the Town of Walworth. It is the intent that no PUD shall be permitted in the Town of Walworth.

§ 390-1704. Incorporation of portions of Village Zoning Ordinance. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

To ensure consistent, equitable, and proper administration of extraterritorial zoning by the Village, the following sections of the Village Zoning Ordinance, as set forth in Chapter 390 of the Municipal Code of the Village, are hereby incorporated into this ~~article~~Ordinance as though fully set forth herein, including any future amendments thereto, and shall apply to all property within the ETZ Boundaries and the zoning districts existing therein:

- A. Sections 390-0102 through 390-0110~~Section 18.0202-.0203~~, General Provisions.
- B. Sections 390-0803 through 390-0806~~Section 18.0600~~, Traffic, Parking and Access.
- C. Sections 390-0504 through 390-0506~~Section 18.0700~~, Modifications.
- D. Article 10, Signage~~Section 18.0800, Signs~~.
- E. Article 6~~Section 18.0900~~, Nonconforming Situations~~Uses, Structures, and Lots~~.

- F. Section ~~390-1206~~~~18.1000~~, Site Plan. ~~Review and Architectural Control.~~
- G. ~~Article 8~~~~Section 18.1100~~, Performance Standards.
- H. ~~Section 390-0114~~~~Section 18.1307~~, ~~Floodland District Boundary Changes Limited.~~
- I. ~~Section 18.1308~~, ~~Shoreland C-1 Amendments.~~
- J. ~~Section 18.1309~~, ~~Protest.~~
- K. ~~Section 18.1500~~, Definitions.—
- L. ~~Chapter 18, Appendices, B-F.~~

§ 390-1705. Duties of Zoning Administrator and Building Inspector.

- A. The Village Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this ~~article~~~~ordinance~~, subject to the review of the ETZ Joint Committee in its discretion except where such authority is otherwise specifically delegated to a town Building Inspector. In the absence of a Village Zoning Administrator, the Village Building Inspector is hereby designated as the Village Zoning Administrator for the provisions of this ~~article~~~~Ordinance~~. The duty of the Zoning Administrator shall be to interpret and administer this ~~article~~~~Ordinance~~ and to issue, after on-site inspection, all permits required by this ~~article~~~~Ordinance~~.
- B. No structure shall be hereafter located, erected, moved, reconstructed, extended, enlarged or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector of the town consistent with the procedural requirements of the ordinance establishing the position of town Building Inspector, unless otherwise exempted pursuant to ~~§ Sections~~ 390-1707 of this ~~article~~~~ordinance~~.
- C. In addition to the duties set forth above, the Village Zoning Administrator shall further, subject to review of the ETZ Joint Committee in its discretion:
 - (1) Maintain records of all permits issued, fees collected, inspections made, work approved, and other official actions.
 - (2) Record the lowest floor elevations of all structures erected, moved, altered, or improved in the floodland districts.
 - (3) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 - (4) Inspect all structures, lands and waters as often as necessary to assure compliance with this ~~article~~~~ordinance~~.
 - (5) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this ~~article~~~~ordinance~~ to the owner, resident, agent, or occupant of the premises, and report on corrected violations to the Village Attorney in a manner specified by the Attorney.
 - (6) Assist the Village Attorney in the prosecution of ordinance violations.

- (7) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ~~article~~ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with § 66.0119, Wis. Stats.
- (8) Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
- (9) Request assistance and cooperation from the appropriate township, Sheriff's Department and Village Attorney as deemed necessary.
- (10) Attend all such meetings of the ETZ Joint Committee as requested by the ETZ Joint Committee.

§ 390-1706. Zoning permit required.

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted pursuant to ~~§ Section~~390-1707 of this ~~article~~Ordinance.

- A. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:
 - (1) Name and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (2) Description of the subject site by lot, block and recorded subdivision, or metes and bounds; addresses of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a ~~professional~~registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off ~~street~~street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
 - (4) The Zoning Administrator may waive the plat of survey requirement for accessory buildings and additions to single-family and two-family dwellings when the building or addition is less than 250 square feet in area. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.
 - (5) Additional information as may be required by the Joint Committee, Village Engineer or Zoning Administrator.

- B. A zoning permit shall be granted or denied in writing by the Zoning Administrator within 45 days of submission subject to review by the ETZ Joint Committee in its discretion. The permit shall expire within six months unless substantial work has commenced, or within 18 months if the structure for which the permit is issued is not substantially completed. Any permit issued in conflict with the provisions of this [articleOrdinance](#) shall be null and void.

§ 390-1707. Uses not requiring zoning permit.

- A. No zoning permit shall be required for any of the following cases:
- (1) For building an accessory building less than 100 square feet in area.
 - (2) For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use.
 - (3) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.
- B. However, no structure or development in a floodland district shall be exempt from obtaining a zoning permit, and any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, yard, height, and other requirements set forth in this [chapterOrdinance](#).

§ 390-1708. Certificate of compliance required.

- A. No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create a change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of compliance shall have been issued by the Zoning Administrator and town Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this [articleOrdinance](#). Such certificate shall be applied for at the time of occupancy of any land and/or building.
- B. No land within the floodland districts shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this [chapterOrdinance](#) have been fully complied with. Such certification shall include the first floor elevation of any structure erected on the site.
- C. No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator and town Building Inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Extraterritorial Zoning Ordinance, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the applicable town and State of Wisconsin. Such certificate for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for a certificate of compliance shall be made in the same manner as for a zoning permit

pursuant to ~~§ Section~~ 390-1706 of this ~~article~~Ordinance.

§ 390-1709. Shoreland regulations.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to all land lying within 1,000 feet of the ordinary high ~~water~~ mark of any lake and all lands lying within 300 feet of the ordinary high ~~water~~ mark of navigable rivers or streams, or the landward side of the floodplain, whichever is greater. Rivers and streams in the ETZ District shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps referenced in Section 3.2 of the Walworth County Shoreland Zoning Ordinance. If evidence to the contrary is presented, the Village Zoning Administrator shall make the initial determination whether or not the river or stream in question is navigable under laws of this state. The Village Zoning Administrator shall contact the appropriate district DNR office for a determination of navigability or ordinary high-water mark. Flood Hazard Boundary Maps, or Flood Insurance Study Maps (or soil maps or other existing county maps used to delineate floodplain areas which have been adopted by Walworth County) shall be used to determine the extent of the floodplain of rivers or streams in the ETZ District.

- A. Tree cutting, shrubbery clearing, and earth movements shall require a zoning permit and a conservation plan. In addition, the Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out an approved land conservation plan. The amount of such surety shall be determined by the Zoning Administrator and the form and type of all sureties shall be approved by the ETZ Joint Committee. The Zoning Administrator may, as appropriate, request a review of the proposed cutting, clearing, or earth movement activity by the Wisconsin Department of Natural Resources, and the USDA Natural Resources~~Soil~~ Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a zoning permit but not to exceed 30 days. All cutting, clearing, and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural beauty of the ETZ District. Paths and trails shall not exceed 10 feet in width and shall be so designed and constructed as to result in the least removal and disruption of natural ground cover and the minimum impairment of natural beauty. In the strip of land 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 or the same proportion of a smaller lot shall be clear-cut.
- (1) Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. These provisions do not apply to the removal of dead or diseased trees.
 - (2) Cutting plan. A special cutting plan allowing greater cutting may be permitted by the ETZ Joint Committee by issuance of a conditional use permit~~Conditional Use Permit~~, pursuant to ~~§ Section~~ 390-1714. An application for such a permit shall include a survey of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The ETZ Joint Committee may grant such a permit only if it finds that such special cutting plans will not cause undue erosion or destruction of scenic beauty and will provide

- substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the ETZ Joint Committee may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.
- (3) Beyond the thirty-five-foot strip, a zoning permit shall be required with conservation plans for projects within 300 feet of the OHWM (ordinary high ~~water~~ mark) and which are either:
- (a) On slopes more than 20%;
 - (b) Larger than 1,000 square feet on slopes of 12% to 20%; or
 - (c) Larger than 2,000 square feet on slopes less than 12%.
- B. Required setbacks.
- (1) All structures, except piers, wharves, boat hoists, open fence, boathouse, patios, bridges, dams, walkway and stairway which are necessary to provide pedestrian access to the shoreline, shall require a setback of at least 75 feet from the ordinary high-water mark although a greater setback may be required where otherwise regulated by more restrictive ordinances.
- (2) Structures which require authorization or permits from the DNR pursuant to Chapters 30 and 31, Wisconsin Statutes, or which are to be located below the ordinary high-water mark, namely bridges, dams, culverts, piers, wharves, shoreland riprap, navigational aids, and waterway crossings of transmission lines, shall comply with all applicable federal, state, county and local regulations.
- C. Boathouse. Boathouses shall not extend below the ordinary high ~~water~~ mark, shall not be located on lands having a slope of 12% or greater, shall be located so as to minimize earth ~~disturbing~~ activities and shoreland vegetation removal, and shall be designed exclusively for the storage of watercraft and related marine equipment and shall not be used for human habitation or commercial purposes. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipment, shall not be deemed to be a boathouse. Fireplaces, patio doors, plumbing, heating, cooking facilities, or any features inconsistent with the use of the structure exclusively as a boathouse are not permitted in or on boathouses. The highest point to the roof elevation of the boathouse shall ~~not~~ be more than 14 feet vertical measurement above the ordinary high ~~water~~ mark, shall not exceed 400 square feet in horizontal area covered, and shall not be closer than three feet to any side lot line. Railings shall not be placed on top of the boathouse, nor shall boathouse roofs be designed to provide general outdoor living space, i.e., as a deck. Only one boathouse is permitted on a lot as an accessory structure.
- D. Shore yards may be reduced to the average of the shore yards of the principal structures existing on the abutting properties within a distance of 100 feet of the subject site but shall not be reduced to less than 40 feet.
- E. Patios. Patios are exempted from the shoreland setback requirements, provided that the structure shall be located so as to minimize earth ~~disturbing~~ activities and shoreland vegetation removal during construction. Further, no permanent benches or tables shall be

attached to the patio, the patio shall not exceed a height of six inches above the original grade, and canopies, roofs, and railings on such structures are prohibited. The patio must be placed within the 30 in 100-foot area that is allowed to be clear-cut and shall be no more than 150 square feet in area.

- F. Stairway, walkway, lift, piers, and wharves. Stairway, lift and walkway and that portion of piers and wharves landward of the ordinary high ~~water~~ water mark are exempted from the shoreland setback requirements, provided that the structure is necessary to access the shoreline because of steep slopes or wet, unstable soils. Further, the structure shall be located so as to minimize earth ~~disturbing~~ disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than 48 inches wide; open railings are permitted only where required by safety concerns; canopies, roofs, and closed railings/walls on such structures are prohibited; landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 25 feet in area.
- G. Fences. Residential fences four feet in height or less are permitted in the shore yard on the property line but shall not be located on the shoreline. The fence shall not be designed to cross between property lines in the seventy-five-foot shore yard setback and shall minimize the barrier to wildlife movement. Also refer to ~~§ 390-0809~~Article 7, incorporated by reference in ~~§ Section~~ 390-1704.
- H. Retaining walls. Retaining walls and terracing shall only be allowed in the shoreline setback area where the applicant can successfully prove to the ETZ Joint Committee that there is a current erosion problem that cannot be remedied by resloping and revegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall only be permitted to the extent that they resolve a continuing erosion problem and shall not be used to provide level outdoor living space in the near-shore area.
- I. Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, or removal of stream or lake bed materials are conditional uses requiring review, public hearing, and approval by the ETZ Joint Committee in accordance with ~~§ Section~~ 390-1714. However, such earth movements having a DNR permit under Chapter 30 of the Wisconsin Statutes are exempt from this provision.
- J. No waste materials such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity or temperature so as to contaminate, pollute or harm the waters shall be so located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters.
- K. Tillage, grazing, livestock watering, and the spreading, stacking and stockpiling of manure shall be permitted only when such uses are conducted in accordance with Walworth County's Conservation Standards, and when such uses do not cause the discharge of animal wastes into drainage ways or surface waters. Spreading of manure or fertilizer on frozen ground, stockpiling or stacking of manure, and the establishment and use of feed lots shall be prohibited when such practice would cause direct runoff of surface waters into a ~~drainageway~~drainage way or watercourse.
- L. Surface water withdrawal, diversion, or discharge for irrigation, processing, or cooling

purposes is prohibited except upon issuance of a special permit by the State Department of Natural Resources under rules and regulations adopted pursuant to § 281.65, Wis. Stats.

§ 390-1710. Other permits.

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

§ 390-1711. Site restrictions.

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. Thereafter, the ETZ Joint Committee may issue recommendations to affirm, modify or withdraw the determination of unsuitability to the Village Plan Commission. The Village Plan Commission may adopt the recommendations of the ETZ Joint Committee or may change the recommendations after first submitting the proposed changes to the ETZ Joint Committee for recommendation and report. The ETZ Joint Committee recommendation on the proposed changes shall be submitted to the Plan Commission, which may adopt or modify the recommendations of the ETZ Joint Committee. In addition:

- A. All lots shall abut upon a public street, or other approved way, and each lot shall have a minimum street frontage of 50 feet.
- B. All principal structures shall be located on a lot, and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. Upon recommendation by the ETZ Joint Committee, the Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, upon recommendation by the ETZ Joint Committee, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- C. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- D. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards in the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

§ 390-1712. Use restrictions.

The following use restrictions and regulations shall apply:

- A. Principal uses. Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- B. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]-as defined in this Ordinance.
- C. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the ETZ Joint Committee in accordance with § Section 390-1714 of this articleOrdinance. Any development within 500 feet of the existing or proposed rights-of way of freeways, expressways, and interstate and controlled access traffic ways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. Such development shall be specifically reviewed and approved by the ETZ Joint Committee as provided in § Section 390-1714 of this articleOrdinance.
- D. Unclassified or unspecified uses may be permitted by the ETZ Zoning Board of Appeals, provided that such uses are similar in character to the principal uses permitted in the district.
- E. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the ETZ Zoning Board of Appeals.

§ 390-1713. Reduction or joint use.

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

§ 390-1714. Conditional use permit.

- A. General provisions.
 - (1) It is recommended that, prior to the filing of an application for the approval of a conditional use permit, the applicant consult with the Plan Commission of the Town in which the property is located in order to obtain its input and assistance.
 - (2) It is required that, prior to the filing of an application for the approval of a conditional use permit, the applicant consult with the Village Board which shall forward its recommendation to the ETZ Joint Committee.
 - (3) The ETZ Joint Committee may authorize the Zoning Administrator to issue a conditional use permit for conditional uses.
 - (4) The ETZ Joint Committee shall hold a public hearing on the application. Notice of the hearing shall be given by publication of a newspaper having general circulation in

the area in which the subject property is located, as a Class 2 notice, under Ch. 985, Wis. Stats., during the preceding 30 days and by mailing notice to the Town Clerk of the town in which the subject property is located.

- (5) The ETZ Joint Committee may approve the application after giving notice and holding a hearing as provided in Subsection A(4) above, or the ETZ Joint Committee may change the conditions of approval of the application following the hearing.

