

CHAPTER 27

ZONING ORDINANCE

VILLAGE OF BLOOMFIELD

WALWORTH COUNTY, WISCONSIN

RECOMMENDED BY THE PLAN COMMISSION 09/28/2010

Chapter 27 Board Action

Adopted December 20, 2011 as part of Village Incorporation

Revised March 4, 2013, Ordinance No. 2013-O-03 (Shoreland Zoning)

Revised April 8, 2013, Ordinance No. 2013-O-04 (Size & Pole Barns)

Revised September 9, 2013, Ordinance No. 2013-O-10 (Telecommunications Towers)

Revised April 7, 2014, Ordinance No. 2014-O-05 (Signs)

Revised June 2, 2014, Ordinance No. 2014-O-14 (Telecommunications Towers)

Revised December 7, 2015, Ordinance No. 2015-O-08 (Other Retail in Business District)

Revised July 11, 2016, Missed Revisions, "town" to "village"

Revised July 10, 2017, Ordinance No. 2017-O-05, Sec 27-161-164, Sec 27-166

Revised August 7, 2017, Ordinance No. 2017-O-07, Sec 27-25

Revised September 11, 2017, Ordinance No. 2017-O-08, Sec 27-20 (h)

Revised September 11, 2017, Ordinance No. 2017-O-09, Sec 27-44

Revised October 9, 2017, Ordinance No. 2017-O-11, Sec 27.103 (1)

Revised May 14, 2018, Ordinance No. 2018-O-05, Sec 27-25

Revised November 12, 2018, Ordinance No. 2018-O-10, Sec 27-157

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WALWORTH COUNTY, WISCONSIN

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DIVISION 1. INTRODUCTION

Sec. 27-1. Authority.

This ordinance is adopted under the authority granted by Wis. Stats. Ch. 60.62 and 62.23 and amendments thereto. The Board of Supervisors of the Village of Bloomfield, Walworth County, Wisconsin, do ordain as follows:

Sec. 27-2. Title.

This ordinance shall be known as, referred to, and cited as the "Zoning Ordinance, Village of Bloomfield, and Walworth County, Wisconsin" and hereinafter referred to as the "ordinance."

Sec. 27-3. Purpose.

The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics, and general welfare of the Village and its communities and to protect the natural and agricultural resources, as identified and mapped in the Village of Bloomfield Comprehensive Plan.

Sec. 27-4. Intent.

It is the general intent of this ordinance to:

- 1) Regulate the use of structures, lands, and waters in the Village of Bloomfield.
- 2) Regulate lot coverage, population density and distribution, and the location and size of structures in the Village of Bloomfield;
- 3) Secure safety from fire, flooding, panic, and other dangers.
- 4) Provide adequate light, air, sanitation, and drainage.
- 5) Further the appropriate use of land and conservation of natural resources.
- 6) Obtain the wise use, conservation, development, and protection of the village's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.
- 7) Prevent overcrowding and avoid undue population concentration and urban sprawl.
- 8) Stabilize and protect the natural beauty and property values of the village.
- 9) Lessen congestion in and promote the safety and efficiency of the streets and highways.
- 10) Facilitate the adequate provision of public facilities and utilities.
- 11) Preserve natural growth and cover and promote the natural beauty of the village.
- 12) Implement the Village of Bloomfield Comprehensive Plan.

- 13) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
- 14) To preserve the beauty and rural character of the village through the permanent preservation of meaningful open space and sensitive natural resources.
- 15) To preserve prime agricultural land by concentrating housing on lands that have low agricultural potential.
- 16) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- 17) To provide a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups.
- 18) To provide buffering between residential development and non-residential uses.
- 19) To meet demand for housing.
- 20) To provide an opportunity to create an interconnected network of protected lands.
- 21) To protect the quality and abundance of ground water resources.
- 22) To protect and restore environmentally sensitive areas, biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.

Additionally, it is intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

Sec. 27-5. Jurisdiction.

The provisions of this ordinance shall apply to all structures, land, water and air within the Village of Bloomfield, Walworth County, Wisconsin. provided however those provisions of the 'Shoreland Zoning Ordinance, Village of Bloomfield, Wisconsin' implementing the shoreland zoning standards of Chapter NR 115 and the floodplain regulations of Chapter NR116 of the Wisconsin Administrative Code shall apply in the shorelands. Where any provision of this ordinance conflicts with the shoreland zoning standards or floodplain regulations of the 'Shoreland Zoning Ordinance, Village of Bloomfield, Wisconsin,' the later shall control."

Sec. 27-6. Compliance.

No structure, land, water, or air shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except minor structures, and without full compliance with the provisions of this ordinance and all other applicable local, county, and state regulations.

No lot, yard, parking area, building area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building, or part thereof, for which a zoning permit has been issued before the effective date of this ordinance and the construction of which shall have been completed within 24 months from the date of such permit.

The Zoning Administrator shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. All violations of this ordinance shall be reported to the Village Attorney who shall bring action to enforce the provisions of this ordinance.

Access. The Zoning Administrator and his deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, they are refused entry after presentation of proper identification, they may procure a special inspection warrant in accordance with Wis. Stats. § 66.0119.

Sec. 27-7. Abrogation and Greater Restrictions.

It is not intended by this 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 ordinance imposes greater restrictions the provisions of this ordinance shall govern.

Sec. 27-8. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the village and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes. This ordinance shall be interpreted and applied in its entirety and shall be consistent with the purpose and intent of this ordinance.

Sec. 27-9. Severability and Nonliability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of, or a cause of action against, the village or any office or employee thereof for any damages that may result from reliance on this ordinance.

If any application of this ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

The village does not guarantee, warrant, or represent that those soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the board of supervisors, its agencies, or employees for any flood damage, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.

Sec. 27-10. Special Exceptions for Americans with Disabilities Act Requirements.

The Zoning Administrator, Plan Commission or Village Board may grant special exceptions for situations involving compliance with the Americans with Disabilities Act (ADA) or other similar State or Federal regulations where strict adherence to the requirements of this code would create a violation of State or Federal regulations.

Sec. 27-11. Conflicting Ordinances.

All prior village ordinances, or parts of ordinances and amendments thereto conflicting with this ordinance, are hereby repealed and superseded by this ordinance.

Sec. 27-12. Adoption and Effective Date.

This ordinance shall be effective after a public hearing, recommendation by the village Plan Commission, adoption by the Village Board of supervisors; and publication or posting as provided by law.

Sec. 27-13 through 27-19. Reserved for Future Use.

DIVISION 2. GENERAL

Sec. 27-20. Use Regulations.

Only the following uses and their essential services may be allowed in any zoning district:

- 1) *Permitted uses.* Permitted uses as specified for each district.
- 2) *Accessory uses.*
 - a) Accessory uses and structures are permitted in any district but not until the principal structure is present or under construction.
 - b) Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home occupations, minor home occupations, and professional home offices as defined and permitted herein.
 - c) An accessory structure cannot contain a separate dwelling unit.
 - d) The size (square footage at ground floor elevation) of accessory structures shall be based on lot area. The area shall be considered the net area less area zoned C-1 and C-4 in lots less than 5 acres. The total accessory structure floor area shall be calculated as follows:
 - i. Parcel from 0 to 12,000 square feet (sq. ft.): Total size of all accessory structures cannot exceed 10% of lot area.
 - ii. Parcel 12,001 sq. ft. to 1.99 acres: Total size of all accessory structures cannot exceed 1,200 sq. ft.
 - iii. Parcel 2 acres to 2.99 acres: Total size of all accessory structures cannot exceed 1,700 sq. ft.
 - iv. Parcels 3 acres to 3.99 acres: Total size of all accessory structures cannot exceed 2,200 sq. ft.
 - v. Parcels 4 acres to 4.99 acres: Total size of all accessory structures cannot exceed 2,700 sq. ft.
 - vi. Parcels 5 acres or more that contain areas zoned C-1 & C-4 that are equal to or greater than the lot area of the primary buildable zoning area can be used in the area calculation for accessory structures upon obtaining a conditional use for the accessory structure. Total size of all accessory structures cannot exceed 1.5% of the complete lot area.

The Village Plan Commission shall consider the buildable acres relationship with the setbacks, and intensity of building envelopes prior to final approval of the conditional use.

- e) Accessory structures are permitted in the rear and side yards of all lots, and in the street yards of waterfront lots, flag lots, through lots, corner lots, and lots of one acre or more in size. Only boathouses, boat hoists, and piers shall be permitted in the shore yard.
- f) Accessory structures 1,200 square feet or less in size shall not exceed 17 feet in height. Accessory structures greater than 1,200 square feet shall not exceed 25 feet in height,
- g) Accessory structures 1,200 feet or less shall comply with the following yard and setback requirements:

- i. When located in the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback except an alley which shall be at least five feet.
 - ii. When located in the street yard on waterfront lots, they shall not be located closer than three feet to the lot line, five feet to an alley line, or ten feet to the road right-of-way.
 - iii. When located in the rear yard they shall not be located closer than three feet to the lot line.
- h) Accessory structures greater than 1,200 square feet shall maintain the setbacks required by the zone district for the principal structure.

The above size, height, and locational requirements are applicable to accessory structures used for residential purposes in all zone districts where they are permitted or conditional use. The requirements are not applicable to boathouses, accessory structures used for agricultural purposes in the A-1, A-2, and A-3 districts nor for accessory structures used for business, industrial, public, or recreational purposes.

- i) No pole barn type accessory structure shall be allowed in any residential zoning district, unless with a conditional use permit approved by the Planning and Zoning Commission.

3) *Conditional uses.*

- a) Conditional uses and their accessory uses are considered as special uses requiring authorization, review, public hearing and approval by the Plan Commission in accordance with Division 6 of this chapter, except those existent at time of adoption of this Zoning Ordinance.
- b) Those existing uses that are classified as "conditional uses" for the district in which they are located at the time of adoption of the ordinance require no further action by the Plan Commission for them to continue as valid conditional uses.
- c) A proposed change from a permitted use in a district to a conditional use shall require review, public hearing and approval by the Plan Commission in accordance with Division 6 of this chapter.
- d) Conditional uses, when replaced by permitted uses, shall terminate. In such cases, the reestablishment of any previous conditional uses or establishment of new conditional uses shall require review, public hearing and approval by the Plan Commission in accordance with Division 6 and Division 11 of this chapter.
- e) Conditional uses, either allowed by action of the Plan Commission or existent at time of adoption of this ordinance, shall be non-lapsing and shall survive vacancies of less than 12 months and change of ownership, providing the use remains unchanged. Change of use shall require either compliance with the district zoning or issuance of a new conditional use permit in accordance with Division 6 of this chapter.

4) *Uses not specified.*

- a) Uses not specified in this chapter that are found by the Plan Commission to be sufficiently similar to specified permitted uses for a district shall be allowed by the Zoning Administrator.
- b) Uses not specified in this chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Plan Commission after public hearing and approval in accordance with Article V of this chapter.

Sec. 27-21. Site Regulations.

- 1) All lots shall abut upon a public street or other officially approved way for a frontage of at least 50 feet.
- 2) Only one principal structure shall be located, erected, or moved onto a lot, except as provided for in this ordinance. Unless otherwise dictated in a subdivision/condominium covenants, the principal structure shall have a minimum square footage footprint of 800 square feet, with a minimum total residence square footage of 1,000 square feet. Basements are not allowable square footage
- 3) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- 4) Width and area of all lots not served by a public sanitary sewage system or other approved system shall be sufficient to permit the use of a private on-site wastewater treatment system designed and approved in accordance with the Walworth County Sanitary Ordinance.
- 5) The width of all lots served by private on-site wastewater treatment system shall not be less than 150 feet and the area of all such lots shall not be less than 40,000 square feet per residential structure.
- 6) No primary structure or parking areas shall be located within 75 feet of the ordinary high-water level of a navigable body of water.
- 7) All commercial and multifamily developments shall comply with the site plan requirements and procedures for the review and approval of site plan applications for multifamily and commercial developments as set forth in Section 27-163. Single and two-family homes are exempt from the requirements of this section.

Sec. 27-22. Fences and Retaining Walls

- 1) Fences and retaining walls are structures permitted in all districts on the property lines, except that all fences must comply with the traffic visibility requirements in Section 27-100 nor be closer than two feet to any public street right-of-way.
- 2) Fences and retaining walls shall not exceed a height of four feet in front yards and six feet in other yards, except as permitted herein.
- 3) Fences along freeways are permitted on the property lines but shall not exceed a height of ten feet.
- 4) Entrance pillars may be permitted on either side of a driveway to the lot provided the pillars shall not be closer than two feet to any right-of-way, shall not exceed two feet in width, and shall not exceed six feet in height.
- 5) Security fences of an open type similar to woven wire or wrought iron, are permitted on the property lines in all districts, except residential and conservation districts, but shall not exceed ten feet in height.
- 6) Screening fences of a closed type may be permitted in all business and industrial districts provided the fence does not exceed 10 feet in height and shall not be closer than 25 feet to any public street right of way and 10 feet to a property line.

Sec. 27-23. Temporary Living Quarters.

- 1) Temporary living quarters while constructing a new single-family residence are permitted in any district that permits a single-family residence as a principal use provided all of the following minimum requirements are met:
 - a) Approval is limited to 18 months or occupancy, whichever comes first with the removal of the temporary living quarters within 60 days of occupancy of the new single-family residence.
 - b) Signed and notarized agreement to abate temporary quarters, on forms provided by the Zoning Administrator, to be recorded in the register of deeds office.
 - c) Shall be required to meet district setback requirements.
 - d) Shall have an issued zoning permit for the new single-family residence.
 - e) Shall comply with well and sanitary regulations.

Sec. 27-24. Sanitary Regulations.

- 1) No private onsite wastewater treatment system or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without a sanitary permit and without full compliance with the county sanitary ordinance. Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 811 and 812, Wisconsin Administrative Code.
- 2) No zoning permit shall be issued until a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.

Sec. 27-25. Pet and Animal Regulations.

- 1) Household pets shall be permitted in all zoning districts provided that not more than three dogs or three cats are kept on any one premise and provided further that no animals or pets are bred or reared on such premises for commercial purposes or sold there from. Notwithstanding the foregoing, however, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight months.
- 2) Animals other than household pets (as defined in Section 27, Division 14-187) or Livestock (as defined in Section 27-32 (6k) shall NOT be permitted in the Agricultural Districts, C-1 Lowland Resource Conservation District, C-2 Upland Resource Conservation District, C-4 Wetland Resource Conservation District, Park Districts, and the B-5 Planned Commercial Recreational Business District without the issuance of a Conditional Use Permit.
- 3) Structures used for the housing of animals, other than household pets, must be located at least 100 feet from all property lines. Livestock structures for a livestock facility for fewer than 1,000 animal units shall be at least 100 feet from all property lines, wetland boundaries, and floodplain boundaries. Livestock structures for a livestock facility for 1,000 animal units or more shall be at least 200 feet from property lines, wetland boundaries, and floodplain boundaries and 150 feet from an access right-of-way.

- a) A maximum of four (4) chickens (**roosters prohibited**) and domestic ducks in any combination, if licensed by the Village, shall be permitted, in addition to household pets, in C-3 Conservancy Residential District, R-1 Single Family Residence District (unsewered), R-2 Single Family Residence District (sewered), M-1 Industrial District so long as it has active living quarters, and M-2 Heavy Industry District so long as it has active living quarters. Condominium or homeowner associations can be more restrictive than this Section. No chickens or domestic ducks shall be allowed in mobile home parks.
- b) A license from the Village for the maximum number of chickens and domestic ducks shall run for one year beginning on January 1st of each year. The fees for the initial application for a license and for annual renewal of the license shall be those set from time to time by the Village Board. Current initial and renewal fee is set a \$15.00 per household.
 - i. Written consent of the applicant's landlord/owner is needed if the applicant rents the property where the applicant intends to keep the chickens or ducks,
 - ii. Signatures of all adjacent property owners including property owners immediately across the street notifying the owner of the application, and
 - iii. Proof of State registration
- 4) Any structures created for housing the animals, chickens or domestic ducks shall conform to the setbacks and measurements set forth in the specific zoning district and other wise regulated by this chapter, but no closer to the property's front line than the principal structure.
- 5) The property on which the animals, chickens, or domestic ducks are located shall be kept clean, sanitary, with no excessive odor, noise, pests or other nuisances. The chickens and domestic duck must have a coop or similar housing that sits two feet above grade and have enclosed run to prevent running at large. The chickens and domestic ducks shall be neither raised or kept for fighting nor slaughtered on the property.
- 6) For complaints of nuisance, first offense, written warning; second offense within six (6) months after the first, a \$50.00 fee; third offense within one year after the first offense, revocation of license, plus a \$200 fee. For animal cruelty complaints, first offense, written to cure the violation within one week (or provide proof that a cure has begun); second offense, indefinite revocation of license and either prosecution under Wisconsin state laws or a fine of \$500. Enforcement of this Section for violations other than referenced above will be pursuant to Section 27-175, as amended from time to time.

Sec. 27-26. Minor Home Occupations/ Professional Home Offices.

- 1) A minor home occupation / professional home office shall include such uses as a home office, data processing, telephone answering, direct sale product distribution (Amway, Tupperware, Avon, Shaklee, etc.), dressmaking, sewing, tailoring, contractor sewing machine, jewelry making, typing/word processing, tutoring, music lessons, and computer programming.
- 2) A minor home occupation / professional home office shall be permitted in any residence provided all of the following minimum requirements are met:
 - a) Shall not exceed 25% floor area total.
 - b) Shall be incidental and secondary to the principal use of the residence.

- c) No outside storage.
- d) Shall be limited to the resident(s) of the parcel.
- e) Shall be no employees on the parcel or employee vehicles except for resident and residents' vehicles.
- f) No on-site retail sales or display areas.
- g) Deliveries – limited to typical residential deliveries.
- h) Parking – sufficient on-premises parking to handle activity.
- i) One business vehicle (pickup truck, truck, commercial trailer, cargo van with a Gross Vehicle Weight of 10,000 pounds or less is permitted on the parcel which is licensed as a truck and is used to transport property or equipment for business purposes.) For the purposes of this section, a commercial pickup truck is defined as any open or enclosed cargo bed truck commonly referred to as a mini, ½, ¾, or 1-ton pickup with no more than 6 rubber tires. A commercial cargo van truck is defined as any motor vehicle commonly referred to as mini-vans, cargo vans, commercial vans, or panel truck with no more than six rubber road tires.
- j) Signage limited to 2 sq. ft. wall-mounted sign.
- k) No use or storage of hazardous material or chemicals.
- l) No alterations to the dwelling necessary for the purpose of supporting the home occupation such as a second kitchen, special equipment, additional plumbing, additional cooling/heating, or additional furnishings that are not typical for residential use.
- m) No exterior entryways separate from entryways to serve the dwelling shall be created and/or provided solely for the conduct of the home business.
- n) More than one minor home occupation may operate in a residence provided the employee is a resident of the parcel and the total use is limited to 25% as if one.

Sec. 27-27. Outdoor Wood Furnaces.