B. Application.

- (1) Application for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:
 - (a) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (b) Description of the subject site by lot, block, and recorded site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For shoreland conditional use, such description shall also include information that is necessary for the ETZ Joint Committee to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first ~~floor~~ elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
 - (c) Plat of survey prepared by a ~~professional~~registered land surveyor showing all of the information required under ~~§ Section—~~390-1210 for a ~~building permit~~Building Permit and, in addition, the mean and historic high ~~water~~ lines and floodlands on or within 40 feet of the subject premises and existing and proposed landscaping.
 - (d) Additional information as may be required by the ETZ Joint Committee, the Town and/or Village Board, Village Engineer or Zoning Administrator.
- (2) A party shall not file an application for a conditional use permit affecting the same land more than once every 12 months. Twelve months is to be calculated from the date of the conclusion of the first ETZ Joint Committee public hearing. If a change in the Williams Bay Extraterritorial Zoning Ordinance or state statute affects the subject matter of the permit request, the party may apply again even if there has been a prior application concerning the same land within the twelve-month period.

- C. Review and approval. The ETZ Joint Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water

systems, and the proposed operation.

- (1) Conditions such as landscaping, architectural design, type of construction, ~~floodproofing~~~~flood-proofing~~, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the ETZ Joint Committee upon its finding that these are necessary to fulfill the purpose and intent of this ~~article~~~~Ordinance~~.
- (2) Compliance with all other provisions of this ~~article~~~~Ordinance~~, such as lot width and area, yards, height, parking, loading, traffic, and highway access, shall be required of all conditional uses. Variances shall only be granted as provided in ~~§ Section~~ 390-1716 of this ~~article~~~~Ordinance~~.
- (3) Revocation of conditional use permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the ETZ Joint Committee or should the use or characteristics of the use be changed without prior approval by the ETZ Joint Committee, the ~~conditional use permit~~~~Conditional Use Permit~~ may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in ~~§ Section~~ 390-1714A.

§ 390-1715. Land division.

Any person requesting a ~~land division~~~~Land Division~~ for property within the ETZ area shall follow the procedures set forth in Chapter 375, Land Division, of the Village of Williams Bay Municipal Code.

§ 390-1716. ETZ Zoning Board of Appeals.

- A. There is hereby established a Zoning Board of Appeals for each Extraterritorial Zoning District of the Village of Williams Bay for the purpose of hearing appeals and applications and for granting variances and exceptions to the provisions of this ~~article~~~~Ordinance~~.
- B. Membership. Each Zoning Board of Appeals shall consist of five members, two from the Town in which the ETZ is located and three from the Village, appointed by the Village President and confirmed by the Village Board.
 - (1) Terms shall be for staggered three-year periods.
 - (2) Chairperson shall be designated by the Village President.
 - (3) The Village President shall appoint a first alternate member from the Village and a second alternate member from the town to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
 - (4) The Secretary shall be appointed by the Zoning Board of Appeals.
 - (5) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

- (6) Official oath shall be taken by all members in the quorum per § 19.01, Wis. Stats., within ~~five~~¹⁰ days of receiving notice of their appointment. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
 - (7) Vacancy shall be filled for the unexpired term in the same manner as appointments for full term.
- C. Organization. The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this article~~Ordinance~~.
- (1) Meetings shall be held at the call of the Chairperson~~Chairman~~ and shall be open to the public.
 - (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
 - (3) If a quorum is present, a majority vote of the members of the Board present may take action to correct an error; grant a variance; make an interpretation; and permit a temporary, unclassified or substituted use. [Amended 10-3-2016 by Ord. No. 2016-9]
- D. Powers. The Zoning Board of Appeals shall have the following powers:
- (1) Errors. To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or ETZ Joint Committee.
 - (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this article~~Ordinance~~ shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
 - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the ETZ Joint Committee has made a review and recommendation.
 - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made and the ETZ Joint Committee has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the ETZ Joint Committee has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Zoning Board of Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this article~~Ordinance~~ shall be required.

- (6) Permits. The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
 - (7) Assistance. The Board may request assistance from other Village officers, departments, commissions, and boards.
 - (8) Oaths. The ~~Chairperson~~Chairman may administer oaths and compel the attendance of witnesses.
- E. Appeals and applications. Appeals of the decision of the Zoning Administrator concerning the literal enforcement of this ~~article~~Ordinance may be made by any person aggrieved or by any officer, department, board or bureau of the Village or by the ETZ Committee. Such appeals shall be filed with the Village Clerk within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Village Clerk. Such appeals and applications shall include the following:
- (1) Name and address of the appellant or applicant and all abutting and opposite property owners of record.
 - (2) Plat of survey prepared by a ~~professional~~registered land surveyor showing all of the information required under ~~§ Section~~ 390-1706 for a zoning permit.
 - (3) Additional information required by the Village Engineer, Zoning Board of Appeals, or Zoning Administrator.
- F. Hearings. The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in ~~§ Section~~ 390-1203 of the Village Zoning Ordinance, and shall give due notice to the parties in interest, the Zoning Administrator, the ETZ Joint Committee and the Plan Commission of the town in which the property is located or, if there is no such Plan Commission, to the Town Board. At the hearing, the appellant may appear in person, by agent, or by attorney.
- G. Notice to DNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to floodland regulations or to C-1 or C-4 District regulations, and a copy of all shoreland and floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment not less than 10 days prior to the public hearing. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy regulations in a shoreland or to floodland regulations, and a copy of all decisions related to shoreland and floodland appeals, shall be transmitted to the DNR within 10 days of the effective date of such decision.
- H. Wetland and floodland mapping disputes.
- (1) Wetland disputes. Whenever the Board of Appeals is asked to interpret a C-1 Conservancy District or C-4 Conservancy District boundary where an apparent discrepancy exists between the Village's or County's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the

Board of Appeals shall direct the ETZ Joint Committee to initiate appropriate action to rezone the property within a reasonable amount of time.

- (2) Floodland disputes. Whenever the Board of Appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by use of the flood profiles contained in an engineering study or, where such information is not available, by experience, flood maps or any other evidence available to the Board of Appeals. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the Board of Appeals shall advise the ETZ Joint Committee of its findings and the ETZ Joint Committee shall proceed to initiate appropriate action for a map amendment.

I. Findings. No variance to the provisions of this [articleOrdinance](#) shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- (1) Preservation of intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
- (2) Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this [articleOrdinance](#) should be changed.
- (3) Economic hardship and self-imposed hardship not grounds for variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (4) Preservation of property rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (5) Absence of detriment. No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this [articleOrdinance](#) or the public interest.
- (6) Additional requirements in C-4 ETZ Districts. No variance shall be granted where:
 - (a) Filling and development contrary to the purpose and intent of the C-4 ETZ District would result.
 - (b) A change in the boundaries of the C-4 ETZ District would result.
 - (c) A lower degree of flood protection than a point two feet above the [100one hundred](#)-year recurrence interval flood for the particular area would

result.

- (d) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code would result.
- J. Decision. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and ETZ Joint Committee.
 - (1) Conditions may be placed upon any building permit ordered or authorized by this Board.
 - (2) Variances, substitutions, or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 390-1717. Changes and amendments.

- A. Authority. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the Village Board of Trustees may, by ~~ordinance~~Ordinance, change the zoning district boundaries or amend, change, or supplement the regulations established by this ~~article~~ordinance or amendments thereto. Such change or amendment shall be subject to the review, recommendation, and approval of the Joint Extraterritorial Zoning Committee for the affected town. The procedure set herein shall apply to amendments to the Extraterritorial Zoning Ordinance.~~extraterritorial zoning ordinance~~. In the case of a protest against an amendment, the applicable provisions under § 62.23(7)(d), Wis. Stats., shall be followed.
- B. Initiation. A change or amendment may be initiated by the Village Board, Village Plan Commission, or appropriate Joint Extraterritorial Zoning Committee, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- C. Pre-petition consultation. It is recommended that, prior to the filing of a petition to change district boundaries or amendments to the regulations, the petitioner consult with the Plan Commission of the town in which the property is located.
- D. Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk and Town Clerk of the appropriate town, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:
 - (1) Plot plan drawn to scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the locations and existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (2) Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
 - (3) Additional information required by the Village Plan Commission, Village Board, or relevant Joint Extraterritorial Zoning Committee.