- 1) Permitted by right: Outdoor wood furnaces are allowed in the A-1, A-2, A-3 districts subject to the following conditions. Prohibited in all other districts.
 - a) The following types of materials shall not be burned within an outdoor furnace: leaves, rubbish or garbage, waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code, asphalt and products containing asphalt, chemically-treated or painted wood, any plastic material, rubber and synthetic rubber-like products, any material treated with petroleum products or chemicals, and newspaper, corrugated cardboard, container board, paper, and other materials that must be recycled, except that such material may be used as a starter fuel.
 - b) An outdoor furnace shall comply with all applicable standards governing air quality and emissions as may be promulgated and amended by the United States Environmental Protection Agency and the Wisconsin Department of Natural Resources.

- c) An outdoor furnace shall be certified by a recognized product testing company such as UL, CSA, or ETL.
- d) An outdoor furnace shall be fitted with an electro-mechanical-draft combustion system.
- e) An outdoor furnace shall be fitted with a secondary heat exchanger, also known as a two-pass heat exchanger.
- f) An outdoor furnace shall have a child-proof locking device on the fire door or shall be in an enclosure with the access door having such a locking device.
- g) There are no limitations on when during the year an outdoor furnace can be used.
- h) An outdoor furnace shall not be placed closer than 50 feet to the property boundary line of the parcel on which it is located or within the building setback line. Furthermore, an outdoor furnace shall not be located in the front yard or in the street-side yard of a corner lot.
- i) An outdoor furnace shall maintain separation to combustible materials, such as LP tanks, consistent with standards of the National Fire Protection Association.
- j) Manufacturer operating instructions shall be followed except when in conflict with this section.
- k) An outdoor furnace shall be installed by a licensed contractor consistent with the manufacturer instructions except when in conflict with this section.
- l) Stockpiles of burnable materials may be kept inside of a building or out of doors. If kept indoors, the building may not also house the outdoor furnace. If kept out of doors, the stockpiles shall be no closer than 25 feet to the property boundary line of the parcel on which it is located or within the building setback whichever is greater. Furthermore, if kept outdoors, the stockpiles shall not be located in the front yard or in the street-side yard of a corner lot.
- m) If corn, or other similar food stuff, is burned within an outdoor furnace, it shall be stored in a vermin-proof container.

Sec. 27-28. Swimming Pools

- 1) Private Swimming Pools. No person shall construct, install, or enlarge a swimming pool not enclosed in a permanent building in the Village except in accordance with the regulations of this chapter.
- 2) Definition. The term private swimming pool is defined as A receptacle for water, or an artificial pool of water, having at any point of more than two feet depth, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, for bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 260 square feet in area and four feet in depth which are dismantled and removed for the winter are not regulated as swimming pools.

- 3) Permit. No person shall construct, install, enlarge or alter any private swimming pool unless permits have first been obtained from the Zoning Administrator and Building Inspector. Application shall be on forms provided by the Building Inspector and Zoning Administrator and shall be accompanied by plans drawn to scale showing pool dimensions and volume of water in gallons; location and type of water waste disposal system; location of pool on lot and distance from lot lines; and except as provided in (5) herein, fencing and landscaping plan or a combination thereof.
- 4) Construction. Except as provided for in (5) herein, a private swimming pool shall be constructed in accordance with the following requirements:
 - a) The pool shall not be nearer than 10 feet to any residence or to an overhead electrical wire.
 - b) The pool must be completely fenced before filling with water, by a fence or wall not less than 4 feet in height, constructed of a minimum corrosion-resistant material, or enclosed wooden fence approved by the Building Inspector. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant.
 - c) Above ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of a minimum required height and design as heretofore specified. Permanent access from grade to above ground pools have stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing, and gates as are provided the pool proper.
 - d) No direct connection shall be made to the sanitary sewer or septic system.
 - e) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
 - f) There shall be an unobstructed concrete areaway around the entire pool of at least 3 feet on in-ground pools.
 - g) There shall be an unobstructed setback around the entire pool of at least 3 feet on above-ground pools.
 - h) Heating units, pumps, and filter equipment shall in no case be less than 20 feet from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installation.
 - i) Both in-ground and above ground swimming pools must be setback a minimum of 10 feet from rear and side property lines. Swimming pools are not permitted in street yards in residential districts.
- 5) Exception to fence requirement. A conditional use permit may be obtained by landowners intending to install an in-ground pool on 5 acres or more. The Village Board shall consider the general safety of the area, including but not limited to the distance of the pool to the

landowner's lot line, other obstructions preventing access to the pool from children, the level of attractive nuisance the pool creates, and any other issues the Village Board deem relevant to safety before approval of the conditional use permit. This conditional use permit shall only exempt the owner from installing appropriate fencing if a solid pool cover that meets or exceeds the ASTM F1346-91, or as thereafter amended, is used.

Sec. 27-29. Reserved for Future Use.

DIVISION 3. ZONING DISTRICTS

Sec. 27-30. Establishment.

For the purpose of this ordinance, the Village of Bloomfield, Walworth County, State of Wisconsin, is hereby divided into the following zoning districts, namely:

A-1	Farmland Preservation District
A-2	Agricultural Land District
A-3	Agricultural Land Holding District
A-4	Agricultural-Related Manufacturing, Warehousing, and Marketing District
A-5	Agricultural-Rural Residential District
C-1	Lowland Resource Conservation District
C-2	Upland Resource Conservation District
C-3	Conservancy-Residential District
C-4	Wetland Resource Conservation District
P-1	Recreational Park District
P-2	Institutional Park District
R-1	Single-Family Residence District (Unsewered)
R-2	Single-Family Residence District (Sewered)
R-3	Two-Family Residence District (Sewered or Unsewered)
R-4	Multiple-Family Residence District (Sewered or Unsewered)
R-6	Planned Manufactured Home Residence District
B-1	Local Business District
B-2	General Business District
B-3	Waterfront Business District
B-4	Highway Business District
B-5	Planned Commercial-Recreation Business District
M-1	Industrial District
M-2	Heavy Industrial District
M-3	Mineral Extraction District
M-4	Sanitary Landfill District
PUD	Planned Unit Development District

Sec. 27-31. Zoning Map.

- 1) The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Village of Bloomfield, Walworth County, Wisconsin," which accompanies and is a part of this

ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad right-of-way, or such lines extended; and lines identifying boundaries of natural resource areas, as shown by changes in vegetation, slope, and other natural resource base features, unless otherwise noted on the zoning map. All notations, references, and other information shown upon the said zoning map shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

- 2) The official copy of the zoning map shall be adopted as part of this ordinance and shall be available to the public in the office of the Zoning Administrator.
- 3) The administrator shall from time to time update the zoning map as necessary to reflect changes in zoning district boundaries affected under Division 10 of this ordinance.

Sec. 27-32. A-1 Farmland Preservation District

- 1) *Purpose.* The purpose of this district shall be to promote an area for agricultural uses on the best quality agricultural land and to allow participation in the state's farmland preservation program.
- 2) *Permitted uses.*
 - a) Agricultural uses as defined in Wis. Stats. §. 91.01(2).
 - b) Accessory uses, including farm residences.
 - c) Prior nonconforming uses, including prior nonconforming residential uses that were legally existing as of January 13, 2010 and additions to such uses provided the addition does not increase the extent of the nonconforming use.
 - d) Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - e) Undeveloped natural resource and open space areas.
- 3) *Conditional uses*
 - a) Agriculture-related uses that support and enhance agricultural uses within the district, do not impair or limit agricultural uses within the district, and do not unnecessarily convert cropland or prime farmland within the district.
 - b) Governmental, institutional, religious, or nonprofit community uses that qualify under Wis. Stats. § 91.46(5).
 - c) Nonfarm residences that qualify under Wis. Stats. § 91.46(2).
 - d) Nonfarm residential clusters that qualify under Wis. Stats. § 91.46(3)
 - e) Non-metallic mineral extraction that qualify under Wis. Stats. § 91.46(6).

- f) Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources.
 - g) Transportation, communications, pipeline, electric transmission, utility, wind energy systems, or drainage uses that qualify under Wis. Stats. § 91.46 (4).
- 4) *Area, Height, and Yard Requirements*
- a) Lot Area: Minimum 20 acres.
 - b) Lot Width: Minimum 300 feet.
 - c) Height Limitations:
 - i. Residential structures: 35 feet.
 - ii. Agricultural structures: Maximum two times their distance from the nearest lot lines.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 20 feet.
 - f) Rear Yard: Minimum 100 feet.
 - g) Structures used for the housing of animals must be located at least 100 feet from all lot lines.
- 5) *Rezoning Land out of the A-1 Farmland Preservation Zoning District:* Land may be rezoned out of the A-1 Farmland Preservation Zoning District if done in accordance with Wis. Stats. 91.48.
- 6) *Definitions:* The following definitions apply to this section.
- a) Accessory Use: Has the meaning given in Wis. Stats. § 91.01(1).
 - b) Agricultural Use: Has the meaning given in Wis. Stats. § 91.01(2).
 - c) Agriculture-related use: A facility that is primarily devoted to supplying or servicing agricultural equipment, providing agricultural supplies, storing or processing agricultural products, or processing agricultural wastes. In addition, any use that the Wisconsin Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use.
 - d) Base Farm Tract: All land, whether on one parcel or two or more contiguous parcels, that is in the A-1 Farmland Preservation Zoning District and that is part of a single farm on January 13, 2010. In addition, any other tract that the Wisconsin Department of Agriculture, Trade and Consumer Protection by rule defines as a base farm tract.
 - e) Certified Farmland Preservation Plan: A farmland preservation plan that is certified as determined under Wis. Stats. § 91.12.

- f) Certified Farmland Preservation Zoning Ordinance: A zoning ordinance that is certified as determined under Wis. Stats. § 91.32.
- g) Farm: All land under common ownership that is primarily devoted to agricultural use. Land under common ownership that produced at least \$6,000 in gross farm revenues in the previous year, or at least \$18,000 in gross farm revenues in the preceding 3 years, is presumed to be “primarily devoted to agricultural use.”
- h) Farm Acreage: The size of a farm in acres. For purposes of residential density calculations, “farm acreage” may also include open space parcels that are split from a farm if they contain no residential or other structures. “Farm acreage” does not include nonfarm residential acreage.
- i) Farm Residence: Has the meaning given in Wis. Stats. § 91.01 (19).
- j) Gross Farm Revenues: Has the meaning given in Wis. Stats. § 71.613 (1) (g).
- k) Livestock: Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- l) Nonfarm Residence: Has the meaning given in Wis. Stats. § 91.01 (21).
- m) Nonfarm Residential Acreage: The total number of acres of all parcels on which nonfarm residences are located. If a nonfarm residence is located on one of two or more adjoining parcels owned by the same person, the adjoining parcels are also considered “nonfarm residential acreage” unless clearly devoted to non-residential use other than open space use.
- n) Prime Farmland: An area with a class I or II land capability classification as identified by the Natural Resources Conservation Service of the U.S. Department of Agriculture or land that is identified as prime farmland in a certified farmland preservation plan.
- o) Protected Farmland: Land that is located in a farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

Sec. 27-33. A-2 Agricultural Land District.

- 1) *Purpose.* The primary purpose of the A-2 Agricultural Land District is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Farmland Preservation District. The A-2 Agricultural Land District includes land suited for interim farming and smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related farming activity.
- 2) *Permitted Uses.*
 - a) All uses permitted in the A-1 prime agricultural land district.
 - b) Single-family detached dwellings.
 - c) Minor home occupation / professional home office.

3) *Conditional uses.* (See Division 6)

- a) Housing for farm laborers.
- b) Housing for seasonal or migratory farm workers.
- c) Commercial feed lots.
- d) Animal hospitals, shelters and kennels.
- e) Veterinarian services.
- f) Commercial fur farms.
- g) Commercial egg production.
- h) Land restoration.
- i) Ski hills.
- j) Hunting and fishing clubs.
- k) Recreation camp.
- l) Commercial stables and retail sales related to the stable subject to Plan Commission review and approval.
- m) Mobile homes for farm laborers.
- n) Business directory signs (exceeding two).
- o) Sewage disposal plants.
- p) Airports, airstrips, and landing fields.
- q) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
- r) Schools and churches.
- s) Composting.
- t) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- u) Home occupations.
- v) More than one farm dwelling.
- w) Bed and breakfast establishments.

- x) Conservation development design (five or more dwelling units).
 - y) Planned unit developments
- 4) *Area, height, and yard requirements*
- a) Lot Area: Minimum 20 acres.
 - b) Lot Width: Minimum 300 feet.
 - c) Building Height
 - i. Farm dwelling: Maximum 35 feet.
 - ii. Agricultural structures: Maximum two times their distance from the nearest lot lines
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 20 feet.
 - f) Rear Yard: Minimum 100 feet.
 - g) Structures used for the housing of animals must be located at least 100 feet from all lot lines.

Sec. 27-34. A-3 Agricultural Land Holding District.

- 1) *Purpose.* The primary purpose of the Agricultural Land Holding District is to preserve for a limited time period in agricultural and related open-space land uses those lands generally located adjacent to existing urban centers where urban expansion is planned.
- 2) *Permitted uses.* All uses permitted in the A-1 prime agricultural land district.
- 3) *Conditional uses.* (See Division 6)
 - a) Housing for farm laborers.
 - b) Housing for seasonal and migratory farm workers.
 - c) Livestock sales facilities.
 - d) Animal hospitals, shelters and kennels.
 - e) Commercial fur farms.
 - f) Commercial egg production.

- g) Land restoration.
 - h) Ski hills.
 - i) Mobile homes for farm laborers.
 - j) Business directory signs (exceeding two).
 - k) Sewage disposal plants.
 - l) Airports, airstrips, and landing fields.
 - m) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, park and ride facilities.
 - n) Utilities.
 - o) Schools and churches.
 - p) Composting.
 - q) Home occupations.
 - r) More than one farm dwelling.
 - s) Bed and breakfast establishments.
 - t) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: Minimum 35 acres.
 - b) Lot Width: Minimum 300 feet.
 - c) Building Height:
 - i. Farm dwelling: Maximum 35 feet.
 - ii. Agricultural structures: Maximum two times their distance from the nearest lot lines.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 20 feet.
 - f) Rear Yard: Minimum 100 feet.

- g) Structures used for the housing of animals must be located at least 100 feet from all lot lines.

Sec. 27-35. A-4 Agricultural Related Manufacturing, Warehousing and Marketing District.

- 1) *Purpose.* The primary purpose of the A-4 Agricultural Related Manufacturing, Warehousing and Marketing 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 district.
- 2) *Permitted uses.*
 - a) Fruit store.
 - b) Grape growing.
 - c) Production of sausages and other meat products providing that all operations be conducted within an enclosed building.
 - d) Vegetable store.
 - e) Veterinarian services.
- 3) *Conditional uses.* (See Division 6)
 - a) Contract sorting, grading and packaging services for fruits and vegetables.
 - b) Corn shelling, hay baling, and threshing services.
 - c) Bottling of spring water.
 - d) Grist mill services.
 - e) Horticultural services.
 - f) Poultry hatchery services.
 - g) Production of animal and marine fat oils.
 - h) Canning of fruits, vegetables, preserves, jams, and jellies.
 - i) Canning of specialty foods
 - j) Preparation of cereals.
 - k) Production of natural and processed cheese.
 - l) Production of chocolate and cocoa products.
 - m) Coffee roasting and production of coffee products.

- n) Production of condensed and evaporated milk.
- o) Wet milling of corn.
- p) Cottonseed oil milling.
- q) Production of creamery butter.
- r) Drying and dehydrating fruits and vegetables.
- s) Preparation of feeds for animals and fowl.
- t) Production of flour and other grain mill products.
- u) Fluid milk processing.
- v) Production of frozen fruits, fruit juices, vegetables and other specialties.
- w) Malt production.
- x) Meat packing.
- y) Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation.
- z) Poultry and small game dressing and packing providing that all operations be conducted within enclosed buildings.
- aa) Milling of rice.
- bb) Production of shortening, table oils, margarine, and other edible fats and oils.
- cc) Milling of soy bean oil.
- dd) Milling of vegetable oil.
- ee) Sugar processing and production.
- ff) Production of wine, brandy, and brandy spirits.
- gg) Livestock sales facilities.
- hh) Grain elevators and bulk storage of feed grains.
- ii) Fertilizer production, sales, storage, mixing, and blending.
- jj) Sale or maintenance of farm implements and related equipment.
- kk) Transportation-related activities primarily serving the basic agricultural industry.
- ll) Living quarters for watchman or caretaker.

- mm) Off-season storage facilities.
 - nn) Animal hospitals, shelters, and kennels.
 - oo) Land restoration.
 - pp) Sewage disposal plants.
 - qq) Airports, airstrips, and landing fields.
 - rr) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, and park and ride facilities.
 - ss) Utilities.
 - tt) Schools and churches.
 - uu) Contractor's storage yards.
 - vv) Production, packing, packaging, and light assembly of products from furs, glass, metals, papers, leather, plaster, plastics, textiles, and wood.
 - ww) Composting.
 - xx) Commercial greenhouse.
 - yy) Flea markets.
 - zz) Commercial stables.
 - aaa) Commercial stables with horse shows.
 - bbb) Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items are subject to detailed plan approval by the Plan Commission.
 - ccc) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: No minimum.
 - b) Lot Width: Minimum 70 feet.
 - c) Building Height
 - i. Farm dwelling: Maximum 35 feet.
 - ii. Agricultural structures: Maximum two times their distance from the nearest lot lines.
 - d) Street Yard:

- i. Subdivision road: Minimum 25 feet.
- ii. Other roads: Minimum 40 feet.
- e) Side Yard: Minimum 75 feet.
- f) Rear Yard: Minimum 75 feet.
- g) Structures used for the housing of animals must be located at least 100 feet from all lot lines.

Sec. 27-36. A-5 Agricultural-Rural Residential District.

- 1) *Purpose.* The purpose of the A-5 Agricultural-Rural Residential District is to provide for the proper location and regulation of rural residences in predominantly agricultural areas. 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 soils, topography, or severance from larger agricultural parcels.
- 2) *Permitted uses.*
 - a) Single-family dwellings.
 - b) Orchards.
 - c) Vegetable raising.
 - d) Plant nurseries.
 - e) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction.
 - f) Greenhouses.
 - g) Roadside stands not exceeding one per farm.
 - h) Residential accessory structures.
 - i) Agricultural structures.
 - j) Minor home occupations / professional offices
- 3) *Conditional uses.* (See Division 6)
 - a) Sewage disposal plants.
 - b) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - c) Utilities.
 - d) Schools and churches.

- e) Home occupations.
 - f) Bed and breakfast establishments.
 - g) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: Minimum 40,000 square feet.
 - b) Lot Width: Minimum 150 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 15 feet.
 - f) Rear Yard: Minimum 25 feet.
 - g) Structures used for the housing of animals must be located at least 100 feet from all lot lines.

Sec. 27-37. C-1 Lowland Resource Conservation District.