- (4) Limitation on applications. A party shall not file a petition for a zoning change affecting the same land more than once every 12 months. Twelve months is to be calculated from the date of the ETZ Joint Committee's first public hearing.

E. Review, recommendations and approval of Joint Extraterritorial Zoning Committee.

- (1) The appropriate Joint Extraterritorial Zoning Committee shall formulate tentative recommendations for amendments to the district plan and regulations and shall hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to be zoned, as a Class 2 notice, under Ch. 985, Wis. Stats., during the preceding 30 days, and by mailing the notice to the town clerk of the town for which the plan and regulations are proposed. The notice shall contain the layout of tentative districts either by maps or words of description, and may contain the street names and house lot numbers for purposes of identification if the ETZ Joint Committee or the governing body so determines. At a public hearing, an opportunity to be heard shall be afforded to representatives of the town board of the town and to any person in the town for which the plan and regulations are proposed.
- (2) Only the members of the appropriate ETZ Joint Committee shall vote on matters relating to the amendments thereto. A separate vote shall be taken on the proposed rezone or amendment for each town and the town members of the ETZ Joint Committee shall vote only on matters affecting the particular town which they represent. The ETZ Joint Committee shall not approve and forward the proposed rezone or amendment unless the proposed rezone or amendment receives a favorable vote of at least four members of the ETZ Joint Committee. Upon such approval, the ETZ Joint Committee shall forward its approval and recommendation to the Village Board.

F. Village Board action.

- (1) The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in ~~§ Section~~ 390-1717E listing a time, place and changes or amendments proposed.
- (2) As soon as possible after such public hearing, and after careful consideration of the ETZ Joint Committee's recommendation, the Village Board shall act on the petition either approving or disapproving the same. The Village Board may deny the petition recommended for approval by the ETZ Joint Committee or recommend modifications to the petition only by the favorable vote of 2/3 of the full Village Board membership; otherwise, the petition as recommended by the ETZ Joint Committee shall be deemed approved by the Village Board. If the Village Board shall recommend a modification to the petition, such recommendation shall be made to the appropriate ETZ Joint Committee and the petition returned thereto for recommendation and report. The ETZ Joint Committee and the Village Board may hold a hearing on the proposed changes after giving notice as provided in ~~§ Section~~ 390-1717E. The ETZ Joint Committee recommendations of the proposed changes shall be submitted to the Village Board in accordance with the voting requirements set forth in ~~§ Section~~ 390-1717E(2). The Village Board shall not adopt the proposed

plan and regulations or amendments thereto unless the proposed plan and regulations or amendments thereto receive a favorable vote of a majority of the six members of the appropriate ETZ Joint Committee.

§ 390-1718. Fees and penalties.

- A. Permit fees. All persons, firms or corporations performing work by which this ~~article~~Ordinance requires the issuance of a permit shall pay a fee for such permit to the appropriate Town Clerk or to the Village Clerk as provided below to help to defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for permits shall be as provided in the Village Fee Schedule.¹¹ [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]~~follows:—~~
- ~~(1) Town permits.—~~
 - ~~(a) Building permit or a certificate of compliance: \$25.—~~
 - ~~(2) Zoning permits.—~~
 - ~~(a) Single family dwelling (new): \$140.—~~
 - ~~(b) Multifamily dwelling (new): \$140 (per unit).—~~
 - ~~(c) Commercial: \$160.—~~
 - ~~(d) All others except as otherwise specified: \$80.—~~
 - ~~(e) Planned unit development application: \$100.—~~
 - ~~(f) Conditional use permit: \$75.—~~
 - ~~(g) Variance or appeal: \$75.—~~
 - ~~(h) Amendment to ordinance (map or text): \$100.—~~
- B. Double fee. A double fee may be charged by the Zoning Administrator or town Building Inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ~~article~~Ordinance nor from prosecution for violation of this ~~article~~Ordinance.
- C. Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of this ~~article~~Ordinance. In the case of any violation, the Village Board, the Zoning Administrator, the Plan Commission, the ETZ Joint Committee or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ~~article~~Ordinance or cause a structure to be vacated or removed.
- D. Remedial action. Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator, or the Village

11. Editor's Note: The current Fee Schedule is on file in the Village office.

Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

- E. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this [articleOrdinance](#) or any order of the Zoning Administrator issued in accordance with the [articleOrdinance](#) or resists enforcement shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution of each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

390 Attachment I

Village of Williams Bay

Figure 390-0305A: Table of Residential Land Uses

AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0306 for detailed descriptions of and standards for each land use category
P/C	P	P	P	P	P	P	P	P	P	P								Single-family
							P	P	P	P								Two-flat
							P	P	P	P								Twin house
							P	P	P	P								Duplex
							P	P	P									Townhouse 3 to 4 du/building
								C	P									Townhouse 5 to 8 du/building
								P	P									Multiplex 3 to 4 units
								C	P									Multiplex 5 to 8 units
									C									Multiplex 9 to 16 units
								P	P									Apartment 3 to 4 units
								C	P									Apartment 5 to 8 units
									C									Apartment 9 to 16 units
									C									Mobile home subdivision
									C									Mobile home park
										C	C	C	C					Mixed-use dwelling unit

Figure 390-0305B: Table of Agricultural Land Uses

Land Uses Permitted: Refer to § 390-0307 for detailed descriptions of and standards for each land use category	AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Cultivation Husbandry On-site agricultural retail Selective cutting Clear-cutting Intensive agriculture Agricultural services Community garden Market garden
	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	C																		
	P																		
	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	C																		
	C																		
	C	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C	

Figure 390-0305C: Table of Institutional Land Uses

Land Uses Permitted: Refer to § 390-0308 for detailed descriptions of and standards for each land use category														
	Indoor institutional — general	Indoor institutional — intensive	Outdoor open space institutional	Public services and utilities	Institutional residential	Community living arrangement 1 to 8 units	Community living arrangement 9 to 15 units	Community living arrangement 16+ units						
AH Agricultural Holding			C	P										
ER Estate Residential	C	C	C	P		P								
SF-1 Low Density Residential	C	C	C	P		P								
SF-2 Large Lot Residential	C	C	C	P		P								
SF-3 Suburban Residential	C	C	C	P		P								
SF-6 Village Residential	C	C	C	P		P								
SF-CPP Cedar Point Park						P								
TF-Two-Family Residential	C	C	C	P		P	P							
MF-12 Small Multifamily Residential	C	C	C	P	C	P	P	C						
MF-18 Multifamily Residential	C	C	C	P	C	P	P	C						
SB Small Business	P		C	P	C	P	C	C						
VC Village Center	P	C	C	P	C	P	C	C						
LSB Lakeshore Business			C	P	C	P	C	C						
CB Community Business	P	C	C	P	C	P	C	C						
LI Light Industrial			C	P										
GI General Industrial			C	P										
P&I Public and Institutional	P	C	C	P	C	C	C	C						
P&R Parks and Recreation	P	C	C	C										

Figure 390-0305D: Table of Recreational Land Uses

Land Uses Permitted: Refer to § 390-0309 for detailed descriptions of and standards for each land use category				
	P	P	P	P
	P	P	P	P
	P	P	P	P
AH Agricultural Holding	P	P	C	C
ER Estate Residential	P	P		
SF-1 Low Density Residential	P	P		
SF-2 Large Lot Residential	P	P		
SF-3 Suburban Residential	P	P		
SF-6 Village Residential	P	P		
SF-CPP Cedar Point Park	P	P		
TF-Two-Family Residential	P	P		
MF-12 Small Multifamily Residential	P	P		
MF-18 Multifamily Residential	P	P		
SB Small Business	P	P		
VC Village Center	P	P	C	C
LSB Lakeshore Business	P	P	C	C
CB Community Business	P	P	C	C
LI Light Industrial	P	P	C	C
GI General Industrial	P	P		C
P&I Public and Institutional	P	P	C	C
P&R Parks and Recreation	P	P	P	C
	Passive outdoor recreation	Active outdoor recreation	Intensive outdoor activity	Lake-related recreation

Figure 390-0305E: Table of Business Land Uses

Land Uses Permitted: Refer to § 390-0310 for detailed descriptions of and standards for each land use category														
	Office	Personal or professional service	Artisan studio	Artisan production shop	Indoor sales and service	Outdoor display	Indoor commercial entertainment	Outdoor entertainment	Drive-through sales and service	Bed-and-breakfast establishment	Commercial indoor lodging	Boarding house	Tourist rooming house	Campground
Office														
Personal or professional service														
Artisan studio														
Artisan production shop														
Indoor sales and service														
Outdoor display														
Indoor commercial entertainment														
Outdoor entertainment														
Drive-through sales and service														
Bed-and-breakfast establishment														
Commercial indoor lodging														
Boarding house														
Tourist rooming house														
Campground														
Group day-care center (9+ children)														
Commercial animal boarding														
Indoor maintenance service														
Outdoor maintenance service														
AH Agricultural Holding														
ER Estate Residential														
SF-1 Low Density Residential														
SF-2 Large Lot Residential														
SF-3 Suburban Residential														
SF-6 Village Residential														
SF-CPP Cedar Point Park														
TF-Two-Family Residential														
MF-12 Small Multifamily Residential														
MF-18 Multifamily Residential														
SB Small Business	P	P	C		P	C	C	C	C	C	C	C	C	C
VC Village Center	P	P	C		P	C	C	C	C	C	C	C	C	C
LSB Lakeshore Business	P	P			P	C	C	C	C	C	C	C	C	C
CB Community Business	P	P	C		P	C	C	C	C	C	C	C	C	C
LI Light Industrial	P	P	C	C										
GI General Industrial	P		C											
P&I Public and Institutional														
P&R Parks and Recreation								C						

Land Uses Permitted: Refer to § 390-0310 for detailed descriptions of and standards for each land use category			
	Vehicle sales	Commercial greenhouse/garden center	Sexually oriented land use
AH Agricultural Holding			
ER Estate Residential			
SF-1 Low Density Residential			
SF-2 Large Lot Residential			
SF-3 Suburban Residential			
SF-6 Village Residential			
SF-CPP Cedar Point Park			
TF-Two-Family Residential			
MF-12 Small Multifamily Residential			
MF-18 Multifamily Residential			
SB Small Business		C	
VC Village Center			
LSB Lakeshore Business			
CB Community Business	P	C	
LI Light Industrial			C
GI General Industrial			C
P&I Public and Institutional			
P&R Parks and Recreation			

Figure 390-0305F: Table of Industrial Land Uses

[illegible]

Figure 390-0305G: Table of Storage Land Uses

Land Uses Permitted: Refer to § 390-0312 for detailed descriptions of and standards for each land use category			
	Indoor storage and wholesaling		
	Outdoor storage and wholesaling		
	Personal storage facility		
AH Agricultural Holding			
ER Estate Residential			
SF-1 Low Density Residential			
SF-2 Large Lot Residential			
SF-3 Suburban Residential			
SF-6 Village Residential			
SF-CPP Cedar Point Park			
TF-Two-Family Residential			
MF-12 Small Multifamily Residential			
MF-18 Multifamily Residential			
SB Small Business			
VC Village Center			
LSB Lakeshore Business			
CB Community Business			C
LI Light Industrial	P	C	C
GI General Industrial	P	C	
P&I Public and Institutional			
P&R Parks and Recreation			

Figure 390-0305H: Table of Transportation Land Uses

Land Uses Permitted: Refer to § 390-0313 for detailed descriptions of and standards for each land use category	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0313 for detailed descriptions of and standards for each land use category
																			Transit center
																			Distribution center
																			Freight terminal
																			Airport
																			Off-site parking

Figure 390-0305I: Table of Extraction and Disposal Land Uses

Land Uses Permitted: Refer to § 390-0314 for detailed descriptions of and standards for each land use category	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0314 for detailed descriptions of and standards for each land use category
Extraction	○																		Extraction
Composting	○															C			Composting
Recycling and waste disposal	○															C			Recycling and waste disposal
Junk or salvage yard	○															C			Junk or salvage yard

Figure 390-0305J: Table of Accessory Land Uses
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. ID)]

	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to § 390-0315 for detailed descriptions of and standards for each land use category
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					Home occupation
P	P	P	P	P	P	P	P	P	P	P	P	P	P						Family day-care home 4 to 8 children
C	C	C	C	C	C	C		C	C	C	C								Intermediate day-care home 9 to 15 children
P	P	P	P	P	P	P	P	P	P	P	P								In-home suite
	C																		Accessory dwelling unit
	P	P																	Caretaker house or guest house
P																			Farm residence
C																			Migrant employee housing
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		Residential garage or shed
P	P	P	P	P	P	P	C	P	P	P	P	P	P	P			P		Residential recreational facility
C																			Residential kennel or stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	On-site parking
												P	P	P	P	P	P		Company cafeteria
												P	P	P	P	P	P		Company on-site recreation
C											P	P	P	P					Incidental outdoor display
															P	P			Incidental indoor sales

Land Uses Permitted: Refer to § 390-0315 for detailed descriptions of and standards for each land use category																			
	AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	
Incidental light industrial											C	C	C	C					
Exterior communications device	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P	
Lawn care	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Stormwater facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Small solar energy system	P	P	P	P	P	P	P	P	P	P	P	C	C	C	C	C	C		
Drive-through sales and service incidental to on-site principal land use											C	C	C	C	C	C	C		
Concession stands and equipment rental																		P	
Bathhouses																		P	
Filling	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Figure 390-0305K: Table of Temporary Land Uses
[Amended at time of adoption of Code (see Ch. 1, General Provisions)]

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multifamily Residential	MF-18 Multifamily Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted Refer to § 390-0316 for detailed descriptions of and standards for each land use category	
	T									T	T	T	T						Temporary farm product sales
	T									T	T	T	T	T					Temporary outdoor sales
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Temporary outdoor assembly
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Temporary shelter structure
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Temporary portable storage unit
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Temporary construction storage
	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		Temporary relocatable building
	T	T	T	T	T	T	T	T	T	T	T		T			T	T		Temporary garage or estate sale (auction)
	T										T	T	T	T		T	T		Farmers market

390 Attachment 2

Village of Williams Bay

Figure 390-0502: Summary of Residential Bulk Standards

Zoning Districts											
	AH	ER	SF-1	SF-2	SF-3	SF-6	SF-CPP	TF	MF-12	MF-18	SB
Minimum lot area	Res: 35 ac or 40,000 sf (w/CUP)	Res: 65,000 sf Nonres: 2 ac	Res: 1 ac Nonres: 2 ac	Res: 20,000 sf Nonres: 20,000 sf	Res: 12,000 sf Nonres: 20,000 sf	Res: 7,200 sf Nonres: 12,000 sf	See § 390-0213	Res: SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du Nonres: 12,000 sf	Res: SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sf Nonres: 12,000 sf	Res: SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sf Nonres: 12,000 sf	12,000 sf
Maximum lot area	5 ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Maximum gross density	1 du/35 ac	0.7 du/ac	1 du/ac	2 du ac	3.5 du/ac	6 du/ac	See § 390-0213	10 du/ac	12 du/ac	18 du/ac	3.5 du/ac
Maximum building coverage	30%	30%	30%	30%	30%	30%	See § 390-0213	40%	40%	40%	30%
Minimum landscape surface ratio	50%	50%	50%	50%	50%	50%	See § 390-0213	50%	50%	50%	50%
Minimum lot width	200 ft.	200 ft.	200 ft.	120 ft.	90 ft.	60 ft.	See § 390-0213	Res: SF: 60 ft. TF: 55 ft./du Townhouse: 30 ft./du Nonres: 100 ft.	Res: SF: 60 ft. TF: 55 ft/du Townhouse: 30 ft./du MF: 100 ft. Nonres: 100 ft.	Res: SF: 60 ft. TF: 55 ft/du Townhouse: 30 ft./du MF: 100 ft. Nonres: 100 ft.	90 ft.
Minimum front and street side yard setback	30 ft.	30 ft. 100 ft. from Cedar Point Drive	30 ft.	30 ft.	30 ft.	30 ft.	See § 390-0213	30 ft.	30 ft.	30 ft.	30 ft.
Minimum shore yard setback	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.	150 ft.