- 1) *Purpose:* The primary purpose of the C-1 Lowland Resource Conservation District is to preserve, protect, and enhance the lakes, streams, and wetland areas in the Village of Bloomfield. 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 recreational resources of the village.
- 2) *Permitted uses.* The following uses are permitted in this district provided that such do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, water courses, water regimen, or topography.
- a) Farming and related agricultural uses when conducted in accordance with the village's conservation standards, not including the erection of buildings or structures.
 - b) Boat landing sites.
 - c) Drainage.
 - d) Fish hatcheries.
 - e) Flood overflow and movement of water.

- f) Forest and game management.
 - g) Hunting and fishing.
 - h) Impoundments.
 - i) Navigation.
 - j) Park and recreation areas, not including the location or erection of buildings or structures.
 - k) Stream bank protection.
 - l) Swimming beaches.
 - m) Wilderness areas and wildlife preservation and refuges.
 - n) Hiking and nature trails.
 - o) Wild crop harvesting.
- 3) *Conditional uses.* (See Division 6)
- a) Golf courses and country clubs.
 - b) Yachting clubs and marinas.
 - c) Hunting and fishing clubs.
 - d) Recreation camps.
 - e) Public and private campgrounds.
 - f) Sewage disposal plants.
 - g) Utilities.
- 4) *Area, height, and yard requirements.* None. No buildings or structures permitted.

Sec. 27-38. C-2 Upland Resource Conservation District.

- 1) *Purpose.* The primary purpose of the C-2 Upland Resource Conservation District is to preserve, protect, enhance, and restore significant woodlands, related scenic areas, sub marginal farm lands, and abandoned mineral extraction lands within the village. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the village, 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 village, yet permit larger residential lots in these environmentally sensitive areas.
- 2) *Permitted uses.*

- a) Single-family detached dwellings.
 - b) Forest preservation.
 - c) Forest and game management.
 - d) Parks and recreation areas; arboreta; botanical gardens.
 - e) Accessory uses.
 - f) Stables.
 - g) Residential accessory structures.
 - h) Agricultural structures.
 - i) Minor home occupations / professional offices.
- 3) *Conditional uses.* (See Division 6)
- a) Animal hospitals, shelters, and kennels.
 - b) Land restoration.
 - c) Golf courses.
 - d) Ski hills.
 - e) Yachting clubs and marinas.
 - f) Hunting and fishing clubs.
 - g) Recreation camps.
 - h) Public or private campgrounds.
 - i) Commercial stables.
 - j) Sewage disposal plants.
 - k) Utilities.
 - l) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, and park and ride facilities.
 - m) Bed and breakfast establishments.
 - n) Commercial arboretum (outside primary environmental corridors).
 - o) Commercial greenhouse (outside primary environmental corridor).

- p) Home occupations.
- q) Planned unit developments
- 4) *Area, height, and yard requirements.*
 - a) Lot Area: Minimum 5 acres.
 - b) Lot Width: Minimum 300 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 20 feet.
 - f) Rear Yard: Minimum 100 feet.
 - g) Structures used for the housing of animals must be located at least 100 feet from all lot lines.

Sec. 27-39. C-3 Conservancy-Residential District.

- 1) *Purpose.* The primary purpose of the C-3 Conservancy-Residential District is the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those upland environmental corridors which already have been divided into 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.
- 2) *Permitted uses.*
 - a) Forest preservation.
 - b) Forest and game management.
 - c) Single-family detached dwellings.
 - d) Accessory uses.
 - e) Residential accessory structures.
 - f) Minor home occupations / professional home offices.
- 3) *Conditional uses.* (See Division 6)

- a) Animal hospitals, shelters, and kennels.
 - b) Planned residence developments.
 - c) Sewage disposal plants.
 - d) Utilities.
 - e) Governmental and cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
 - f) Bed and breakfast establishments.
 - g) Conservation development design (five or more dwelling units).
 - h) Home occupations.
 - i) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: Minimum 100,000 square feet.
 - b) Lot Width: Minimum 200 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 20 feet. In the case of no lot lines, minimum 20-foot dwelling separation.
 - f) Rear Yard: Minimum 50 feet.

Sec. 27-40. C-4 Wetland Resource Conservation District.

- 1) *Purpose.* The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in Walworth County. 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 county.
- 2) *Designation.* The C-4 district includes all shorelands in the jurisdiction of this ordinance 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 ordinance.

- 3) *Permitted uses.* Permitted uses means the following uses are permitted, subject to shoreland zoning regulations of Walworth County, the provisions of Wis. Stats. Ch. 30 and 31, and the provisions of other state and federal 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.
 - b) Hiking, fishing, trapping, hunting, swimming, and boating.
 - c) 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.
 - d) The practice of silviculture, including the planting, thinning, and harvesting of timber.
 - e) The pasturing of livestock and the construction and maintenance of fences.
 - f) The cultivation of agricultural crops.
 - g) The construction and maintenance of duck blinds.
 - h) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
 - i) The maintenance, repair, replacement, and reconstruction of existing village and county highways and bridges.
 - j) 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:
 - i. 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.
 - ii. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
 - iii. 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.
- 4) *Conditional uses.* Uses which are allowed upon the issuance of a land use permit or conditional use permit as specified under Division 6.
- a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation provided that:
 - i. The road cannot as a practical matter be located outside wetland;
 - ii. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards;

- iii. The road shall be designed and constructed as a single land roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - iv. Road construction activities are to be carried out in the immediate area of the roadbed only;
 - v. 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:
- i. Any such building does not exceed 500 square feet in floor area;
 - ii. No filling, flooding, draining, dredging, tiling, or excavating be done;
 - iii. 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:
 - iv. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - v. No filling is to be done except limited filling which is necessary for the development of a boat access site;
 - vi. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat or to otherwise enhance wetland values.
- c) 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:
- i. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 - ii. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
- d) The construction and maintenance of railroad lines provided that:
- i. The railroad lines cannot as a practical matter be located outside the wetland;
 - ii. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.
- 5) *Prohibited uses.* Any use not listed in this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Wis. Stats. §

59.69(5)(e), NR Ch. 115, Wisconsin Administrative Code, and the amendment procedures of this ordinance.

- 6) *Establishment.* When an apparent discrepancy exists between the shoreland-wetland district shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the Wisconsin Department of Natural Resources to determine if the shoreland-wetland district as mapped is in error. If the Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a 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 Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

Sec. 27-41. P-1 Recreational Park District.

- 1) *Purpose:* The purpose of the P-1 Recreational Park District is to provide for areas where the open space and recreational needs, both public and private, of the citizens can be met without undue disturbance of natural resources and adjacent uses.
- 2) *Permitted uses.*
 - a) Parks, general recreation.
 - b) Parks, leisure and ornamental.
 - c) Forest preserves.
 - d) Boat rentals and boat access sites.
 - e) Golf courses and country clubs.
 - f) Gymnasiums and athletic clubs.
 - g) Ice skating rink.
 - h) Picnic grounds.
 - i) Playfields and athletic fields.
 - j) Playgrounds.
 - k) Play lots and tot lots.
 - l) Recreational access ways.
 - m) Forest and game management.
- 3) *Conditional uses.* (See Division 6.)
 - a) Golf courses and country clubs.

- b) Ski hills.
- c) Yachting clubs and marinas.
- d) Hunting and fishing clubs.
- e) Recreation camps.
- f) Public or private campgrounds.
- g) Cultural activities.
- h) Amusement activities.
- i) Public assembly uses.
- j) Archery ranges.
- k) Golf driving ranges.
- l) Firearm ranges, skeet trap, and rifle.
- m) Sports fields.
- n) Roller skating rinks.
- o) Sewage disposal plants.
- p) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, and park and ride facilities.
- q) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
- r) Schools and churches.
- s) Recycling centers.
- t) Composting.
- u) Lake management facilities and activities, including equipment and vehicles used in lake weed harvesting and off-loading activities.
- v) Land restoration.
- w) Caretaker's quarters.
- x) Commercial stables with horse shows.
- y) Planned unit developments

4) *Area, height, and yard requirements.*

- a) Lot Area: No minimum.
- b) Building Height: Maximum 35 feet.
- c) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
- d) Side Yard: Minimum 50 feet.
- e) Rear Yard: Minimum 50 feet.

Sec. 27-42. P-2 Institutional District.

1) *Purpose.* The purpose of the P-2 Institutional District is to provide for areas for institutional uses, such as schools, health care facilities, and places of religious worship or assembly.

2) *Permitted uses.*

- a) Churches, synagogues, and temples.
- b) Rectories and convents.
- c) College dormitories.
- d) Hospitals.
- e) Monasteries.
- f) Nursing dormitories
- g) Nursing homes.
- h) Nursery schools and day care centers.
- i) Orphanages.
- j) Retirement homes.
- k) Schools, including universities, colleges, and technical schools
- l) Lodges and fraternal buildings.
- m) Village halls, village garage, police and fire stations.
- n) Golf courses.

3) *Conditional uses.* (See Division 6)

- a) Golf course country clubs.
- b) Ski hills.
- c) Yachting clubs and marinas.
- d) Recreation camps.
- e) Public or private campgrounds.
- f) Cultural activities.
- g) Public assembly uses.
- h) Commercial stables.
- i) Archery ranges.
- j) Golf driving ranges.
- k) Firearm ranges, skeet, trap, and rifle.
- l) Sports fields.
- m) Polo fields.
- n) Sewage disposal plants.
- o) Airports, airstrips, landing fields, and heliports.
- p) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- q) Governmental and cultural uses such as community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- r) Penal and correctional institutions.
- s) Cemeteries, and crematories.
- t) Recycling centers.
- u) Composting.
- v) Lake management facilities and activities, including equipment and vehicles used in lake weed harvesting and off-loading activities.
- w) Land restoration.

- x) Commercial stables with horse shows.
- y) Planned unit developments
- 4) *Area, height, and yard requirements.*
 - a) Lot Area: 10,000 square feet.
 - b) Lot width: Minimum 100 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 25 feet.
 - f) Rear Yard: Minimum 25 feet.

Sec. 27-43. R-1 Single-Family Residence District (unsewered).

- 1) *Purpose.* The purpose of the R-1 Single-Family Residence District (unsewered) is to provide regulations and locations for low density single-family development.
- 2) *Permitted uses.*
 - a) Single-family detached dwellings on lots not served by public sanitary sewer.
 - b) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of this ordinance.
 - c) Residential accessory structures.
 - d) Minor home occupations / professional offices.
- 3) *Conditional uses.* (See Division 6)
 - a) Golf courses and country clubs.
 - b) Home occupations
 - c) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - d) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.

- e) Schools and churches.
 - f) Bed and breakfast establishments.
 - g) Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
 - h) Conservation development design (five or more dwelling units).
 - i) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: 40,000 square feet.
 - b) Lot Width: Minimum 150 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 15 feet.
 - f) Rear Yard: Minimum 25 feet.

Sec. 27-44. R-2 Single-Family Residence District (sewered).

- 1) *Purpose.* The purpose of the R-2 Single-Family Residence District is to provide regulations and locations for low density single-family development on public sanitary sewers.
- 2) *Permitted uses.*
 - a) Single-family detached dwellings on lots served by public sanitary sewers.
 - b) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction.
 - c) Residential accessory structures.
 - d) Minor home occupations / professional home offices.
- 3) *Conditional uses.* (See Division 6)
 - a) Golf courses and country clubs.
 - b) Home occupations.

- c) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - d) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - e) Schools and churches.
 - f) Bed and breakfast establishments.
 - g) Model single-family residences, model single-family condominiums, and related temporary real estate sales office located within the model unit.
 - h) Conservation development design (five or more dwelling units).
 - i) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: Minimum 10,000 square feet for subdivisions platted prior to the date of this amendment.

Lot Area: Minimum 15,000 square feet for subdivisions platted after the date of this amendment.
 - b) Lot Width: Minimum 100 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 10 feet.
 - f) Rear Yard: Minimum 25 feet.

Sec. 27-45. R-2A Single-Family Residence District (sewered).

- 1) *Purpose.* The primary purpose of the R-2A Single-Family Residence District is to provide regulations and locations for 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.
- 2) *Permitted uses.*
 - a) Single-family detached dwellings on lots served by public sanitary sewers.

- b) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of this ordinance.
 - c) Residential accessory structures.
 - d) Minor home occupations / professional home offices
- 3) *Conditional uses.* (See Division 6)
- a) Golf courses and country clubs.
 - b) Home occupations.
 - c) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - d) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - e) Schools and churches.
 - f) Bed and breakfast establishments.
 - g) Model single-family residences, model single-family condominiums, and related temporary real estate sales office located within the model unit.
 - h) Conservation development design (five or more dwelling units).
 - i) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot Area: Minimum 40,000 square feet.
 - b) Lot Width: Minimum 100 feet.
 - c) Building Height: Maximum 35 feet
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 10 feet.
 - f) Rear Yard: Minimum 25 feet.

Sec. 27-46. R-3 Two-Family Residence District (sewered or unsewered).

- 1) *Purpose.* The purpose of the R-3 Two-Family Residence District (sewered or unsewered) is to provide regulations and locations for single-family and two-family development.
- 2) *Permitted uses.*
 - a) Single-family detached dwellings.
 - b) Two-family dwellings (duplex).
 - c) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of this ordinance.
 - d) Residential accessory structures.
 - e) Minor home occupations / professional home offices.
- 3) *Conditional uses.* (See Division 6)
 - a) Golf courses and country clubs.
 - b) Home occupations.
 - c) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - d) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - e) Schools and churches.
 - f) Model single-family residences, model single-family condominiums, and related temporary real estate sales office located within the model unit.
 - g) Model two-family homes and model two-family condominiums, and related temporary real estate sales office located within the model unit.
 - h) Conservation development design (five or more dwelling units).
 - i) Planned unit developments
- 4) *Area, height, and yard requirements.*
 - a) Lot Area: 15,000 square feet.
 - b) Lot Width: Minimum 100 feet.
 - c) Building Height: Maximum 35 feet.

- d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
- e) Side Yard: Minimum 10 feet
- f) Rear Yard: Minimum 25 feet.

Sec. 27-47. R-4 Multiple-Family Residence District (sewered or unsewered).

- 1) *Purpose:* The purpose of the R-4 Multiple-Family Residence District is to provide regulations and locations for multiple-family residential development
- 2) *Permitted uses.*
 - a) Single-family dwellings.
 - b) Two-family dwellings.
 - c) Multiple-family dwellings.
 - d) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction.
 - e) Residential accessory structures
- 3) *Conditional uses.* (See Division 6)
 - a) Golf courses and country clubs.
 - b) Lodges and fraternal buildings.
 - c) Nursery schools and day care centers.
 - d) Retirement homes.
 - e) Home occupations.
 - f) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - g) Schools and churches.
 - h) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - i) Model apartments, model condominiums, and related temporary real estate sales office located within the model unit.

- j) Model single-family residences, model single-family condominiums, and related temporary real estate sales office located within the model unit.
 - k) Model two-family homes and model two-family condominiums, and related temporary real estate sales office located within the model unit.
 - l) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Maximum Density (sewered):
 - i. Sewered: Six dwelling units per net developable acre.
 - ii. Unsewered: Four dwelling units per net developable acre
 - b) Lot Area:
 - i. Sewered: 15,000 square feet.
 - ii. Unsewered: 40,000 square feet
 - c) Lot Width: 100 feet.
 - d) Building Height: Maximum 35 feet.
 - e) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - f) Side Yard: Minimum 10 feet.
 - g) Rear Yard: Minimum 25 feet.
 - h) Minimum required open space: 20 percent of the total development area. Such required open space land may be placed in more than one location within the development area.

Sec. 27-48. R-6 Planned Manufactured Home Residence District.

- 1) *Purpose.* The R-6 district is intended to generally provide for planned mobile home, modular home and manufactured home developments in comprehensively planned setting.
- 2) *Permitted uses.*
 - a) Mobile, manufactured and modular homes.

- b) Accessory uses. Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of this ordinance.
- c) Residential accessory structures.
- d) Minor home occupation / professional home office.

3) *Conditional uses.* (See Division 6)

- a) Accessory buildings for the purpose of providing laundry and recreational facilities and for the sale of convenience food and related items primarily for and to mobile home residents.
- b) Golf courses and country clubs.
- c) Home occupations.
- d) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- e) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- f) Schools and churches.
- g) Model manufactured home and related temporary real estate sales office located within the model unit.
- h) Single-family detached dwellings:
- i) Commercial establishments allowed in the B-1 Local Business District that serve primarily residents of the development.
- j) Planned unit developments

4) *Area, height, and yard requirements.*

- a) Development Site Requirements
 - i. Site Development Density: Maximum five dwelling units per net developable acre.
 - ii. Site Area: Minimum 10 acres.
 - iii. Site Width: Minimum 450 feet.
 - iv. Site Side Yard: Minimum 40 feet
 - v. Site Rear Yard: Minimum 40 feet
 - vi. Site Street Yard:

1. Subdivision road: Minimum 25 feet.
 2. Other roads: Minimum 40 feet.
 - vii. Structure Height: Maximum 35 feet.
 - viii. Minimum open space requirement, exclusive of interior manufactured home unit lots: 20 percent. Land used for accessory recreation facilities used in common by park residents, such as a recreation room or swimming pool, may count as open space.
- b) Interior Manufactured Home Lot Requirements
- i. Interior Site Area Per Manufactured Home Unit: Minimum 6,950 square feet
 - ii. Interior Site Width: Minimum 50 feet
 - iii. Interior Manufactured Home Unit Separation
 1. Side Separation: Minimum 15 feet.
 2. Rear Separation: Minimum 25 feet.
 - iv. Interior Manufactured Home Street Separation: Minimum 20 feet setback from interior public or private streets or drives
 - v. Structure Height: Maximum 35 feet.
- 5) Guidelines for manufactured home developments. In reviewing applications for manufactured home developments, the Zoning Administrator, Plan Commission, and Village Board shall use the *Manufactured Housing Site Development Guide* (PAS 445) published by the American Planning Association – Planning Advisory Service as a general guideline for development.

Sec. 27-49. B-1 Local Business District.

- 1) *Purpose.* The purpose of the B-1 Local Business District is to provide regulations and locations for retail and customer service establishments typically found in a localized community center or down village.
- 2) *Permitted uses.* The following uses are permitted provided that they shall be retail establishments selling and storing primarily new merchandise.
 - a) Bakeries.
 - b) Beauty shops.
 - c) Clinics.
 - d) Delicatessens.
 - e) Fish markets.

- f) Fruit stores.
- g) Grocery stores.
- h) Hobby shops.
- i) Meat markets.
- j) Restaurants not licensed to sell alcoholic beverages.
- k) Sporting goods stores.
- l) Tobacco stores.
- m) Antique shops.
- n) Barber shops.
- o) Business offices.
- p) Clothing and apparel stores.
- q) Confectioneries.
- r) Drug stores.
- s) Florists.
- t) Gift stores.
- u) Hardware stores.
- v) Optical stores.
- w) Professional offices.
- x) Self-service and pickup laundry and dry-cleaning establishments.
- y) Supermarkets.
- z) Vegetable stores.
- aa) Library
- bb) Museum
- cc) One residential unit when located within the principal business structure.

3) *Conditional uses.* (See Division 6)

- a) Restaurants, bars, taverns, clubs, and stores licensed to sell alcoholic beverages
- b) Off-season storage facilities.
- c) Bed and breakfasts.
- d) Lodges and fraternal buildings and similar clubs.
- e) Nursing homes.
- f) Nursery and day care centers.
- g) Retirement homes.
- h) Vehicle sales and services.
- i) Public parking lots.
- j) Taxi stands.
- k) Sewage disposal plants.
- l) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, and park and ride facilities.
- m) Utilities, provided all principal structures and uses are not less than 50 feet from all district lot lines except business, park, and industrial.
- n) Schools and churches.
- o) Car washes.
- p) Gasoline service stations provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street right-of-way and further provided that canopy posts over gas pumps shall be at least 30 feet from any side or rear lot line and shall not be less than 20 feet from any existing or proposed street right-of-way. Canopies shall not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height.
- q) Outside storage of goods for sale, supplies and equipment.
- r) Planned unit developments.
- s) Packaged beverage stores.

4) *Area, height, and yard requirements.*

- a) Lot area:
 - i. Sewered: Minimum 7,500 square feet.

- ii. Unsewered: Minimum: 40,000 square feet.
- b) Lot width:
 - i. Sewered: Minimum 75 feet.
 - ii. Unsewered: Minimum 150 feet.
- c) Building Height: Maximum 35 feet.
- d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
- e) Side Yard: Minimum 10 feet.
- f) Rear Yard: Minimum 30 feet.

Sec. 27-50. B-2 General Business District.

- 1) *Purpose.* The purpose of the B-2 General Business District is to provide regulations and locations for retail stores, services, and trades of a more general nature normally serving a larger trade area.
- 2) *Permitted uses.*
 - a) All uses permitted in the B-1 Local Business District.
 - b) Appliance stores.
 - c) Caterers.
 - d) Clothing repair shops.
 - e) Crockery stores.
 - f) Department stores.
 - g) Electrical supply.
 - h) Financial institutions.
 - i) Food lockers.
 - j) Furniture stores.
 - k) Furniture upholstery shops.

- l) Heating supply.
 - m) Hotels and motels.
 - n) Laundry and dry-cleaning establishments employing not over seven persons.
 - o) Library.
 - p) Museum.
 - q) Music stores.
 - r) Newspaper office and press rooms.
 - s) Office supplies.
 - t) Pawn shops.
 - u) Personal service establishments.
 - v) Pet shops.
 - w) Photographic supplies.
 - x) Plumbing supplies.
 - y) Printing.
 - z) Private clubs.
 - aa) Private schools.
 - bb) Publishing.
 - cc) Radio broadcasting studios.
 - dd) Restaurants not licensed to sell alcoholic beverages.
 - ee) Second-hand stores.
 - ff) Television broadcasting studios.
 - gg) Trade and contractor's office.
 - hh) Upholstery shops.
 - ii) Boat and marine supplies not including manufacturing.
- 3) *Conditional uses.* (See Division 6)
- a) Animal hospitals, shelters, and kennels.

- b) Bed and breakfasts.
- c) Public assembly uses.
- d) Commercial recreational facilities.
- e) Off-season storage facilities.
- f) Liquor stores, bars, taverns, cocktail lounges.
- g) Lodges and fraternal buildings.
- h) Night clubs and dance halls.
- i) Nursing homes.
- j) Nursery and day care centers.
- k) Restaurants, bars, taverns, clubs, and stores licensed to sell alcoholic beverages
- l) Retirement homes.
- m) Drive-in theaters.
- n) Funeral homes.
- o) Drive-in banks.
- p) Drive-in food and beverage establishments
- q) Vehicle sales and services.
- r) Public parking lots.
- s) Public passenger transportation terminals.
- t) Sewage disposal plants.
- u) Building contractors' storage yards.
- v) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, park and ride facilities.
- w) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
- x) Heliports.
- y) Schools and churches.

- z) Hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries, and crematories.
 - aa) Packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood.
 - bb) Tanning studios.
 - cc) Small engine repair shops.
 - dd) Flea markets.
 - ee) Tattoo parlors.
 - ff) Car wash.
 - gg) Gasoline service stations provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street right-of-way and further provided that canopy posts over gas pumps shall be at least 30 feet from any side or rear lot line and shall not be less than 20 feet from any existing or proposed street right-of-way. Canopies shall not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height.
 - hh) Outside storage of good for sale, supplies and equipment.
 - ii) Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure, residential zoning district, (R-1, R-2, R-2A, R-3, R-4, R-6), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.
 - jj) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot area:
 - i. Sewered: Minimum 7,500 square feet.
 - ii. Unsewered: Minimum: 40,000 square feet.
 - a) Lot width:
 - i. Sewered: Minimum 75 feet.
 - ii. Unsewered: Minimum 150 feet.
 - b) Building Height: Maximum 35 feet.
 - c) Street Yard:

- i. Subdivision road: Minimum 25 feet.
- ii. Other roads: Minimum 40 feet.
- d) Side Yard: Minimum 10 feet.
- e) Rear Yard: Minimum 30 feet.

Sec. 27-51. B-3 Waterfront Business District.

- 1) *Purpose.* The purpose of the B-3 Waterfront Business District is intended to provide regulations for the orderly and appropriate development of diverse retail and customer service establishments on waterfront property.
- 2) *Permitted uses.*
 - a) Bakery.
 - b) Boat rental and boat access (10 or less boats).
 - c) Boat Liveries (10 or less boats).
 - d) Clothing and apparel store.
 - e) Clothing repair shop.
 - f) Confectioneries, retail sales.
 - g) Delicatessen.
 - h) Fish market.
 - i) Florist.
 - j) Fruit store.
 - k) Fur apparel, retail sales.
 - l) Furniture upholstery shop.
 - m) Furniture store.
 - n) Gift store.
 - o) Grocery store.
 - p) Hardware store.
 - q) Library.

- r) Meat market (retail sales – no slaughtering).
- s) Museum.
- t) Music store.
- u) Office supply store.
- v) Offices, professional.
- w) Office, business.
- x) Office, trade/contractor.
- y) Restaurants not licensed to sell alcoholic beverages.
- z) Second-hand store.
- aa) Sporting goods store.
- bb) Supermarkets.
- cc) Tanning salon.
- dd) Tobacco store.
- ee) Vegetable store.

3) *Conditional uses.* (See Division 6)

- a) Conditional uses permitted in the B-1 and B-2 districts.
- b) Bed and breakfasts.
- c) Boat rental and boat access sites.
- d) Boats and marine supplies.
- e) Bowling alleys.
- f) Hotels, motels, and tourist courts.
- g) Bait shops.
- h) Skating rinks.
- i) Swimming beaches and pools.
- j) Restaurants, bars, taverns, clubs, and stores licensed to sell alcoholic beverages

- k) Yachting clubs and marinas.
- l) Bath houses.
- m) Boat liveryes.
- n) Dance halls.
- o) One residential dwelling unit when located within the principal business structure.
- p) Public assembly uses.
- q) Commercial recreational facilities.
- r) Off-season storage facilities.
- s) Lodges and fraternal buildings.
- t) Nursing homes.
- u) Nursery and day care centers.
- v) Retirement homes.
- w) Drive-in food and beverage establishments.
- x) Vehicle sales and services.
- y) Public parking lots.
- z) Public passenger transportation terminals
- aa) Sewage disposal plants.
- bb) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- cc) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
- dd) Schools and churches.
- ee) Gasoline service stations provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street right-of-way and further provided that canopy posts over gas pumps shall be at least 30 feet from any side or rear lot line and shall not be less than 20 feet from any existing or proposed street right-of-way. Canopies shall not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height.
- ff) Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure, residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-6, A-5, C-3, B-5,), churches, schools, public parks, public playgrounds, public beaches, daycare centers

and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

gg) Planned unit developments

4) *Area, Height, and Yard Requirements.*

a) Lot area:

- i. Sewered: Minimum 7,500 square feet.
- ii. Unsewered: Minimum: 40,000 square feet.

b) Lot width:

- i. Sewered: Minimum 75 feet.
- ii. Unsewered: Minimum 150 feet.

c) Building Height: Maximum 35 feet.

d) Street Yard:

- i. Subdivision road: Minimum 25 feet.
- ii. Other roads: Minimum 40 feet.

e) Side Yard: Minimum 10 feet.

f) Rear Yard: Minimum 30 feet.

Sec. 27-52. B-4 Highway Business District.

1) *Purpose.* The purpose of the B-4 Highway Business District is to provide regulations for the orderly and appropriate development of retail and customer service establishments along arterial streets and highways.

2) *Permitted Uses.* The following uses are allowed as permitted uses providing there is no outside storage of goods for sale, supplies, or equipment. Businesses with outside storage areas require conditional use permits.

a) Bait Shop.

b) Bakery.

c) Beauty Shop.

d) Candy, nut, and confectionary store.

- e) Caterer.
- f) Clothing and apparel store.
- g) Clothing repair shop.
- h) Crockery store.
- i) Delicatessen.
- j) Dwelling unit when located within the principal business structure.
- k) Electrical supply store with no outside storage.
- l) Fish market.
- m) Florist.
- n) Food Lockers.
- o) Fruit store.
- p) Fur apparel, retail sales.
- q) Furniture upholstery shop.
- r) Furniture store.
- s) Gift store.
- t) Greenhouses, commercial.
- u) Grocery store.
- v) Hardware store.
- w) Heating supply.
- x) Hobby shop.
- y) Laundry and dry cleaning.
- z) Library.
- aa) Meat market (retail sales – no slaughtering).
- bb) Museum.
- cc) Music store.

- dd) Office supply store.
- ee) Offices, professional.
- ff) Offices, business.
- gg) Offices, trade/contractors.
- hh) Optical store.
- ii) Photographic store.
- jj) Plumbing store with no outside storage.
- kk) Restaurants not licensed to sell alcoholic beverages.
- ll) Second-hand store with no outside storage.
- mm) Sporting goods store.
- nn) Supermarket.
- oo) Tanning salon.
- pp) Tires, batteries, and accessory store with no outside storage.
- qq) Tobacco store.
- rr) Upholstery store.
- ss) Variety store.
- tt) Vegetable store.

3) *Conditional uses.* (See Division 6)

- a) Conditional uses permitted in the B-1 and B-2 Districts.
- b) All businesses requiring outside storage of goods for sale, supplies, or equipment.
- c) Automobile and truck retail sales and service.
- d) Restaurants, bars, taverns, clubs, and stores licensed to sell alcoholic beverages.
- e) Bed and breakfasts.
- f) Gasoline service stations provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street right-of-way and further provided that canopy posts over gas pumps shall be at least 30 feet from any side or rear lot line and shall not be less than 20 feet from any existing or proposed street right-of-way. Canopies shall not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height.

- g) Hotels, motels, and tourist courts.
- h) Night clubs and dance halls.
- i) Service and installation of tires, batteries, and accessories with outside storage.
- j) One residential dwelling unit when located within the principal business structure.
- k) Animal hospital, shelters, and kennels.
- l) Yachting clubs and marinas.
- m) Public assembly uses.
- n) Commercial recreation facilities.
- o) Off-season storage facilities.
- p) Lodges and fraternal buildings.
- q) Nursing homes.
- r) Nursery and day care centers.
- s) Retirement homes.
- t) Drive-in food and beverage establishments.
- u) Drive-in banks.
- v) Vehicle sales and services.
- w) Public parking lots.
- x) Public passenger terminals.
- y) Sewage disposal plants.
- z) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- aa) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
- bb) Schools and churches.
- cc) Commercial arboretum.
- dd) Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure or residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-6, A-

5, C-3, B-5), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

ee) Planned unit developments

4) *Area, height, and yard requirements.*

a) Lot area:

i. Sewered: Minimum 7,500 square feet.

ii. Unsewered: Minimum: 40,000 square feet.

b) Lot width:

i. Sewered: Minimum 75 feet.

ii. Unsewered: Minimum 150 feet.

c) Building Height: Maximum 35 feet

d) Street Yard:

i. Subdivision road: Minimum 25 feet.

ii. Other roads: Minimum 40 feet.

e) Side Yard: Minimum 40 feet.

f) Rear Yard: Minimum 40 feet.

Sec. 27-53. B-5 Planned Commercial Recreational Business District.

1) *Purpose.* The purpose of the B-5 Planned Commercial Recreational Business District is to provide regulations and locations for 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 that are needed to carry on and support the primary commercial-recreational venture.

2) *Permitted uses.*

a) Golf courses and related facilities.

3) *Conditional uses.* (See Division 6)

a) Aircraft landing and takeoff fields.

- b) Amusement parks and miniature golf courses.
- c) Bed and Breakfasts.
- d) Boat rentals and boat access sites.
- e) Planned campground developments.
- f) Dance halls.
- g) Restaurants, bars, taverns, clubs, and stores licensed to sell alcoholic beverages.
- h) Drive-in movies.
- i) Dude ranches.
- j) Fairgrounds.
- k) 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 percent of the total floor area of the principal resort buildings.
 - i. Retail uses allowed in the B-2 General Business District
 - ii. Personal services allowed in the B-2 General Business District
- l) Go-cart tracks.
- m) Hotels and motels.
- n) Penny arcades.
- o) Race tracks.
- p) Commercial stables.
- q) Roller skating rinks.
- r) Skiing and tobogganing.
- s) Snowmobile trails.
- t) Swimming beaches.
- u) Skeet trap and rifle ranges.
- v) 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 the Village of Bloomfield 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.

- w) Animal hospitals, shelters, and kennels.
- x) Yachting clubs and marinas.
- y) Public or private campgrounds.
- z) Cultural activities.
- aa) Amusement activities.
- bb) Public assembly uses.
- cc) Archery ranges.
- dd) Golf driving ranges and golf courses
- ee) Firearm ranges.
- ff) Sports fields.
- gg) Polo fields.
- hh) Skating rinks.
- ii) Commercial recreational facilities.
- jj) Off-season storage facilities.
- kk) Lodges and fraternal buildings.
- ll) Nursing homes.
- mm) Nursery and day care centers.
- nn) Retirement homes.
- oo) Drive-in theaters.
- pp) Vehicle sales and services.
- qq) Public parking lots.
- rr) Taxi stands.
- ss) Sewage disposal plants.
- tt) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.

- uu) Airports, airstrips, landing fields, and heliports.
- vv) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
- ww) Schools and churches.
- xx) Commercial water slides.
- yy) Retail sales and customer services ancillary to the primary use of the property.
- zz) Planned unit developments

4) *Area, height, and yard requirements*

- a) Development density: No planned development approved as a conditional use in the B-5 zone may, with respect to that area exclusively devoted to residential land uses, exceed ten dwelling units per net developable acre.
- b) Lot area: Minimum 5 acres.
- c) Lot width: Minimum 500 feet
- d) Building Height: Maximum 35 feet.
- e) Street Yard (total site)
 - i. Total site: Minimum 75 feet.
 - ii. Interior lot: Minimum 25 feet.
- f) Side Yard:
 - i. Total site: Minimum 75 feet.
 - ii. Interior lot: Minimum 15 feet.
- g) Rear Yard: Minimum 40 feet.
 - i. Total site: Minimum 75 feet.
 - ii. Interior lot: Minimum 40 feet.
- h) Open Space Requirement: Minimum 70 % of total lot area.

Sec. 27-54. M-1 Industrial District.

- 1) *Purpose.* The M-1 Industrial District is intended to provide for manufacturing, industrial, and related uses.

2) *Permitted uses.*

- a) Automotive upholstery.
- b) Cleaning, pressing, and dying.
- c) Commercial bakeries.
- d) Commercial greenhouses.
- e) Distributors.
- f) Food locker plants.
- g) Printing.
- h) Publishing.
- i) Trade and contractors' offices.
- j) Warehousing.
- k) Wholesaling.
- l) Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- m) Manufacture, fabrication, processing or packaging of food but not including, because of noxious odors, cabbage, fish and fish products, meat and meat products, pea vining, and commercial egg production.

3) *Conditional uses.* (See Division 6)

- a) Living quarters for watchman or caretaker.
- b) Farm machinery plants.
- c) Machine shops.
- d) Painting.
- e) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood.
- f) Automotive body repairs.
- g) Laboratories.
- h) Manufacture and bottling of nonalcoholic beverages.

- i) Storage and sale of machinery and equipment.
 - j) Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; electronic devices; instruments; jewelry; pharmaceutical; tobacco; and toiletries.
 - k) Sewage disposal plants.
 - l) Commercial service facility such as restaurants and fueling stations
 - m) Building contractor's storage yard.
 - n) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - o) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - p) Recycling centers.
 - q) Composting.
 - r) Garbage dumpster rental.
 - s) Off-season storage facilities.
 - t) Planned unit developments
- 4) *Area, height, and yard requirements.*
- a) Lot area:
 - i. Sewered: Minimum 7,500 square feet.
 - ii. Unsewered: Minimum 40,000 square feet.
 - b) Lot width: Minimum 150 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 30 feet, except 50 feet when abutting a residential district.
 - f) Rear Yard: Minimum 30 feet, except 50 feet when abutting a residential district.

Sec. 27-55. M-2 Heavy Industrial District.

- 1) *Purpose.* The M-2 Heavy Industrial District is intended to provide regulations for more intense manufacturing and industrial development.
- 2) *Permitted Uses.*
 - a) All uses permitted in the M-1 Industrial District.
 - b) Freight yards, terminals, and transshipment depots.
 - c) Inside storage.
 - d) Breweries.
- 3) *Conditional Uses.* (See Division 6)
 - a) Living quarters for watchman or caretaker.
 - b) Crematories.
 - c) All conditional uses in the M-1 Industrial District.
 - d) Pea vineries.
 - e) Creameries.
 - f) Condenseries.
 - g) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lamp blacking, size, starch, stove polish, textiles, and varnish.
 - h) Manufacture, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast.
 - i) Manufacture and bottling of alcoholic beverages.
 - j) Bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants, electroplating, enameling, forges, foundries, garbage, incinerators, lacquering, lithographing, offal, rubbish, or animal reduction, oil, coal, and bone distillations, refineries, road test facilities, slaughterhouses, smelting, stockyards, tanneries, and weaving.
 - k) Outside storage and manufacturing areas.
 - l) Wrecking, junk, demolition, automobile salvage yards, and scrap yards.

- m) Commercial service facilities.
 - n) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - o) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - p) Recycling centers.
 - q) Composting.
 - r) Off-season storage facilities.
 - s) Planned unit developments
- 4) *Area, height and yard requirements.*
- a) Lot area:
 - i. Sewered: Minimum 7,500 square feet.
 - ii. Unsewered: Minimum: 40,000 square feet.
 - b) Lot width: Minimum 150 feet.
 - c) Building Height: Maximum 35 feet.
 - d) Street Yard:
 - i. Subdivision road: Minimum 25 feet.
 - ii. Other roads: Minimum 40 feet.
 - e) Side Yard: Minimum 30 feet, except 50 feet when abutting a residential district.
 - f) Rear Yard: Minimum 30 feet, except 50 feet when abutting a residential district.

Sec. 27-56. M-3 Mineral Extraction District.