Zoning Districts											
	AH	ER	SF-1	SF-2	SF-3	SF-6	SF-CPP	TF	MF-12	MF-18	SB
Minimum interior side yard setback	30 ft.	30 ft.	30 ft.	20 ft.	15 ft.	10 ft.	See § 390-0213	8 ft.	Res: SF: 8 ft. TF: 8 ft. Townhouse: 8 ft. MF: 25 ft. Nonres: 25 ft.	Res: SF: 8 ft. TF: 8 ft. Townhouse: 8 ft. MF: 25 ft. Nonres: 25 ft.	15 ft.
Minimum rear yard setback	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	See § 390-0213	30 ft.	30 ft.	30 ft.	30 ft.
Maximum principal building height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	See § 390-0213	35 ft.	35 ft.	35 ft.	35 ft.
Minimum building separation	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	20 ft.	See § 390-0213	16 ft.	16 ft.	16 ft.	30 ft.
Accessory structure interior side yard setback*	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	See § 390-0213	5/10 ft.	5/10 ft.	5/10 ft.	5 ft.
Accessory structure rear yard setback*	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	5/10 ft.	See § 390-0213	5/10 ft.	5/10 ft.	5/10 ft.	5 ft.
Maximum accessory structure height	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	See § 390-0213	15 ft.	15 ft.	15 ft.	15 ft.

NOTE:

* <200 sf structure/> 200 sf structure

390 Attachment 3

Village of Williams Bay

Figure 390-0503: Summary of Nonresidential Bulk Standards

Zoning District										
	AH	SB	VC	LSB	CB	LI	GI	P&I	P&R	
Minimum lot area	35 ac	12,000 sf	N/A	20,000 sf	20,000 sf	40,000 sf	40,000 sf	12,000 sf	N/A	
Maximum lot area	5 ac	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum building coverage	30%	30%	75%	50%	50%	30%	30%	30%	30%	
Minimum landscape surface ratio	50%	40%	0%	20%	20%	15%	15%	40%	40%	
Maximum building size	N/A	5,000 sf (1-story) 10,000 sf (2-story)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum lot width	200 ft.	90 ft.	N/A	100 ft.	100 ft.	100 ft.	100 ft.	90 ft.	N/A	
Minimum front and street side yard setback	30 ft.	30 ft.	0 ft.	30 ft.	20 ft.	30 ft.	30 ft.	30 ft.	40 ft.	
Maximum front and street side yard setback	N/A	N/A	5 ft. (more w/CUP)	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum shore yard setback	150 ft.	150 ft.	150 ft.	75 ft.	75 ft.	150 ft.	150 ft.	150 ft.	150 ft.	
Minimum interior side yard setback	30 ft.	15 ft.	0/10 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	40 ft.	
Minimum rear yard setback	30 ft.	30 ft.	20 ft.	30 ft.	25 ft.	30 ft.	30 ft.	30 ft.	40 ft.	

Zoning District									
	AH	SB	VC	LSB	CB	LJ	GI	P&I	P&R
Maximum principal building height	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft. 45 ft. w/CUP
Minimum principal building separation	30 ft.	30 ft.	0/10 ft.	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.	40 ft.
Accessory structure interior side yard setback	5/10 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Accessory structure rear yard setback	5/10 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Maximum accessory structure height	35 ft.	15 ft.	15 ft.	15 ft.	15 ft.	35 ft.	35 ft.	15 ft.	35 ft. 45 ft. w/CUP

390 Attachment 4

Village of Williams Bay

Figure 390-0906: Landscaping Requirements for Regular Development*

	Landscaping Components			
	Building Foundation	Street Frontages	Paved Areas	Developed Lots
Types of landscaping	Shade trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; a minimum of 50% of points devoted to shade/tall trees and 30% to medium trees	A minimum of 30% of points devoted to shade/tall trees and 40% to shrubs	All plant categories can be used to meet this requirement
Placement of landscaping	Located so that at maturity the plant's drip line is located 10 feet of building foundation	Located within 10 feet of the public right-of-way	Within paved area or within 10 feet of the paved area	Located away from areas that meet other landscaping requirements (i.e., building foundation, street frontage, paved areas)
Calculation of landscaping points	Points per 100 feet of building foundation	Points per 100 linear feet of building foundation	Greater of: points per 20 parking stalls or 10,000 square feet of paved area	Points per 1,000 square feet of total building footprints

	Landscaping Components			
	Building Foundation	Street Frontages	Paved Areas	Developed Lots
AH Agricultural Holding	20	20	40	10
ER Estate Residential	40	40	80	20
SF-1 Low Density Residential	40	40	80	20
SF-2 Large Lot Residential	40	40	80	20
SF-3 Suburban Residential	40	40	80	20
SF-6 Village Residential	40	40	80	20
SF-CPP Cedar Point Park	40	40	80	20
TF Two-Family Residential	45	45	90	20
MF-12 Small Multifamily	50	50	95	25
MF-18 Multifamily Residential	60	60	100	30
SB Small Business	40	40	80	20
LSB Lakeshore Business	40	40	80	20
CB Community Business	40	40	80	20
VC Village Center	0	0	80	0
LI Light Industrial	25	40	80	10
GI General Industrial	20	20	40	5
P&I Public and Institutional	40	40	80	20
P&R Parks and Recreation	40	40	80	20

Zoning Districts:

* Note: Landscaping is not required for single-family or agricultural land uses.

390 Attachment 5

Village of Williams Bay

Figure 390-0909 A: Required Buffer Yard Opacity Values

Subject Property's Zoning District	Subject Property's Zoning District														
	AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF Two-Family Residential	MF-12 Small Multifamily	MF-18 Multifamily Residential	SB Small Business	LSB Lakeshore Business	CB Community Business	VC Village Center	LI Light Industrial
Apply the required opacity value from this table to Figure 390-0909B and select the most appropriate buffer yard option for the site. Note that certain land uses, conditional uses, and planned development projects may have more stringent buffer yard requirements.															
AH Agricultural Holding	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
ER Estate Residential			0	0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-1 Low-Density Residential				0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-2 Large Lot Residential					0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-3 Suburban Residential						0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-6 Village Residential							0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
SF-CPP Cedar Point Park								0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6
TF Two-Family Residential									0.2	0.2	0.3	0.3	0.3	0.5	0.5
MF-12 Small Multifamily Residential										0.2	0.2	0.2	0.2	0.4	0.4
MF-18 Multifamily Residential											0.2	0.2	0.2	0.4	0.4
SB Small Business												0.2	0.2	0.4	0.4
LSB Lakeshore Business													0	0.3	0.3
CB Community Business														0.3	0.3
VC Village Center															0.3
LI Light Industrial															0.5
P&R Parks and Recreation															
P&I Public and Institutional															
GI General Industrial															
LI Light Industrial															
VC Village Center															
CB Community Business															
LSB Lakeshore Business															
CB Community Business															
VC Village Center															
LI Light Industrial															

Apply the required opacity value from this table to Figure 390-0909B and select the most appropriate buffer yard option for the site. Note that certain land uses, conditional uses, and planned development projects may have more stringent buffer yard requirements.	Subject Property's Zoning District																	
	AH Agricultural Holding	ER Estate Residential	SF-1 Low-Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF Two-Family Residential	MF-12 Small Multifamily	MF-18 Multifamily Residential	SB Small Business	LSB Lakeshore Business	CB Community Business	VC Village Center	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation
																	0	0
																	0	0

* Note: Refer to Future Land Use Map of the Village's Comprehensive Plan and identify most likely future zoning district on future land use designation.