- 1) *Purpose.* The purpose of the M-3 Mineral Extraction District is to provide regulations for mineral extraction sites.
- 2) *Permitted uses.*
 - a) Parks and open spaces
- 3) *Conditional uses.* (See Division 6)

- a) Aggregate or ready-mix plant.
 - b) Clay, ceramic, and refractor minerals mining.
 - c) Crushed and broken stone quarrying.
 - d) Mixing of asphalt.
 - e) Nonmetallic mining services.
 - f) Processing of top soil.
 - g) Sand and gravel quarrying.
 - h) Washing, refining, or processing of rock, slate, gravel, sand or minerals.
 - i) The extension of any existing mineral extraction related uses.
 - j) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, museums, and park and ride facilities.
 - k) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - l) Recycling centers.
 - m) Composting.
- 4) *Yard requirements.* All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line. The Plan Commission may vary this requirement for shallow clay barrow excavation when the excavation and backfilling is conducted in a continuous phase and the barrow material is replaced on site for the re-establishment of the original grade after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall the setback requirement be reduced to less than 2 1/2 times the proposed maximum depth. All accessories, such as offices, parking areas, and stock piles, shall be at least 100 feet from any right-of-way or property line.
- 5) *Applicable State and County Regulations.* Any mineral extraction operation must be in full compliance with applicable Walworth County and State of Wisconsin regulations.

Sec. 27-57. M-4 Sanitary Landfill District.

- 1) *Purpose.* The purpose of the M-4 Sanitary Landfill District is to provide regulations for solid waste management sites and associated facilities.
- 2) *Permitted uses.*
 - a) Parks and open spaces
- 3) *Conditional uses.* (See Division 6)

- a) Sanitary landfill operations.
 - b) Incinerators.
 - c) Sewage disposal plants.
 - d) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial.
 - e) Recycling centers.
 - f) Composting.
 - g) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, museums, and park and ride facilities.
 - h) Contaminated soil reclamation.
- 4) *Yard requirements.*
- 5) All operations shall be at least 200 feet from the right-of-way of any public or approved private street or property line.

Sec. 27-58. Shoreland Regulations.

In addition to any applicable use, site, or sanitary regulations, the following restrictions and regulations apply to:

All unincorporated land lying within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the Village of Bloomfield shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Walworth County" or are shown on the United States geological survey quadrangle maps or other zoning base maps. All unincorporated 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 Village of Bloomfield 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 27-31 of the Village of Bloomfield's 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 Village maps used to delineate floodplain areas which have been adopted by the Village of Bloomfield) shall be used to determine the extent of the floodplain of rivers or streams in the Village of Bloomfield.

Vegetation removal and earth movements shall be conducted in accordance with the Village's conservation standards and shall require a Village approved conservation plan and permit, subject to the dimensional requirements listed below. The Village's conservation standards are technical standards adopted by the Planning and Zoning Commission and include the Wisconsin Field Office Technical Guide, Section IV, Conservation Standards and Construction Standards, the Wisconsin Construction Site

Best Management Handbook, Wisconsin Storm Water Manual and other standards approved by the Planning and Zoning Commission. In addition, the Village Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out land restoration work in the event of default by the applicant in carrying out an approved 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 Commission. The Village Zoning Administrator may, as appropriate, request a review of the proposed vegetation removal or earth movement activity by the Wisconsin Department of Natural Resources, and the USDA Natural Resources Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a permit, but not to exceed 30 days. All vegetation removal and earth movement activities shall be conducted as to prevent erosion and sedimentation and preserve the natural scenic beauty of the Village. Natural vegetation, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife. The tree and shrubbery cutting regulations do not apply to the removal of dead, diseased or dying trees or shrubbery, if verified and approved by the Village.

On those lands within 35 feet of the OHWM (ordinary high-water mark) vegetation removal and/or land disturbing activities are prohibited (no touch zone), with the following exceptions subject to a Village approved conservation plan and permit:

- 1) All earth movement activities within 75 feet of the ordinary high-water mark shall be limited to minimal grade changes and only if it is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat and preserves natural shoreline beauty.
- 2) Vegetation removal for the creation of a view/access corridor. In the strip of land 35 feet wide inland from the ordinary high-water mark, the total width of the corridor or corridors shall not exceed 40 feet or 30 percent of the lot or parcel's width at the ordinary high-water mark, whichever is less, on lots or parcels of land with 200 feet or less of width at the ordinary high-water mark. Or on lots or parcels of land with more than 200 feet of width at the ordinary high-water mark, the total width of the corridor or corridors shall not exceed 20 percent of the lot or parcel's width at the ordinary high-water mark; implemented in increments of 30 feet in every 100 foot of lot width.
- 3) Vegetation removal for the location of those structures permitted within the shore yard.
- 4) For those shoreline protection projects authorized by a DNR permit provided the erosion control measures are designed to remedy significant and existing erosion problems;
- 5) Vegetation removal along a farm drainage ditch provided the removal is part of drainage ditch maintenance work that is conducted consistent with the requirements of Chapter 88 Wisconsin Statutes and if the Planning and Zoning Commission determines that soil and water conservation practices are sufficient, and no pollution is occurring on the site. Land adjacent to farm drainage ditches shall be vegetated and maintained with ground layer vegetation, such as turf grass;
- 6) Selective removal of exotic, invasive, damaged vegetation that must be removed to control disease or poses an imminent safety hazard provided the vegetation is replaced with comparable species of native plants approved by the Planning and Zoning Commission;
- 7) Natural areas management activities with a DNR approved management plan or a plan that was developed by a professional natural resource manager to satisfy the purposes of Wis. Stats. 281.31(1) and (6).

- 8) Prescribed burns of greater than 150 linear feet of shoreline with a plan approved by the Planning and Zoning Commission provided the project cannot be accomplished by selective removal in accordance with subsection (6) above and further provided it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves the natural shoreline beauty.

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.

A special vegetation removal plan allowing greater vegetation removal than that permitted in (2) above, may be permitted by the Commission by issuance of a conditional use permit, pursuant to division 6 of the Village of Bloomfield's Zoning Ordinance. 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 Commission may grant such a permit only if it finds that such special vegetation removal plans:

- 1) Will not cause undue erosion or destruction of scenic beauty; and
- 2) Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the Commission may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner, and
- 3) Will provide a public good.

Beyond the 35-foot strip, a Village approved conservation plan and permit shall be required for projects within 300 feet of the OHWM (ordinary high-water mark) and which are either:

- 1) On slopes which are either
- 2) Larger than 1,000 square feet on slopes of 12-20 percent; or
- 3) Larger than 2,000 square feet on slopes of less than 12 percent.

Required setbacks: All structures, except piers, wharves, boat hoists, lifts, open fence, boathouses, bridges, dams, walkways and stairways 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 the floodplain provisions of this ordinance or other more restrictive ordinances.

Structures which require authorization, or permits from the DNR, pursuant to Wis. Stats. Chs. 30 and 31, 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, but shall not require the issuance of a shoreland floodplain zoning permit where the standard of this ordinance are complied with.

Boathouse: Boathouses shall not extend below the ordinary high-water mark, shall not be located on lands having a slope of 12 percent 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 of the roof elevation of the boathouse shall not be more than 14 feet in height measured from the lowest finished grade along the structure to the highest roofline of the structure, including the roofs or architectural projections; 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.

Shore yards may be reduced to the average of the shore yards of the principle 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.

The Village of Bloomfield shall grant zoning permit approvals for the construction or placement of a structure on property in a shore yard setback area if all the following apply:

- 1) The part of a structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
- 2) The total floor area of all the structures in the shore yard setback area of the property will not exceed 200 square feet. In calculating this square footage boathouses shall be excluded.
- 3) The structure that is subject of the request for special zoning permission has no sides or has open or screened sides.
- 4) The Village of Bloomfield must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70 percent of the half of the shore yard setback area that is nearest to the water.

Stairway, walkway, lift, piers, and wharves: Stairway, lift, and walkways and that portion of piers and wharves landward of the ordinary high-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 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.

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 75-foot shore yard setback and shall minimize the barrier to wildlife movement. Also refer to section 27-22 of the Village of Bloomfield's Zoning Ordinance.

Retaining walls: Retaining walls and terracing shall only be allowed in the shoreline setback area where the applicant can successfully prove to the Planning and Zoning Commission or the Department of Natural Resources 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.

Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, are conditional uses requiring review, public hearing, and approval by the Commission in accordance with division 6 of the Village of Bloomfield's Zoning Ordinance. However, such earth movements, having a DNR approval under Wis. Stats. Ch. 30, are exempt from this provision.

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.

Tillage, grazing, livestock watering, and the spreading, stacking and stockpiling of manure shall be permitted only when such uses are conducted in accordance with the Village'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 run-off of surface waters into a drainage way or watercourse.

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.

Sec. 27-59. Reserved for Future Use.

DIVISION 4. PLANNED UNIT DEVELOPMENT (PUD's)

Sec. 27-60. Purpose and Intent of PUD's

- 1) *Purpose.* Planned unit developments are established to encourage and promote improved environmental design by allowing for greater freedom, imagination, and flexibility in the development of land, while ensuring substantial compliance with the basic intent of this chapter and the general plan for community development. PUD's allow diversification and variation in the 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 in regard to public services and encourage and facilitate preservation of open land.
- 2) *Uses.* PUD's may include residential, commercial, industrial, and mixed uses.
- 3) *PUD's allowed as conditional uses in all districts, except A-1.* PUD's are allowed as conditional uses in all districts, except the A-1 district, subject to the requirements of this division and Division 6 regulating conditional uses.

Sec. 27-61. General Requirements.

- 1) *Minimum total area requirements.* Areas designated as PUDs shall contain a minimum of five acres.
- 2) *Lot area, lot width, heights, and yard requirements.* In a PUD, there shall be no specific lot area, lot width, height, floor area ratio, yard offsets, separations, and usable open space requirements, but such requirements as are made a part of an approved recorded general development plan shall be, along with the recorded plat, construed to be and shall be enforced as a part of this chapter.
- 3) *Permitted uses.* Any use permitted in any of the districts of this chapter may be permitted in PUD's provided such uses are identified in the approved and recorded general development plan.
- 4) *Conditional uses.* Any use allowed as a conditional use in any of the districts of this chapter may be allowed in a PUD, subject to the criteria as established in Division 6 and provided such uses and any conditions or requirements attached to such uses are identified in the approved and recorded general development plan.

Sec. 27-62. Procedural Requirements.

- 1) *Pre-application conference.* Prior to the official submission of the petition for the approval of a PUD, the owner or the owner's agent should meet with the Plan Commission or its staff to discuss the scope and proposed nature of the contemplated development.
- 2) *Request for approval of a PUD as a conditional use.* Following the pre-application conference, the owner or the owner's agent may file a petition with the Zoning Administrator for approval of a conditional use for a PUD. The procedure for reviewing and approving a PUD as a conditional use shall be as required for any other conditional use as set forth under Division 6 of this chapter, except that, in addition thereto, the following information shall be filed by the applicant with the Zoning Administrator with the application for a conditional use permit.

- 3) *Informational statement.* A petition for a PUD shall be accompanied by an informational statement that sets forth the following information:
- a) Total area to be included in the PUD, area of open space, residential density, proposed number and type of dwelling units, projected population, availability of or requirements for municipal services, and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c) A general outline of the organizational structure of a property 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 this chapter or other village regulations or administrative rules, or other universal guidelines.
 - e) The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
 - f) General development plan. A petition for a PUD shall be accompanied by a general development plan which shall include the following information:
 - i. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - ii. The location of public and private roads, driveways, sidewalks, and parking facilities.
 - iii. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 - iv. The location of institutional, recreational, and open space areas, and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 - v. The type, size and location of all structures.
 - vi. General landscape treatment.
 - vii. The existing and proposed location of public sanitary sewer, water supply facilities, and stormwater drainage facilities.
 - viii. The existing and proposed location of all private utilities or other easements.
 - ix. Characteristics of soils related to contemplated specific uses.
 - x. Existing topography on the site with contours at no greater than two-foot intervals.
 - xi. If the development is to be staged, a staging plan.
 - xii. A plan showing how the entire development can be further subdivided in the future.

- 4) *Recording.* Upon final approval of the application and adoption of a PUD by the Village Board, the general development plan, as approved, shall be recorded by the developer within ten days in the county register of deeds' office. Detailed construction and engineering plans need not necessarily be completed at the time the zoning is approved, but the approval and recording of such plans shall be conditioned upon the subsequent submittal, approval, and recording of more specific and detailed plans as the development progresses.

Sec. 27-63. Basis for Approval.

- 1) *Review criteria.* As a basis for reviewing a PUD application, the following criteria shall be applied to with specific consideration as to whether or not the proposed PUD is consistent with the spirit and intent of this chapter, whether or not it is consistent with the policies of the Village of Bloomfield Comprehensive Plan, whether or not it has been prepared with professional advice and guidance, and whether or not it produces significant benefits in terms of environmental design:
 - a) *Character and integrity of land use.* In a PUD, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
 - i. Are compatible to the physical nature of the site with particular concern for preservation of natural features, tree growth, and open space.
 - ii. Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and functional practicality compatible with the general development plans for the area as established by the community.
 - iii. Would not adversely affect the anticipated provision for school or other municipal services.
 - iv. Would not create traffic or parking demands incompatible with the existing or proposed facilities to serve it.
- 2) *Economic feasibility and impact.* The proponents of a PUD application shall provide evidence satisfactory to the Plan Commission and Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the village or the values of surrounding properties.
- 3) *Engineering design standards.* The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering consideration shall be based on standards necessary to implement the specific function in the specific situation provided, however, in no case shall standards be less than those necessary to ensure the public safety and welfare as determined by the village engineer.
- 4) *Preservation and maintenance of open space.* In a PUD, adequate provisions shall be made for the permanent preservation and maintenance of open space either by private reservation or dedication to the public.
 - a) For private reservation, the open area to be reserved shall be protected against building development by conveying to the village, as part of the conditions for project approval, an open space easement over such open areas restricting the area against any future building or use except

as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial, recreational, or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the general development plan or, subsequently, with the express approval of the Village Board following approval of building, site, and operational plans by the Plan Commission.

- b) The care and maintenance of such open space reservations shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the village and shall be included in the title to each property.
 - c) Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the village and made a part of the conditions of the plan approval.
- 5) *Implementation schedule.* The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point. The Plan Commission and Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one year of approval being deemed reasonable.
- 6) *Residential PUD considerations.* The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential PUD, shall further consider whether:
- a) 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.
 - b) The total net residential density within the PUD will be compatible with the village master plan or components thereof, and shall be compatible with the density of the neighborhood wherein located.
 - c) Structure types will be generally compatible with other structural types permitted in the neighborhood.
 - d) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - e) Provision has been made for adequate, continuing fire and police protection.
 - f) The population density of the development will not have an adverse effect upon the community's capacity to provide needed school or municipal service facilities.
 - g) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.

- 7) *Commercial PUD considerations.* The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial PUD, shall further consider whether:
- a) The economic practicality of the proposed development can be justified.
 - b) The proposed development will be served by off-street parking and truck service facilities in accordance with this chapter.
 - c) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
 - d) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - e) 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.
- 8) *Industrial PUD considerations.* The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed industrial PUD, shall further consider whether:
- a) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - b) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
 - c) The proposed development will include provision for off-street parking and truck service areas in accordance with this chapter and will be adequately served by easy-access rail or arterial highway facilities.
 - d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- 9) *Mixed use PUD considerations.* The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use PUD, shall further consider whether:
- a) The proposed mixture of uses results in a unified composite which is compatible with the surrounding neighborhood.
 - b) The various types of uses conform to the general requirements as set forth in this chapter, applicable to projects of such use and character.

Sec. 27-64. Specific Implementation Plan.

- 1) After approval and recording of the general development plan, the applicant shall file a specific implementation plan with the Plan Commission, through the Zoning Administrator. Unless and until a specific implementation plan has been approved by the Plan Commission and recorded, no building permit shall be issued for any construction within the PUD. Specific implementation plans shall include the following information:
 - a) A precise description of the type, number, and size of dwelling units; a description of the type and amount of square feet devoted to commercial or industrial uses; the estimated number of employees; and character and volume of truck and automobile traffic generated from the site.
 - b) A detailed site plan of the development showing the location of all buildings, pavement areas, signs, and outdoor lighting.
 - c) A final plat of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities.
 - d) A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material.
 - e) Architectural drawings and sketches illustrating the design and character of proposed structures, including elevation drawings of all principal buildings. In residential PUDs with single-family homes, the Plan Commission may approve site and architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar document, in lieu of reviewing the plans for each individual single-family residence.
 - f) Location of all utility installations.
 - g) A detailed grading plan.
 - h) Stormwater management plan.
 - i) A development schedule indicating:
 - i. The approximate date when construction of the project can be expected to begin;
 - ii. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - iii. The anticipated rate of development;
 - iv. The approximate date when the development of each of the stages will be completed.
 - j) Agreements, bylaws, provisions, or covenants that govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, open areas or other facilities.
 - k) Operation plan

- l) Any other plans, documents, or schedules required by the Plan Commission or Village Board.

Sec. 27-65. Development Agreement.

Before any building permit shall be issued, the applicant and the owner shall enter into an appropriate contract with the village to guarantee the implementation of the planned unit development according to the terms and conditions established as a part of the general development plan and the specific implementation plan. The village shall have the right, if deemed appropriate, to require the inclusion of performance bonds or other security deemed satisfactory to the Village Attorney.

Sec. 27-66. Amendment of General Development Plans or Specific Implementation Plans.

Under this article, any subsequent change of use of any lot or parcel of land or addition or modification of the general development plans or specific implementation plans shall first be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission, such change or modification constitutes a substantial alteration of the original plans, the procedures described in this ordinance shall be required before the use is changed or the plans modified.

Sec. 27-67 through Sec 27-69. Reserved for Future Use.

DIVISION 5. OVERLAY DISTRICTS

Sec. 27-70. Wellhead Protection Overlay Districts.

- 1) *Purpose and authority.* The residents of the Pell Lake Sanitary District No. 1 situated in the Village of Bloomfield, Walworth County, Wisconsin, depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Overlay District is to institute land use regulations and restrictions to protect the Pell Lake Sanitary District's village water supply and well fields, and to promote the district's village water supply and well fields, and to promote the public health, safety, and general welfare of the residents of the Pell Lake Sanitary District situated in the Village of Bloomfield, Walworth County, Wisconsin.
- 2) *Statutory authority.* Statutory authority of the village to enact these regulations is established by Wis. Stats. § 60.62 and 62.23 which specifically added groundwater protection to the statutory authorization for planning and zoning to protect public health, safety, and welfare.
- 3) *Application of regulations.* The regulations specified in this wellhead protection ordinance shall apply only to lands within 1,200 feet of the Pell Lake Sanitary District village well (cones of depression), located in sections 14 and 15, T 1 N, R 18 E, Village of Bloomfield, Walworth County, Wisconsin.
- 4) *Definitions.*
 - a) *Aquifer.* A saturated, permeable geologic formation that contains and will yield significant quantities of water.
 - b) *Cone of depression.* The area around a well, in which the water level has been lowered at least one foot by pumping the well. For the ease of determination, the cone of depression for Groundwater Protection Overlay District A has been established as being 1,200 feet from the Pell Lake Sanitary District wells.
 - c) *Recharge area.* Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
 - d) *Well field.* A piece of land used primarily for the purpose of locating wells to supply a village water system.
- 5) *District boundaries established.* The boundary of the Wellhead Protection Overlay District is hereby established as shown on the map entitled "Pell Lake Sanitary District No. 1, Environmental Concerns Map-Figure 2" and shall consist of the entire area that is situated within 1,200 feet of the Pell Lake Sanitary District wells.
- 6) *Penalties.* Any person who fails to comply with the provisions of this section shall, upon conviction thereof, forfeit not less than \$10.00 or more than \$200.00 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the Walworth County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

Sec. 27-71. Overlay District A.

- 1) *Intent.* The primary portion of the Pell Lake Sanitary District recharge area to be protected is the land within 1,200 feet of the Pell Lake wells.
- 2) *Prohibited uses.* The following commercial uses, as defined in NR § 500.03, Wis. Adm. Code, and/or generally described below are prohibited uses within the Groundwater Protection Overlay District A. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.
 - a) Any solid waste storage facility.
 - b) Transportation facility.
 - c) Transfer facility.
 - d) Incineration facility.
 - e) Air curtain destructor facility.
 - f) Processing facility.
 - g) Wood burning facility.
 - h) One-time disposal facility.
 - i) Small demolition facility.
 - j) Sanitary landfill.
 - k) Coal storage area.
 - l) Salt or deicing material storage area.
 - m) Gasoline or fuel oil storage tanks that have not received written approval from the Wisconsin Department of Commerce or its designated agent under § 10.10.
 - n) Bulk fuel storage facilities.
 - o) Pesticide or fertilizer handling or storage facilities.
- 3) *Upgrades.* Where any of the uses in the paragraphs above exist within Groundwater Protection Overlay District A on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Zoning Administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

Sec. 27-72. Overlay District B.

- 1) *Intent.* A second portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 1,000 feet of the Pell Lake Sanitary District well. Land use restrictions within

Groundwater Protection Overlay District B are more restrictive than in Overlay District A because of shorter flow times and a smaller potential for remediation, dilution, and attenuation.

- 2) *Prohibited uses.* The following uses are prohibited uses within the Groundwater Protection Overlay District B. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination. Uses not listed may not be permitted uses.
 - a) All prohibited uses listed in Overlay District A.
 - b) Land application of village, commercial or industrial waste.
 - c) Industrial, commercial, or village wastewater lagoons or storage structures.
 - d) Commercial storage or stacking of manure.
 - e) Septic tanks or soil absorption units receiving 8,000 gallons or more per day.
- 3) *Upgrades.* Where any of the uses in the paragraphs above exist within Groundwater Protection Overlay District B on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Zoning Administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

Sec. 27-73. Overlay District C.

- 1) *Intent.* A third portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 600 feet of the Pell Lake Sanitary District wells. Land use restrictions within Groundwater Protection Overlay District C are more restrictive than Overlay Districts A and B because of shorter flow times and a smaller potential for remediation, dilution, and attenuation.
- 2) *Prohibited uses.* The following uses are prohibited uses within the Groundwater Protection Overlay District C. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.
 - a) All prohibited uses listed under Overlay Districts A and B.
 - b) Gasoline or fuel oil storage tanks that have received written approval from the Wisconsin Department of Commerce or its designated agent.
- 3) *Upgrades.* Where any of the uses in the paragraphs above exist within Groundwater Protection Overlay District C on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Zoning Administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

Sec. 27-74. Overlay District D.

- 1) *Intent.* A fourth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 400 feet of the Pell Lake Sanitary District wells. Land use restrictions within

Groundwater Protection Overlay District D are more restrictive than in Overlay Districts A, B and C because of shorter flow times and smaller potential for remediation, dilution, and attenuation.

- 2) *Prohibited uses.* The following uses are prohibited uses within the Groundwater Protection Overlay District D. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination.
 - a) All prohibited uses listed in Overlay Districts A, B, and C.
 - b) Cemetery.
 - c) Stormwater drainage pond.
- 3) *Upgrades.* Where any of the uses in the paragraphs above exist within Groundwater Protection Overlay District D on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Zoning Administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

Sec. 27-75. Overlay District E.

- 1) *Intent.* A fifth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 200 feet of the Pell Lake Sanitary District wells. Land use restrictions within Groundwater Protection Overlay District E are more restrictive than in overlay districts A, B, C, and D because of shorter flow times and smaller potential for remediation, dilution, and attenuation.
- 2) *Prohibited uses.* The following uses are prohibited uses within the Groundwater Protection Overlay District E. These uses are prohibited based on a high probability that activities routinely associated with these uses may cause groundwater contamination.
 - a) All prohibited uses listed in overlay districts A, B, C, and D.
 - b) Sanitary sewer main.
 - c) Lift station.
 - d) Single-family fuel oil tank.
- 3) *Exceptions for Sewer Mains.* A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Water Works Association (AWWA) 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.
- 4) *Upgrades.* Where any of the uses in the paragraphs above exist within Groundwater Protection Overlay District E on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Zoning Administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

Sec. 27-76. Overlay District F.

- 1) *Intent.* A sixth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 50 feet of the Pell Lake Sanitary District wells. Land use restrictions within Groundwater Protection Overlay District F are more restrictive than in Overlay Districts A, B, C, D, and E because of shorter flow times and smaller potential for remediation, dilution, and attenuation.
- 2) *Prohibited uses.* The following uses are prohibited uses within the Groundwater Protection Overlay District F. These uses are prohibited based on the high probability that activities routinely associated with these uses may cause groundwater contamination. Uses not listed may not be permitted uses.
 - a) All prohibited uses listed in Overlay Districts A, B, C, D and E.
 - b) Storm sewer main.
- 3) *Upgrades.* Where any of the uses in the paragraphs above exist within Groundwater Protection Overlay District F on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the Zoning Administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

Sec. 27-77. Shoreland Overlay District.

- 1) *Intent.* It is the general intent of this district to regulate the use of all structures, lands, and waters within the shoreland areas of the Village of Bloomfield.
- 2) *Statutory authority.* This overlay district is adopted under the authority granted by Wis. Stats. §§ 59.69, 59.692, 59.694, and 281.31 and amendments thereto.
- 3) *Application of regulations.* This overlay district shall apply to all Village of Bloomfield shorelands, as defined below:
 - a) All lands in the Village of Bloomfield lying within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds, or flowages. Lakes, ponds, or flowages in the Village of Bloomfield shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Walworth County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps.
 - b) All lands in the Village of Bloomfield 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 Village of Bloomfield 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. If evidence to the contrary is presented, the Zoning Administrator shall make the initial determination whether or not the river or stream in question is navigable under laws of this state. The Zoning Administrator shall contact the appropriate district DNR office for a determination of navigability or ordinary high-water mark.
- 4) *Minimum lot size in Shoreland Overlay District.* Minimum lot sizes in shorelands shall be the larger of the minimum lot size defined by the applicable standard zoning district (Sec. 27-32 to 57) or as follows, for any lot created after December 20, 2011:

- a) 'Sewered lots.' Lots served by public sanitary sewer shall have a minimum width of 65 feet (measured at front of house) and a minimum area of 10,000 square feet.
- b) 'Unsewered lots.' Lots not served by public sanitary sewer shall have a minimum width of 100 feet (measured at front of house) and a minimum area of 20,000 square feet.
- c) 'Substandard lots.' A legally created lot or parcel that met the minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:
 - i. The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
 - ii. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - iii. The substandard lot or parcel is developed to comply with all other ordinance requirements.
- d) 'Planned Unit Developments.' A non-riparian lot may be created which does not meet the requirements of Sec. 27-77(4) if the Village has approved and recorded a plat or certified survey map including that lot within a planned unit development, if the planned unit development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality, and natural scenic beauty.

5) Required setbacks and height requirements in Shoreland Overlay District.

- a) All structures, except piers, wharves, boat hoists, lifts, open fence, boathouses, bridges, dams, walkways and stairways 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 the floodplain provisions of this ordinance or other more restrictive ordinances.
- b) Structures located within 75 feet of the ordinary high-water mark may not exceed a maximum height of 35 feet.
- c) Structures which require authorization or permits from the DNR pursuant to Wis. Stats. Chs. 30 and 31, 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, but shall not require the issuance of a shoreland floodplain zoning permit where the standards of this ordinance are complied with.
- d) Boathouse: The following regulations shall apply to new boathouses and boathouse additions or renovations completed after December 20, 2011. Boathouses shall not extend below the ordinary high water mark, shall be located within the access/viewing corridor, shall not be located on lands having a slope of 12 percent 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 of the roof elevation of the boathouse shall not be more than 14 feet in height measured from the lowest finished grade along the structure to the highest roofline of the structure, including the roofs of architectural projections; 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.

- e) Where there is an existing development pattern, the shore yard setback for a proposed principal structure may be reduced to the average shore yard setback of the principle structure on each adjacent lot within 250 feet of the proposed principal structure. The shore yard setback may not be reduced to less than 35 feet from the ordinary high-water mark of any navigable waters.
 - f) The Village of Bloomfield shall grant zoning permit approvals for the construction or placement of a structure on property in a shore yard setback area if all of the following apply:
 - i. The part of a structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
 - ii. The total floor area of all of the structures in the shore yard setback area of the property will not exceed 200 square feet. In calculating this square footage boathouses shall be excluded.
 - iii. The structure that is subject of the request for special zoning permission has no sides or has open or screened sides.
 - iv. The Village of Bloomfield must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70 percent of the half of the shore yard setback area that is nearest to the water.
 - g) Stairway, walkway, lift, piers, and wharves: Stairway, lift and walkway and that portion of piers and wharves landward of the ordinary high-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, and is located within the access/viewing corridor. Further, the structure shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than 60 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.
 - h) See Sec. 27-22(7) and (8) for regulations related to fences and retaining walls in the shoreland.
- 6) Vegetation removal and retention and earth movement.
- a) Vegetation removal and earth movements shall be conducted in accordance with the Village's conservation standards, as determined by the Zoning Administrator, and shall require a Village approved conservation plan and permit, subject to the dimensional requirements listed below. In addition, the Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out land restoration work in the event of default by the applicant in carrying out an approved 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 Village Board. The Zoning Administrator may, as appropriate, request a review of the proposed vegetation removal or earth movement activity by the Wisconsin Department of Natural

Resources, and the USDA Natural Resource Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a permit but not to exceed 30 days. All vegetation removal and earth movement activities shall be conducted as to prevent erosion and sedimentation and preserve the natural scenic beauty of the Village of Bloomfield. Natural vegetation, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife. The tree and shrubbery cutting regulations do not apply to the removal of dead, diseased or dying trees or shrubbery, if verified and approved by the Zoning Administrator.

- b) On those lands within 35 feet of the OHWM (ordinary high-water mark) vegetation removal and/or land disturbing activities are prohibited (no touch zone), with the following exceptions subject to a Village of Bloomfield approved conservation plan and permit:
- i. All earth movement activities within 75 feet of the ordinary high-water mark shall be limited to minimal grade changes and only if it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves natural shoreline beauty.
 - ii. Vegetation removal for the creation of a view/access corridor. In the strip of land 35 feet wide inland from the ordinary high-water mark, the total width of the corridor or corridors shall not exceed 40 feet or 30 percent of the lot or parcel's width at the ordinary high-water mark, whichever is less, on lots or parcels of land with 200 feet or less of width at the ordinary high-water mark. Or on lots or parcels of land with more than 200 feet of width at the ordinary high-water mark, the total width of the corridor or corridors shall not exceed 20 percent of the lot or parcel's width at the ordinary high-water mark; implemented in increments of 30 feet in every 100 foot of lot width.
 - iii. Vegetation removal for the location of those structures permitted within the shore yard.
 - iv. For those shoreline protection projects authorized by a DNR permit provided that erosion control measures are designed to remedy significant and existing erosion problems.
 - v. Vegetation removal along a farm drainage ditch provided the removal is part of drainage ditch maintenance work that is conducted consistent with the requirements of Chapter 88 of Wisconsin Statutes. Land adjacent to farm drainage ditches shall be vegetated and maintained with ground layer vegetation, such as turf grass.
 - vi. Selective removal of exotic, invasive, damaged vegetation or vegetation that must be removed to control disease or poses an imminent safety hazard provided the vegetation is replaced with comparable species of native plants approved by the Zoning Administrator.
 - vii. Natural area management activities with a DNR approved management plan or a plan that was developed by a professional natural resource manager to satisfy the purposes of Wis. Stats. 281.31(1) and (6).
 - viii. Prescribed burns of greater than 150 linear feet of shoreline with a plan approved by the Zoning Administrator provided the project cannot be accomplished by selective removal in accordance with subsection (6) above and further provided it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves the natural shoreline beauty.
- c) 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.

- d) A special vegetation removal plan allowing greater vegetation removal than that permitted in (ii) above, may be permitted by the Plan Commission and Village Board by issuance of a conditional use permit, pursuant to Section 27-80 to 89. 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 Plan Commission and Village Board may grant such a permit only if it finds that such special vegetation removal plans:
 - i. Will not cause undue erosion or destruction of scenic beauty; and
 - ii. Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the Village Board may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner, and
 - iii. Will provide a public good.
 - e) Beyond the 35-foot strip, a Village approved conservation plan and permit shall be required for projects within 300 feet of the OHWM (ordinary high-water mark) and which are either:
 - i. On slopes which are either:
 - 1. Larger than 1,000 square feet on slopes of 12—20 percent; or
 - 2. Larger than 2,000 square feet on slopes less than 12 percent.
 - f) Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, are conditional uses requiring review, public hearing, and approval by the Plan Commission and Village Board in accordance with Section 27-80 to 89. However, such earth movements having a DNR approval under Wis. Stats. Ch. 30 are exempt from this provision.
 - g) Filling, grading, lagooning, dredging, ditching, and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of Ch. 30 Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat and natural scenic beauty.
- 7) Nonconforming uses within Shoreland Overlay District.
- a) General rule for nonconforming uses and structures, pursuant to Wis. Stat. 59.692.
 - i. A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of repair, reconstruction, or improvement, if all of the following apply:
 - 1. The nonconforming structure was damaged or destroyed after March 2, 2006.
 - 2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - ii. A structure restored per 27-77(7)(a)(i) may be larger than the size it was immediately before damage or destruction occurred, if necessary, for the structure to comply with applicable state or federal requirements.

- b) If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure, or property shall conform to this ordinance.
- c) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sec. 27-77(5), may be maintained and repaired within its existing building envelope. Maintenance and repair include such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding, or roof.
- d) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per Sec. 27-77(5) may be expanded vertically, provided that all of the following requirements are met:
 - i. The use of the structure has not been discontinued for a period exceeding 12 months.
 - ii. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 - iii. Vertical expansion is limited to the height allowed in 27-77(5)(b).
 - iv. The Village shall issue a permit that requires a mitigation plan that shall be approved by the Village and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards of Sec. 27-77(11).
 - v. All other provisions of this ordinance are met.
- e) An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback per Sec. 27-77(5), may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per Sec. 27-77(5) and that all other provisions of the ordinance are met. A mitigation plan is not required solely for expansion under this paragraph but may be required under other requirements of this ordinance.
- f) An existing principal structure that was lawfully placed when constructed, but that does not comply with the required building setback per Sec. 27-77(5), may be replaced or relocated on the property provided that all of the following requirements are met:
 - i. The use of the structure has not been discontinued for a period of 12 months or more.
 - ii. The existing principal structure is at least 35 feet from the ordinary high-water mark.
 - iii. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 - iv. The Village determines that no other location is available on the property to build a principal structure of comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement per Sec. 27-77(5).
 - v. The Village shall issue a permit that requires a mitigation plan that shall be approved by the Village and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Sec. 27-77(11) including enforceable obligations of the property owner to establish or maintain measures that the Village determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation

measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Walworth County Register of Deeds.

- vi. The Village shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shoreland setback requirement per Sec. 27-77(5) and are not exempt under any provisions of Sec. 27-77(5) be removed by the date specified in the permit.
 - vii. All other provisions of the shoreland overlay district shall be met.
 - g) Accessory structures that were legally constructed before the adoption of this chapter may be maintained and repaired but shall not be expanded or rebuilt unless authorized by s. 59.692(1s) Wis. Stats. or unless they are made to conform with all other provisions of this ordinance.
 - h) The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121 Wis. Stats.
- 8) Material storage in Shoreland Overlay District. No waste material 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.
- 9) Agricultural practices in Shoreland Overlay District.
- a) Tillage, grazing, livestock watering, and the spreading, stacking and stockpiling of manure shall be permitted only 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 run-off of surface waters into a drainage way or watercourse.
 - b) 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.
- 10) Impervious Surface Standards in Shoreland Overlay District.
- a) Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface within 300 feet of the ordinary high-water mark of any navigable waterway, and shall require all of the following:
 - i. Calculation of percentage of impervious surface. Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of the lot or parcel within 300 feet of the ordinary high-water mark by the total surface area of that portion of the lot or parcel within 300 feet of the ordinary high-water mark and multiplied by 100.
 - ii. Impervious surface standard. The percentage of impervious surface shall not exceed 15 percent of the total surface area of the portion of a lot or parcel within 300 feet of the ordinary high-water mark, except as defined below.

- iii. Maximum impervious surface. The Village may issue a permit for development that exceeds 15 percent but shall not exceed 30 percent of the total surface area of the portion of the lot or parcel within 300 feet of the ordinary high-water mark, provided the Village approves a mitigation plan meeting the standards of Sec. 27-77(11).
- iv. Existing impervious surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in Sec. 27-77(10)(a)(ii) or the maximum impervious surface standard in Sec. 27-77(10)(a)(iii), the property owner may do the following:
 - 1. Maintain and repair the existing impervious surfaces.
 - 2. Replace existing impervious surfaces with similar surfaces within the existing building envelope.
 - 3. Relocate or modify existing impervious surface with a similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this ordinance, and the impervious surface meets the applicable setback requirements.
- v. This section of the ordinance shall not be construed to supersede other provisions in the Village Shoreland Overlay District. Maintenance, reconstruction, relocation, and expansion of existing structures must comply with the other provisions in the Village ordinance, the shoreland setback standards in Sec. 27-77(5), and the nonconforming structure provisions in Sec. 27-77(7).

11) Mitigation in the Shoreland Overlay District.

- a) When the Village issues a permit requiring mitigation under Sec. 27-77(7)(d)(iv), Sec. 27-77(7)(f)(v), or Sec. 27-77(10)(a)(iii) the property owner shall submit a complete permit application that is reviewed and approved by the Village. The application shall include the following:
 - i. A site plan that describes the proposed mitigation measures:
 - 1. The site plan shall be designed and implemented to offset the impacts of the permitted expansion or replacement on water quality, near-shore aquatic habitat, and natural scenic beauty.
 - 2. The mitigation measures shall be proportional to the amount and impacts of the expansion being permitted.
 - ii. An implementation schedule and enforceable obligation on the property owners to establish and maintain the mitigation measures.
 - iii. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Walworth County Register of Deeds prior to the issuance of a permit.