Figure 390-0909B: Detailed Bufferyard Requirements

Opacity	Required Number of Landscaping Points per 100 feet	Width (feet)	Required Structure ^{1, 2}
0.05	00	10+	Minimum 44-inch picket fence
	00	10+	Minimum 4-foot wood rail fence
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10+	Minimum 44-inch picket fence
	38	10+	Minimum 4-foot wood rail fence
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35+	N/A
	00	35+	Minimum 4-foot berm
0.20	00	10+	Minimum 6-foot solid fence
	84	10+	Minimum 44-inch picket fence
	133	15+	Minimum 4-foot wood rail fence
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35+	Minimum 4-foot berm
	135	40+	N/A
	00	40+	Minimum 5-foot berm
0.30	00	10+	Minimum 6-foot solid fence
	198	15+	Minimum 44-inch picket fence
	320	20	N/A
	240	20+	Minimum 4-foot wood rail fence
	276	25	N/A
	252	30	N/A
0.30	235	35	N/A
	104	35+	Minimum 4-foot berm
	223	40	N/A
	44	40+	Minimum 5-foot berm
	215	45	N/A
	209	50+	N/A
	00	50+	Minimum 6-foot berm

Opacity	Required Number of Landscaping Points per 100 feet	Width (feet)	Required Structure ^{1, 2}
0.40	53	10+	Minimum 6-foot solid fence*
	330	20+	Minimum 44-inch picket fence*
	440	25	N/A
	362	25+	Minimum 4-foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35+	Minimum 4-foot berm
	327	40	N/A
	148	40+	Minimum 5-foot berm
	310	45	N/A
	299	50+	N/A
	56	50+	Minimum 6-foot berm
0.50	135	15+	Minimum 6-foot solid fence
	564	30	N/A
	405	30+	Minimum 44-inch picket fence
	492	30+	Minimum 4-foot wood rail fence
	499	35	N/A
	319	35+	Minimum 4-foot berm
	454	40	N/A
	261	40+	Minimum 5-foot berm
	422	45	N/A
	405	50	N/A
	160	50+	Minimum 6-foot berm
	388	55	N/A
	374	60+	N/A
0.60	221	20+	Minimum 6-foot solid fence
	433	35+	Minimum 4-foot berm
	541	35+	Minimum 44-inch picket fence
	630	35+	Minimum 4-foot wood rail fence*
	626	40	N/A
	379	40+	Minimum 5-foot berm
	570	45	N/A
	525	50	N/A
	270	50+	Minimum 6-foot berm
	500	55	N/A
	480	60+	N/A

Opacity	Required Number of Landscaping Points per 100 feet	Width (feet)	Required Structure ^{1, 2}
0.80	415	30+	Minimum 6-foot solid fence
	655	40+	Minimum 4-foot berm
	627	45+	Minimum 5-foot berm
	873	45+	Minimum 44-inch picket fence
	910	50	N/A
	505	50+	Minimum 6-foot berm
	809	50+	Minimum 4-foot wood rail fence
	804	55	N/A
	744	60	N/A
	710	65	N/A
	677	70+	N/A
1.00	636	40+	Minimum 8-foot solid fence
	732	50+	Minimum 8-foot solid fence
	751	50+	Minimum 8-foot solid fence
	867	55+	Minimum 8-foot solid fence
	1091	60+	Minimum 8-foot solid fence
	1136	60+	Minimum 8-foot solid fence
	1083	65	Minimum 8-foot solid fence
	994	70	Minimum 8-foot solid fence
	934	75	Minimum 8-foot solid fence
	892	80+	Minimum 8-foot solid fence

NOTES:

¹ Fences contributing to buffer yard requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet buffer yard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

² A building wall that does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the buffer yard requirements.

Opacity standards provided courtesy of Lane Kendig, Inc.

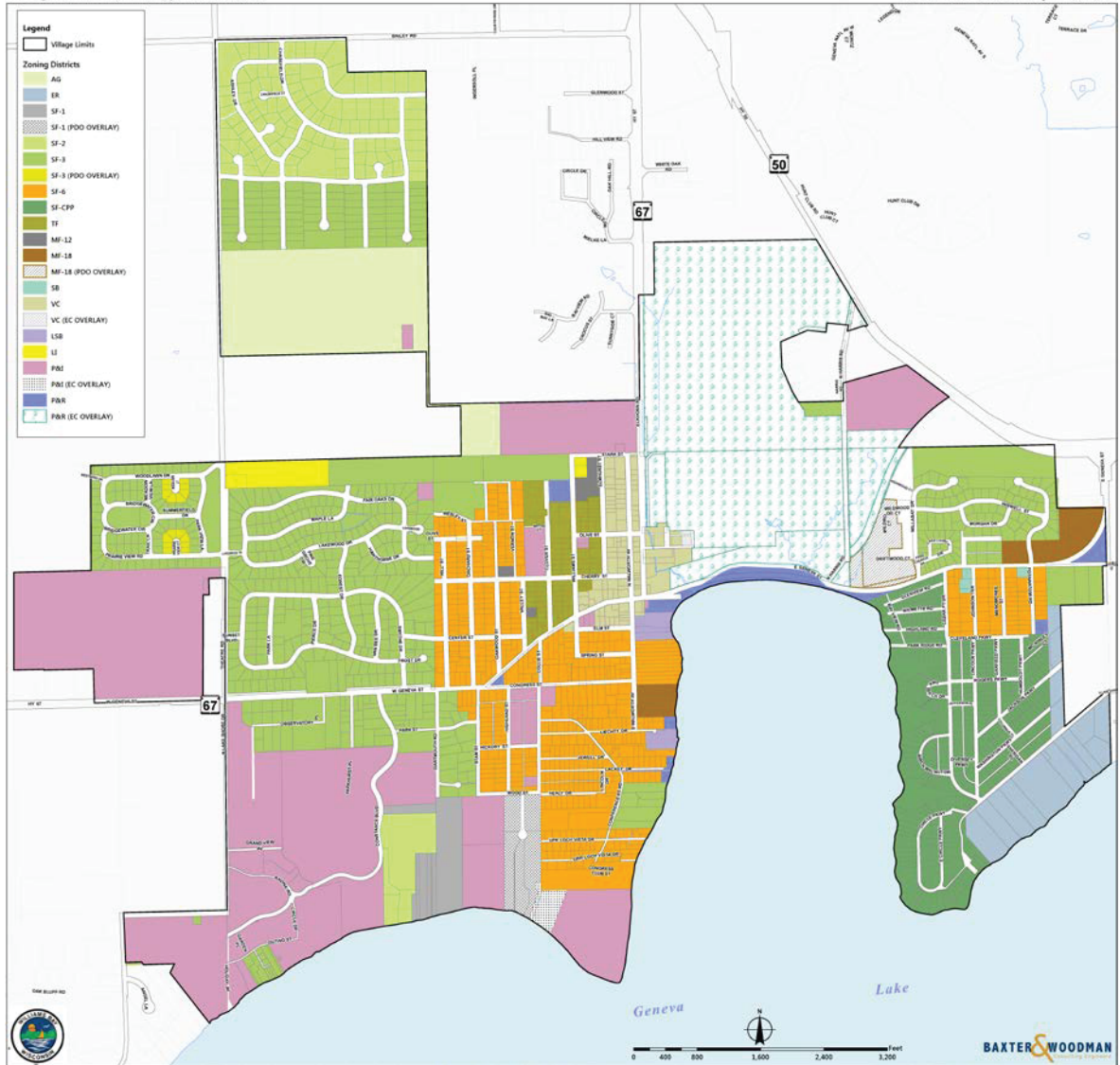
390 Attachment 6

Village of Williams Bay

ZONING MAP

Village of Williams Bay, Wisconsin

Effective Date: May 15, 2017





APPLICATION FOR A SIGN PERMIT

(Requirements per Zoning Ordinance Section 18.1212)