12) Land Division Review in the Shoreland Overlay District.

- a) In addition to the Village Subdivision Ordinance, and any other applicable regulations, reviews of land divisions in shoreland areas which create three or more parcels or building sites of 5 acres each or less within a five-year period shall be subject to the following factors:

- i. Hazards to the health, safety, or welfare of future residents;
- ii. Proper relationship to adjoining areas;
- iii. Public access to navigable waters, as required by law;
- iv. Adequate storm drainage facilities;
- v. Conformity to state law and administrative code provisions.
- vi. Signs in Shoreland Overlay District.

13) The following on-premise shoreland signs may be erected, placed, or posted in all districts with a permit and subject to the conditions herein specified.

- a) Signs visible to stream or lake users at any time of the year shall not exceed 12 square feet in area on one side nor 24 square feet in area on all sides for any one premise.
 - i. Signs shall not exceed a height of 10 feet.
 - ii. Signs shall not be located closer than 50 feet to any side lot line or any intersection.
 - iii. Signs shall not be located within 75 feet of the ordinary high-water mark of any navigable body of water.
 - iv. Signs shall not contain, include, or be illuminated by a flashing light or be composed of any animated parts.

Sec. 27-78 through 27-79. Reserved for Future Use.

DIVISION 6. CONDITIONAL USES

Sec. 27-80. Agricultural and Related Uses.

Except where specifically permitted as a principal use in Division 3, the following agricultural and related uses shall be conditional uses and may be permitted as specified. All conditional uses in the A-1 district are limited to those that are consistent with agricultural use and found to be necessary in light of alternative locations available for any such uses.

- 1) Single-family dwellings. Single-family dwellings exceeding one per farm in A-1, A-2, and A-3 districts provided, however, that such dwellings may only be permitted when consistent with an agricultural use and that are occupied by an owner of the parcel, or a person who or a family of which at least one adult member earns the majority of his or her gross income from conducting the farm operations on the parcel, or a parent or child of an owner who conducts the majority of the farm operations on the parcel, or a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel and laborers principally engaged in a principal or approved conditional use and only when the need for such additional units to support and carry on the principal or approved conditional use has been established. If conditional use approval is granted for one or more additional dwellings, such dwellings may be separated from the farm lot provided however that any parcel so created conforms with all regulations set forth in this ordinance, except that no such parcel shall be less than 40,000 square feet in area or greater than the larger of either five acres.
- 2) Housing for Seasonal Farm Workers. Housing for seasonal or migratory farm workers in the A-1, A-2, and A-3 districts.
- 3) Commercial feed lots/livestock facilities. Commercial feed lots/livestock facilities in the A-1, A-2, and A-4 districts in accordance with the provisions of Wis. Stats. § 93.90, and ATCP 51 of Wis. Administrative Rules, if applicable, inclusive of all future amendments to any provisions of those sections of the Wisconsin Statutes and Administrative Rules. Applications for livestock facilities shall be approved unless the Plan Commission finds based on clear and convincing information and documentation that the application does not comply with requirements of the regulations.
- 4) Livestock sales barns. Livestock sales barns in the A-1, A-3, and A-4 districts.
- 5) Animal hospitals, shelters, and kennel. Animal hospitals, shelters, and kennels in the A-2, A-3, A-4 and A-5 agricultural districts, conservancy districts and the B-2, B-4 and B-5 business districts provided that the lot area is not less than five acres and further provided that, if animals are to be housed outside, there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.
- 6) Veterinarian services. Veterinarian services in the A-2 and A-4 districts.
- 7) Commercial stables. Commercial stables in the A-2, A-4, C-2, P-1, P-2, and B-5 districts. Tack rooms associated with commercial stables shall be used only by the owner and boarders. Commercial stables with horse shows and tack shop that permit off-site retail sales in the A-4 and P-1 districts.
- 8) Fur Farming. Commercial raising and propagation of fur-bearing animals in the A-1, A-2, and A-3 districts.
- 9) Egg Production. Commercial egg production in the A-1, A-2, and A-3 districts.

- 10) Land Restoration. Land restoration in the A-1, A-2, A-3, A-4, and C-2 districts when conducted in accordance with applicable Village and Walworth County conservation standards. Any project designed and certified by Natural Resources Conservation Service, Walworth County Department of Land Conservation, or the Wisconsin Department of Natural Resources may be exempt from the conditional use process.
- 11) Agricultural-Related Businesses. Agricultural-related manufacturing, warehousing, and marketing activities in the A-4 district, including contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; spring water bottling; grist mill services; horticultural services; poultry hatchery services; production of animal and marine fat and oil; canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural and processed cheese; production of chocolate and cocoa products; coffee roasting and production of coffee products; production of condensed and evaporated milk; wet milling of corn; cottonseed oil milling; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of feeds for animal and fowl; production of flour and other grain mill products; blending and preparing of flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties; malt production; meat packing; fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation; poultry and small game dressing and packing, providing that all operations be conducted within an enclosed building; milling of rice; production of sausages and other meat products, providing that all operations be conducted within an enclosed building; production of shortening, table oils, margarine, and other edible fats and oils; milling of soy bean oil; milling of vegetable oil; sugar processing and production; production of wine, brandy and brandy spirits; livestock sales facilities; grain elevators and bulk storage of feed grain; fertilizer production, sales, mixing, storage and blending; sales or maintenance of farm implements and related equipment; and transportation-related activities primarily serving the basic agricultural industry. Any outside storage or display areas in conjunction with the above commercial and related uses may be permitted by the Plan Commission after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall the area be closer than 25 feet to any right-of-way.
- 12) Business Signs. Signage for approved business on A-4 provided the sign is located at least five feet from property lines.
- 13) Off-season storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes in the A-4 district. Any outside storage or display areas in conjunction with this use may be permitted by the Plan Commission after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.
- 14) Hunting and Fishing Clubs. Hunting and fishing club land without structures in the A-1, A-2, and A-3 districts.
- 15) Retail sales. Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items are subject to detailed plan approval by the Plan Commission.

Sec. 27-81. Recreational and Related Uses.

Except where specifically permitted as a principal use in Division 3, the following recreational related uses shall be conditional uses and may be permitted, as specified.

- 1) Golf courses and country clubs in all residential and park districts, the C-2 conservancy district, and the B-5 district.

- 2) Hunting and fishing clubs in the A-2, C-1, C-2, and P-1 districts.
- 3) Ski hills in the A-2, A-3, P-1, P-2, C-2, and B-5 districts.
- 4) Yachting clubs and marinas in the P-1, P-2, C-1, C-2, B-4, and B-5 Districts.
- 5) Recreational camps in the A-2, P-1, P-2, C-1, and C-2 districts subject to the State of Wisconsin regulations and such other regulations as the Plan Commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
 - a) Yards. There shall be a yard on each side of a recreational camp as follows:
 - b) Street Yard: Minimum 100 feet.
 - c) Rear Yard: Minimum 100 feet.
 - d) Side Yard: Minimum 50 feet.
 - e) Screening. There shall be a condition of the granting of the permit for a recreational camp, and a continuing condition for the operation of the same, that the natural vegetation of the area, including grass, flowers, shrubs, and trees, be allowed to grow and develop in all required yards, except noxious plants, weeds, and trees, or that vegetation of equivalent density be planted therein so as to provide a natural screen between a camp and neighboring areas and so that required yards shall be unused and unusable for general purposes of camp operation.
 - f) Off-street parking: Off-street parking shall be provided on the premises of any such recreational camp, but not in any required yard, equal to not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operated in connection with such camping.
 - g) Sewage disposal: Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by Wisconsin Administrative Code Chapter DHS 178 and constructed and maintained as required by the county sanitary ordinance.
 - h) Water supply: Where public water is not available, the well or wells supplying any camping area shall comply with Wisconsin Administrative Code Chapter DHS 178, except that well pits or pump pits shall not be permitted.
- 6) Public or private campgrounds in the P-1, P-2, and C-1, C-2 and B-5 districts subject to the regulations of Wisconsin Administrative Code Chapter DHS 178 and such other regulations as the Plan Commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
 - a) Camping area location. The temporary accommodation of persons providing their own means of shelter is permitted only in the locations approved on the site plan, as required under Section 27-163 of this ordinance. In approving such locations, the Plan Commission shall view the proposed site and consider the general purpose and intent of this zoning ordinance to promote the public health, safety, and general welfare and to prevent overcrowding and the development of unhealthful or unsanitary conditions on the premises. Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited.
 - b) Within the camping areas approved on the site plan, every camping unit shall be located on a generally well-drained ground, and no camping unit nor any building or structure related to the

operation of such camping area shall be located on ground on which storm or other surface waters accumulate or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barn yard or other source of pollution. No camping unit shall be located more than 400 feet from a toilet or service building.

- c) Camping unit definition. Camping unit as used in this section shall mean any "recreational vehicle," including travel trailer, pick-up coach, motor home, camping trailer, and tent. A camping unit shall not exceed a maximum living area of 400 square feet.
- d) Minimum camping unit site area. There shall be not less than 4,000 square feet of land per camping unit exclusive of required yards, parking lots, and areas devoted to permanent buildings and their grounds. Camping unit site areas shall be located and spaced at least 75 feet center to center. No camping unit shall be located within 50 feet of any other camping unit. Group camping shall be permitted only in an area designated for such use on the approval site development plan. Automobiles, except self-propelled camping units, shall not be parked in any such designed group camping area except for loading and unloading purposes.
- e) Yards. A yard shall be provided along each side of the camp except that part which fronts on a lake or stream course.
- f) Street Yard: Minimum 100 feet.
- g) Rear Yard: Minimum 100 feet.
- h) Side Yard: Minimum 50 feet.
- i) Screening. It shall be a condition of the granting of the permit for such camp and a continuing condition for its operation, that the natural vegetation, including grasses, flowers, shrubs, and trees, be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein, so as to provide a natural screen between such camp and adjacent properties.
- j) Off-street parking. Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than one parking space for each camping unit. Each such parking space shall be not less than 12 feet in width and of a length sufficient to accommodate the longest vehicle or vehicles to be parked therein.
- k) Water supply. There shall be an adequate source of pure water with supply outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet rooms.
- l) Sewage disposal. Sanitary sewage and waste disposal facilities shall be provided as required by the Wisconsin Administrative Code, Chapter H 78, and constructed and maintained as required by the sanitary ordinance.
- m) Drives and walkways. There shall be a system of driveways and walkways connecting every camp unit within any camping area with a public street or highway. Such driveways shall be not less than 16 feet in width and such walkways shall be not less than 5 feet in width. All driveways,

walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Driveways shall be well lighted at night and shall be unobstructed at any time.

- n) Maintenance: It shall be a condition on the granting of a permit for the camping area, and a continuing condition for the operation of the same, that:
 - i. Drainage of the area shall be maintained and camping units placed on well drained ground.
 - ii. Required yards shall be maintained.
 - iii. Water supply, sanitary sewage, and waste disposal facilities shall be maintained.
 - iv. Driveways, walkways, and parking areas shall be maintained.
 - v. All requirements of Wisconsin Administrative Code Chapter H 78 shall be met and maintained.
 - o) Permit renewal. Any conditional use permit issued for a campground, including permits issued to existing operations, shall be in effect for a one-year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the village Plan Commission after a public hearing.
 - p) Existing operations. Within 60 days after the effective date of this ordinance, all existing campground operations shall be required to register with the Zoning Administrator, and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data maps showing existing campground layout, and such other data as may be necessary to enable the Zoning Administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the Zoning Administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in this ordinance. Notwithstanding the foregoing, however, the Zoning Administrator may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit on his own motion.
- 7) Planned campground developments. Planned campground developments are conditional uses in the B-5 zoning district subject to the regulations of Wisconsin Administrative Code DHS 178, and such other regulations as the Plan Commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
- a) Planned campground development area location. In approving such locations, the Plan Commission shall view the proposed site and consider the general purpose and intent of this zoning ordinance to promote the public health, safety, and general welfare and to prevent overcrowding and the development of unhealthful or unsanitary conditions on the premises.
 - b) Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited. Compliance with this requirement shall be the responsibility of the campground association.

- c) Within the camping areas approved on the site plan, every camping unit shall be located on generally well-drained ground, and no camping unit or any building or structure related to the operation of such camping area shall be located on ground on which storm or other surface waters accumulate, or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barn yard or other source of pollution.
- d) Camping unit definition. Camping unit as used in this section shall mean any "recreational vehicle," including travel trailer, pick-up coach, motor home, camping trailer and park model. A camping unit shall not exceed a maximum living area of 400 square feet. All camping units shall remain mobile. The original wheel assembly shall not be removed, wheels shall be in contact with the pad, the pad shall not exceed 6" above the original grade, and the unit shall not be installed upon footings or a foundation.
- e) Perimeter yards. There shall be a buffer yard on all sides of a planned campground development as follows:
 - i. Street Yard: Minimum 100 feet.
 - ii. Rear Yard: Minimum 100 feet.
 - iii. Side Yard: Minimum 50 feet.
- f) Screening. There shall be a condition, if granting the permit for a planned campground development and a continuing condition for the operation of the same, that the natural vegetation of the area, including grass, flowers, shrubs and trees be allowed to grow and develop in all perimeter yards (except noxious plants, weeds and trees), or the vegetation of equivalent density be planted therein so as to provide a natural screen between the campground and neighboring areas and so that perimeter yards shall be unused and unusable for general purposes of the camp operation.
- g) Off-street parking. Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than one parking space for each camping unit plus one additional parking space for each motor vehicle operating in connection with such camping, but not to be located in any required yard. Each such parking space shall not be less than 12 feet in width and of a length sufficient to accommodate the longest vehicle or vehicles to be parked therein.
- h) Sewage disposal. Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by DHS 178 and Chapter COMM 83 of the Wisconsin Administrative Code and constructed and maintained as required by the county sanitary ordinance. No camping unit shall be located more than 400 feet from a toilet or service building.
- i) Water supply. There shall be an adequate source of pure water with water outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with DHS 178 and the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet rooms.
- j) Interior roadways and walkways. There shall be a system of roadways and walkways connecting every unit within any camping area with a public street or highway. Such roadways shall be not

less than 16 feet in width and such walkways shall be not less than 5 feet in width, unless by means of a conditional use permit, the width of the roadway(s) or walkway(s) within the planned campground are modified by the village Plan Commission. All roadways, walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Roadways shall be well lit at night and shall be unobstructed at all times.

- k) Interior setback requirements.
 - i. Ten-foot street yard setback requirement from edge of pavement of the interior roadways. (Corner lots require two street yard setbacks.)
 - ii. Five-foot side yard setback requirement.
 - iii. Five-foot rear yard setback requirement.
- l) Storage shed.
 - i. The storage shed shall be freestanding in its construction.
 - ii. Maximum size not to exceed 100 square feet.
 - iii. Height not to exceed ten feet from original grade to peak.
 - iv. If located in the rear yard shall be located at least three feet from lot lines.
 - v. If located in the street yard shall be located at least ten feet from the pavement of the interior roadway and five feet from the side lot line.
 - vi. If located in the side yard shall be located at least five feet from the lot lines.
 - vii. If located in the shore yard shall be located at least 5 five feet from the side property line and 75 feet from the ordinary high-water mark.
- m) Structures. (Including but not limited to enclosures, porches, decks, gazebos, and stairways.)
 - i. The structure shall be freestanding in its construction. A nonpermanent weather/storm seal may be used to adjoin the camping unit to the enclosure, deck, and/or gazebo. Structures shall be required to maintain the interior setback requirements as listed above.
 - ii. HVAC, plumbing, and electrical shall be subject to all applicable codes.
 - iii. Height not to exceed 17 feet or the height of the ridge line of the camping unit's original roof, whichever is less. A combination of structures not to exceed the size/square footage of the existing camping unit is permitted subject to meeting setback requirements.
- n) Maintenance. It shall be a condition on the granting of a permit for the camping area, and the continuing condition for the operation of the same, that:
 - i. Drainage of the area shall be maintained and camping units placed on well drained ground.
 - ii. Required yards shall be maintained.

- iii. Water supply, sanitary sewage, and waste disposal facilities shall be maintained.
 - iv. Roadways, walkways, and parking areas shall be maintained.
 - v. All requirements of Chapter DHS 178 of the Wisconsin Administrative Code shall be met and maintained.
- o) Permit renewal. Any conditional use permit issued for a planned campground development, including permits issued to existing operations, shall be in effect for a one-year period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the Plan Commission after a public hearing.
 - p) Existing operations. All existing campground operations shall be required to register with the Zoning Administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership date, maps showing existing campground layout, and such other data as may be necessary to enable the Zoning Administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the Zoning Administrator to such existing operations for the extent of the existing operation only. Any site within the existing operation which does not comply with this registration requirement shall be required to meet current ordinance requirements.
- 8) Cultural activities. Cultural activities such as aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetaria, and zoos in the P-1, P-2, and B-5 districts.
 - 9) Amusement activities. Amusement activities such as fair grounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers in the P-1 and B-5 districts.
 - 10) Public assembly uses. Public assembly uses such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums in the P-1, P-2, B-2, B-3, B-4 and B-5 districts.
 - 11) Commercial stables. Commercial stables in the A-2, C-2, P-1, P-2, and B-5 districts.
 - 12) Sports activities. Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks in the P-1, P-2 and B-5 districts.
 - 13) Commercial recreation facilities. Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, race tracks, rifle ranges, Turkish baths, skating rinks, and theaters in the B-2, B-3, B-4 and B-5 business districts.
 - 14) Storage facilities. Off-season storage facilities for boats and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes in the B-1, B-2, B-3, B-4, M-1, M-2, and A-4 districts. Any outside storage or display areas in conjunction with this use may be permitted by the Plan Commission after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.
 - 15) Lodging facilities. Hotels, motels, and bed and breakfasts in the B-1, B-2, B-3, B-4, and B-5 districts.

Sec. 27-82. Residential and Related Uses.

Except where specifically permitted as a principal use in Division 3, the following residential and quasi-residential uses shall be conditional uses and may be permitted as specified.