Applicant name: Geneva Lake Conservancy

Applicant address: _____

Applicant phone number: _____

Address of subject site: 159 Elkhorn Road, Williams Bay, WI 53191

Property owner name and address: Geneva Lake Conservancy
398 Mill Street, Fontana, WI 53125

Current zoning of subject site: Open Lands - 910

Name of the person, firm, corporation, or association designing/erecting the sign: _____

Timber Line Sign Co., Inc

Requirements

- ☐ Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- ☐ Written consent of any other authorizing agency (e.g. Wisconsin Department of Transportation). N/A
- ☒ Map depicting the location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
- ☒ A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures, height above grade, and distance from lot lines.
- ☒ A scale drawing of such sign indicating the display surface, the dimensions, the materials to be used, the type of illumination and wiring details, if any, and the method of construction and attachment.
- ☐ Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the same complies with the Village Electrical Code. N/A

Dated this ____ day of _____, 20____

Respectfully submitted,

Karen Yancy
(Signature of Applicant)

Record of Administrative Procedures for Village Use

- | | |
|--|-----------------------|
| ☐ Application form filed with Building Inspector | Date: _____ By: _____ |
| ☐ Application fee of \$_____ received by Village Clerk | Date: _____ By: _____ |
| ☐ Reimbursement of professional consultant costs agreement executed | Date: _____ By: _____ |
| ☐ Certification that application is complete by Building Inspector | Date: _____ By: _____ |
| ☐ Review and evaluation by Building Inspector | Date: _____ By: _____ |
- (Within 30 days of certification application as complete by Building Inspector)*



TIMBER LINE SIGN
Co., Inc.

www.timberlinesign.com



Sand-carved Cedar.
6' x 3.5', one side
artwork as shown,
\$2395.00, posts \$ 135.00
installation \$ 150.00 =
\$ 2680.00

Timber Line Sign Co., Inc.
N3211 St. Rd. 67
Lake Geneva, WI 53147

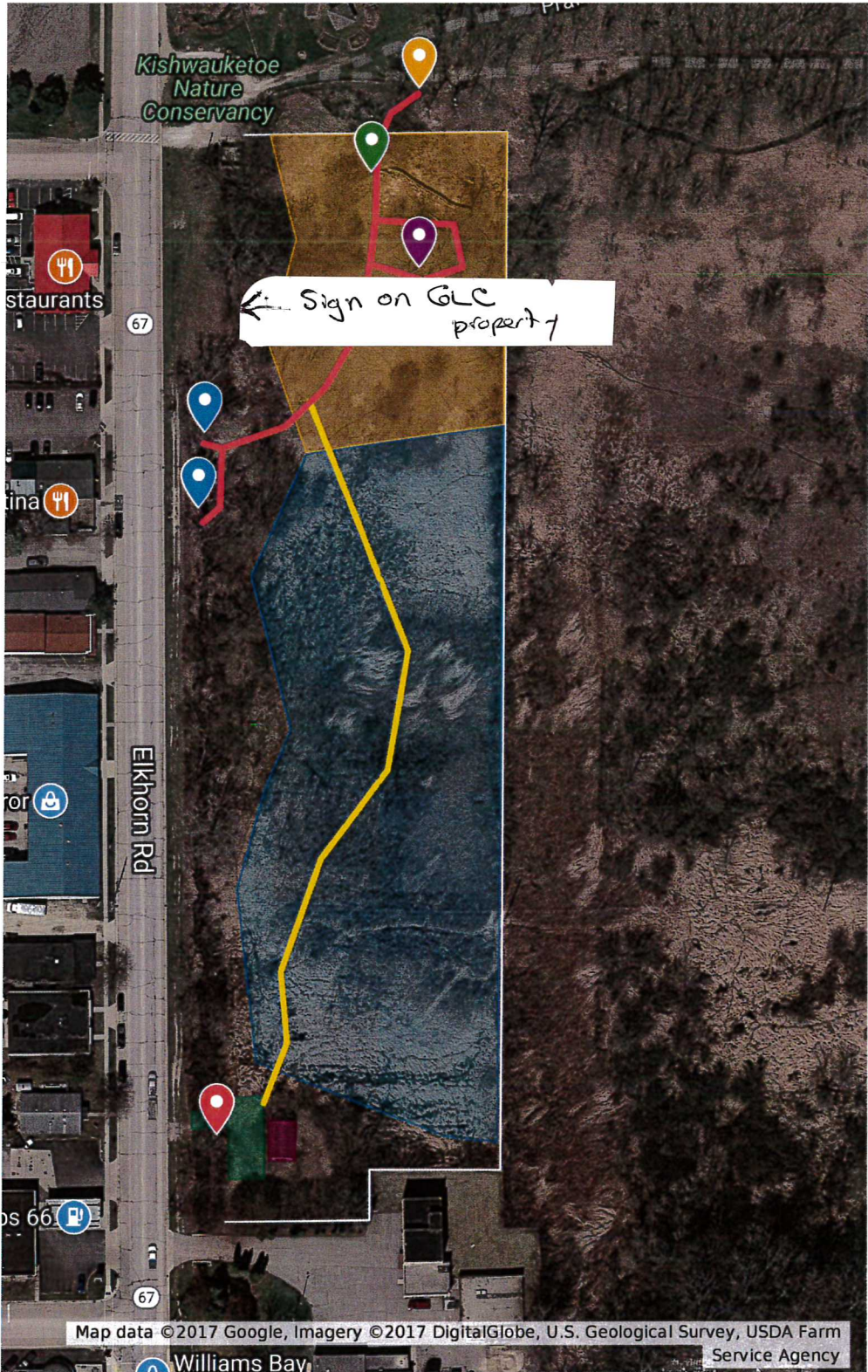
APPROVED BY _____ DATE _____

Phone 262-245-9898
Fax 262-245-9898

Rohner Children's Fishing Park

Legend

- Entry Sign
- Shade Structure and Panels
- Story Tree
- Mowed Trail
- Fishing Area
- Fishing Area
- Future Trail and Boardwalk
- Wetland Restoration
- Restored Prairie
- Property Line
- Fishing Deck for Children with Disabilities
- Barn
- Parking Area





VILLAGE OF WILLIAMS BAY

Office of Zoning Administrator

Evaluation Report Plan Commission Meeting August 10, 2021

August 2, 2021

APPLICANT: Geneva Lake Conservancy

TAX KEY: WWUP 00041

STREET ADDRESS: 159 Elkhorn Road, Williams Bay, WI 53191

The applicants are requesting approval to allow a ground sign per 18.1006, Signs Permitted in the Public Parks and Recreation Districts with a Permit when approved by the Village Board following recommendation of the Plan Commission. Also refer to 18.10001, Purpose of Sign Regulations.

The applicant is within the P & R Parks and Recreation District 18.0224 with EC Environmental Conservation Overlay District 18.0708. The ground sign for the Fishing Park is 6' x 3.5'. Based on the application, the applicant has met all conditions.

Respectfully Submitted,

Bonnie M. Schaeffer
Zoning Administrator