- 1) Conservation development design. Conservation development design projects existing at the effective date of this ordinance that were previously approved under Walworth County zoning regulations are conforming conditional uses.
- 2) Planned unit developments in all districts, provided that no planned unit development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations, excluding exterior district setback requirements, may be modified provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions.
- 3) The following district regulations may be modified by the Plan Commission but never below the following minimums:

Area	Area (sewered)	Minimum of 2/3 of the minimum lot area for the district in which located
	Area (unsewered)	Minimum 20,000 sq. ft. and adequate sanitation
Width	Width (sewered)	Minimum of 2/3 of the minimum lot width for the district in which located
	Width (unsewered)	Minimum consistent with conservation design standards or 2/3 of the minimum lot width for the district in which located
Yards	Street: (Interior)	Minimum 10 feet
	Rear	Minimum 5 feet or 10 feet separation
	Side	Minimum 5 feet or 10 feet separation

- 4) Fraternities, lodges, and meeting structures of a noncommercial nature in the R-4 residential and all business districts provided all principal structures and uses are not less than 25 feet from any lot line.
- 5) Rest Homes, nursing homes, home for the aged, clinics, and children's nurseries or day care centers in the R-4 residential and all business districts provided all principal structures and uses are not less than 50 feet from any lot line.
- 6) Barbering and beauty culture operations in all residential districts, not to exceed 25 percent of the total floor area. Such operations shall not involve any external alteration that would effect a substantial change in the residential character of the building.
- 7) Home occupations in the A-1, A-2, A-3, R-1, R-2, R-2A, R-3, and R-4 districts, not to exceed 25 percent of the area of any floor of a building on the parcel. Such operations shall not involve any external alteration that would effect a substantial change in the residential character of the building or parcel, may include employees, and stock and trade may be kept or sold from the premises after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance.

- 8) Mobile homes in the A-1, A-2 and A-3 districts when necessary and essential to the principal or conditional permitted use.
- 9) Two-family dwellings and multi-family dwellings in the R-4 residential district.
- 10) One residential dwelling unit in the B-1, B-2, B-3 and B-4 business districts when located detached from the principal business structure. This provision is established to provide Plan Commission review of detached residences that existed prior to 1994 and for special circumstances where a residence cannot be located within the primary business structure.
- 11) Model apartments and homes in all residential districts subject to the following:
 - a) Models may be located in all new subdivisions for a period not to exceed three years from the date of issuance of a zoning permit.
 - b) Models shall not be used as a real estate office other than incidental to showing the model dwelling.
 - c) Models shall be designed in such a manner as to blend with existing neighborhood environments.
 - d) Models shall not be open beyond 9:00 p.m.
 - e) One sign may be permitted provided, however, that it is no larger than four feet by six feet and further provided that, in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.
 - f) Models shall be completely landscaped and have a paved driveway within one year from the date of issuance of the zoning permit.
 - g) No parking lots shall be created that would not normally be found in a single-family development.
 - h) Sufficient parking shall be provided in model home driveways and may be provided on subdivision roads, but in no case shall the parking be allowed on any federal, state, county or village highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.
- 12) Bed and breakfast establishments in the A-2, A-3, A-5, C-2, C-3, R-1, R-2, and R-2A districts provided the owner of the bed and breakfast establishment resides in the establishment. No bedrooms shall be permitted to be located in an accessory structure. No bed and breakfast establishment shall have more than four bedrooms or shall be rented to no more than a total of ten tourists or transients. Individual rentals shall not exceed 14 consecutive days in length. No retail sales shall occur in a bed and breakfast establishment. No meal except breakfast is served and the breakfast is provided only to lodgers. The establishment was originally built and occupied as a single-family residence or, prior to the use as a place of lodging, was converted to use and occupied as a single-family residence. One exterior advertising sign, not exceeding nine square feet in area, may be erected on the premises.

Sec. 27-83. Commercial and Related Uses.

Except where specifically permitted as a principal use in Division 3, the following commercial and related uses shall be conditional uses and may be permitted as specified.

- 1) Drive-in theaters in the B-2 and B-5 districts provided that a planting screen at least 25 feet wide is created along any side abutting a residential district.
- 2) Drive-in establishments serving food or beverages for consumption outside the structure in the B-2, B-3 and B-4 districts.
- 3) Funeral homes in the B-2 district provided all principal structures and uses are not less than 25 feet from any lot line.
- 4) Drive-in banks in the B-2 and B-4 districts.
- 5) Vehicle sales, service, washing, and repair stations, gasoline service station, garages, taxi stands, and public parking lots, in all business districts. Car wash facilities shall be installed in such a manner as not to cause spray or run-off water to encroach upon any adjoining properties or public rights-of-way.
- 6) Boats and marine supplies, not including manufacturing, bait shops; taverns; bars, restaurants; swimming beaches; bath houses; and yachting clubs in the B-3 waterfront business district.
- 7) Automobile and truck retail services. Automobile repair services; bars, taverns, restaurants, night clubs, and dance hall; gasoline service stations; gifts, novelty and souvenir sales; service, and installation of tires, batteries, and accessories in the B-4 highway business district.
- 8) Planned commercial recreation facilities in the B-5 planned commercial recreation business district, including aircraft landing and takeoff fields; amusement parks and miniature golf courses; boat rentals and boat access sites; campgrounds; dance halls; restaurants, taverns, bars, night clubs; drive-in movies; dude ranches; fair grounds; health and recreational resorts; retail sales of antiques, books, cameras, and photographic supplies; candy, nut, and confectionery; china, glassware, and 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, and drug stores; personal services, including artists services, barber services, beauty services, dry cleaning, photographic studios, shoe repairing cleaning services, custom tailoring, and travel arranging services; go-cart tracks; golf courses and related facilities; hotels and motels; penny arcades; race tracks; riding stables; roller skating rinks; skiing and tobogganing; snowmobile trails; swimming beaches; skeet, trap, and rifle ranges; and single-family and multiple-family dwelling units when located on the same site with health or recreational resorts, provided that the transfer of any dwelling units may only include therewith a fractional interest in the site on which the dwelling unit is located.
- 9) Business directory signs exceeding three per business in all agricultural districts.
- 10) Flea markets in the A-4, B-2, B-3 and B-4 districts.
- 11) Commercial greenhouse in the A-4, C-2 (outside primary environmental corridors), and B-4 districts.
- 12) Hotels, motels, and tourist courts in the B-3, B-4, and B-5 districts.
- 13) Off-season storage facilities for boats and other recreational vehicles such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in the B-1, B-2, B-3, B-4, M-1, M-2, and A-4 districts. Any outside storage or display areas in conjunction with this use may be permitted by the Plan Commission after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.

- 14) Restaurants, supper clubs, bars, taverns, clubs, and stores licensed to sell alcoholic beverages in the B-1, B-2, B-3, B-4, and B-5 districts.
- 15) Any other specific retail store establishment, with Planning and Zoning Commission and Full Board approval. (Ord No. 2015-O-08)

Sec. 27-84. Industrial and Related Uses.

Except where specifically permitted as a principal use in Division 3, the following industrial and related uses shall be conditional uses and may be permitted as specified.

- 1) Sewage disposal plants in nonresidential districts.
- 2) Pea vineries, creameries, and condenseries in the A-4 and M-2 districts.
- 3) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lamp-black, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles, and varnish in the M-2 district.
- 4) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast in the M-2 district.
- 5) Manufacture and bottling of alcoholic beverages in the M-2 district.
- 6) Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating, enameling; forges; foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish or animal reduction, oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stock-yards; tanneries; and weaving in the M-2 district.
- 7) Outside storage and manufacturing areas in the M-1 and M-2 districts.
- 8) Wrecking, junk, demolition, automobile salvage yards and scrap yards in the M-2 district subject to the following regulations and such other regulations as the village Plan Commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
 - a) Location. Every wrecking, junk, demolition, automobile salvage yard or scrap yard shall be located at least 1,000 feet from the boundary of any residential or park district or the B-1 business district and shall further be located at least 1,000 feet from the nearest residence, not including the residence of the owner or operator of the yard.
 - b) Street yard. No wrecking, junk, demolition, or scrap yard operation shall be conducted within 150 feet of any existing or proposed street, road, or highway right-of-way line.
 - c) Screening. Every wrecking, junk, demolition, or scrap yard shall be surrounded by a suitable fence or dense evergreen planting screen which shall completely prevent a view of the yard operations from any other property or public right-of-way. Such fence or screen shall be at least

six feet in height and shall have no openings more than two inches in width other than approved entrances or exits. Such fence or screen shall be kept in proper repair at all times.

- d) Operations. All junk, scrap, salvage, and other material shall be kept within the fence or screen but shall not be piled against it.
 - e) Permit renewal. Any conditional use permit issued for a wrecking, junk, demolition, or scrap yard, including permits issued to existing operations, shall be in effect for a one-year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the village Plan Commission after a public hearing.
 - f) Existing operations. Within 60 days after the effective date of this ordinance, all existing wrecking, junk, demolition, and scrap yards in a village shall be required to register with the Zoning Administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the Zoning Administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the Zoning Administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in Sections 27-47 and 27-48. Notwithstanding the foregoing, however, the Zoning Administrator may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit on his own motion.
 - g) Revocation of permit. Upon the complaint of the Zoning Administrator or any interested person, the Plan Commission shall hold a public hearing to determine whether a wrecking, junk, demolition, automobile salvage yard or scrap yard permit shall be revoked, notice of such hearing to be given to all interested parties. After such public hearing, the Plan Commission may order the permit revoked if evidence presented at such hearing discloses that the provisions of this ordinance are being willfully violated.
- 9) Commercial service facilities, such as restaurants and fueling stations, in the M-1 and M-2 districts provided all such services are ancillary and oriented toward industrial district users and employees and other users are only incidental customers.
 - 10) Living quarters for watchmen or caretakers in the M-1 and M-2 industrial districts and the A-4 agricultural district.
 - 11) Building contractor storage yards in the B-2, M-1, M-2, and A-4 districts.
 - 12) Electric power generation plants in the M-2 district.
 - 13) Signage provisions under Section 27-86 for on-premise signs in the M-1, M-2, M-3, and M-4 zoning districts may be modified by the Plan Commission, but no sign shall be closer than five feet to any property line.
 - 14) Off-season storage facilities for boats and other recreational vehicles such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes in the B-1, B-2, B-3, B-4, M-1, M-2, and A-4 districts. Any outside storage or display areas in conjunction with this use may be permitted by the Plan Commission after considering such evidence as may be presented at the public hearing bearing

upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.

Sec. 27-85. Public and Semi-Public Uses.

Except where specifically permitted as a principal use in Division 3, the following public and semi-public uses shall be conditional uses and may be permitted as specified.

- 1) Airports, airstrips, and landing fields, excluding heliports, in all agricultural districts and the P-2 and B-5 districts, provided, in the A-1 district, the same is related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the property, and provided further that the site area is not less than 20 acres.
- 2) Heliports in all agricultural districts and the P2, B-2, and B-5 districts, provided that in the A-1 district, the same is related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the property, and provided further that the principal structures and uses are not less than 100 feet from any residential district boundary.
- 3) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in all districts.
- 4) Utilities in all districts provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial which will require a 10-foot setback. Utilities required to obtain a certificate of convenience and public necessity from the Wisconsin Public Service Commission or those utilities required to obtain a Federal Energy Regulatory Commission certificate shall be exempt from obtaining a conditional use permit.
- 5) Public passenger transportation terminals such as bus, taxi, and rail depots, except airports, airstrips, and landing fields, are allowed in the B-2, B-3, and B-4 districts, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- 6) Public, parochial, and private elementary and secondary schools in all residential, business, agricultural, and park districts, provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
- 7) Churches in all residential, business, agricultural, and P-1 districts, provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
- 8) Sanitariums; religious, charitable, penal and correctional institutions, cemeteries, and crematories in the P-2 and B-2 districts, provided all principal structures and uses are not less than 50 feet from any lot line.
- 9) Hospitals in the B-2, B-3, and B-4 districts provided all principal structures and uses are not less than 50 feet from any lot line.
- 10) Lake management facilities and activities including equipment and vehicles used in lake weed harvesting and off-loading activities in the P-1 and P-2 districts.

Sec. 27-86. Mineral Extraction and Related Uses.

- 1) Mineral extraction related uses in the M-3 Mineral Extraction District, including aggregate or ready-mix plants; clay, ceramic, and refractor minerals mining; crushed and broken stone quarrying; mixing of asphalt; nonmetallic mining services; processing of top soil; sand and gravel quarrying; washing, refining, or reprocessing of rock, slate, gravel, sand, or mineral; and the extension of any existing mineral extraction related uses.
- 2) All of the above stated mineral extraction and related uses shall be subject to the following regulations and such other regulations as the Plan Commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
 - a) Plat of survey. Submittal of a plat of survey showing, as appropriate, the data and information set forth in Section 27-58, topographic data (minimum contour interval of five feet vertical), existing natural resource base data, the location of existing and proposed access roads, the depth of existing and proposed excavations, and an approved reclamation plan.
 - b) Operations plan. Submittal of an operations plan, including at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; reclamation plan, and proposed hours of operation.
 - c) Restoration plan. Submittal of a restoration plan, which shall include all pertinent data related to proposed restoration of the site. Elements of the plan may include identification of natural features to be protected, proposed final contours (minimum contour interval of five feet vertical), type of fill, depth of restored topsoil, planting or reforestation, sodding or seeding, timing and completion data, or any other data applicable to the subject site. The restoration plan shall conform to the standards specified by the applicable conservation standards.
 - d) Permit duration. Any conditional use permit issued for a mineral extraction or related use under this section shall be in effect for a time period that shall be specified on the approved operations plan. Any variances in operations from those specified under the operations plan, or any expansion of an approved mineral extraction site or operation, shall require a new conditional use permit in accordance with the procedures set forth in Sections 27-58 and 27-59. In this context, the term "expansion" shall refer both to new geographical areas of operation and to new or different operational methods and procedures.
 - e) Existing operations: Within 60 days after the effective date of this ordinance, all existing commercial mineral extraction uses in the village shall be required to register with the Zoning Administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the Zoning Administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the Zoning Administrator to such existing operations for the extent of the existing operation only. Notwithstanding the foregoing, however, the Zoning Administrator may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit on his own motion. Noncommercial mineral extraction sites where all extracted material is used on-site by the property owner are exempt from the foregoing registration requirement.

Sec. 27-87. Sanitary Landfill Uses.

- 1) Sanitary landfill operations and incinerators in the M-4 Sanitary Landfill District. All such operations shall be subject to the following regulations and such other regulations as the Plan Commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
 - a) Uses to comply with Wisconsin Administrative Code, applicable state statutes and Walworth County Solid Waste Management Plan. All sanitary landfill operations must be conducted in strict accordance with the provisions of the Wisconsin Administrative Code and Wis. Stats. Ch. 289. Any proposal must also demonstrate its compatibility with the Walworth County Solid Waste Management Plan.
 - b) Plat of survey. Applicants shall submit a plat of survey showing, as appropriate, the data and information set forth in Section 27-58, topographic data (minimum contour interval two feet), existing natural resource base data, the location of existing and proposed excavation and fills. Subsurface investigation: Including subsoil description and groundwater depth and movement.
 - c) Operations plan. All applications shall submit an operations plan that shall include at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of the water to be used; a description of proposed leachate, litter, noise, rodent and dust control procedures; and proposed hours of operation.
 - d) Restoration plan. All applications shall submit a restoration plan showing at least proposed contours (minimum contour interval of two feet), a type of fill depth of restored topsoil, planting or reforestation, and timing and completion date.
 - e) Permit renewal. Any conditional use permit issued for a use permitted in this section, including permits issued to existing operations, shall be in effect for a specified time period, but not to exceed two years. Such permit may be renewed upon application for successive periods, not to exceed two years each. Modifications to previous conditions or additional conditions may be imposed upon application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the village Plan Commission after a public hearing.
 - f) Existing operations. Within 60 days after the effective date of this ordinance, all existing sanitary landfill operations in a village shall be required to register with the Zoning Administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the Zoning Administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the Zoning Administrator to such existing operations for the extent of the existing operations only. Notwithstanding the foregoing, however, the Zoning Administrator may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit on his own motion.

Sec. 27-88. Recycling Facilities.

- 1) Recycling facilities in the P-1, P-2, M-1, M-2, M-3, and M-4 Districts. Recycled materials are not to be stored longer than six months on property. Materials are to be containerized or stored in buildings. The following information will be required as part of the conditional use application:

- a) A legal description of the property and the facility boundaries.
- b) The present ownership of the proposed facility property.
- c) Surrounding land uses.
- d) The area served, including population.
- e) The consistency of facility development with area wide solid waste plans and land use plans.
- f) The types of vehicles and access routes used to transport solid waste to and from the facility.
- g) The persons responsible for facility construction and operation.
- h) Any additional procedures for the control of dust, odors, fire, vermin, insects, rodents, filth, and windblown materials, if appropriate.
- i) The names and locations of all solid waste disposal facilities at which solid waste will be disposed.
- j) Overall facility layout.
- k) Potential markets for the recyclables.
- l) A timetable for construction and operation.
- m) The tentative operating schedule for the facility.
- n) Provisions for protection of groundwater and surface waters during facility construction and operation.
- o) An estimate of the quantities and characteristics of the waste to be processed.
- p) A discussion of operating personnel responsibilities; hours of operation; methods of controlling fire, odors, and windblown materials; methods of controlling access; persons responsible for operation and record keeping; names of facility licensee and owner; record keeping; and names and locations of solid waste disposal facilities at which any waste generated by the recycling operation will be disposed.

Sec. 27-89. Revocation of Conditional Use Permits.

- 1) *Basis for revocation.* The Plan Commission may revoke a conditional use permit upon making one of the following findings:
 - a) The owner/applicant of such site fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the conditional use permit.
 - b) The owner/applicant has failed to comply with the conditions of approval imposed.
 - c) If the Plan Commission approved the conditional use for a specified amount of time with a known expiration date, then the conditional use shall be automatically revoked upon passing of the

expiration date without implementation of the revocation process. The property owner may petition for an extension of the conditional use prior to the expiration date.

- d) Conditional use permits that have not been actively exercised on a yearly basis since issuance may be subject to dismissal without prejudice. Dismissal without prejudice shall occur without implementation of the revocation process. In order to dismiss a conditional use without prejudice the Zoning Administrator or designee shall provide certified notice to the current property owner indicating dismissal of the conditional use shall occur after 60 days of the notice. The notice shall state that the dismissal is the result of the owner's failure to actively exercise the conditional use activity on a yearly basis. The property owner may contest the dismissal by providing a written request of appeal before the Village Plan Commission within 30 days of the notice issuance. It shall be the responsibility of the property owner to verify the continued conditional use activity on a yearly basis before the village Plan Commission. The owner shall be required to pay an associated review fee as established by the village Plan Commission. Conditional use permits for livestock operations may be dismissed without prejudice according to the same notice procedure stated above if the permit holder fails to do the following within two years after issuance: begin populating the new or expanded livestock facility; begin construction on all of the new structures proposed by the permit.

2) *Revocation process*

- a) The owner/applicant of such site shall be notified by certified mail of noncompliance by the Zoning Administrator.
- b) The owner/applicant shall comply with such notice within 30 days to the satisfaction of the Zoning Administrator.
- c) If compliance is not obtained within 30 days, the Zoning Administrator shall notify the Plan Commission of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)
- d) The Zoning Administrator shall petition the Village Board for a public hearing before the Plan Commission following publication of a class 2 notice in the legal newspaper of the Village of Bloomfield.
- e) A copy of a hearing notice shall be mailed certified to the owner of record of the property at least two weeks prior to the hearing date.
- f) In compliance with the procedures of a conditional use hearing, a written decision of the Plan Commission will be made.

Sec. 27-90 through Sec. 27-99. Reserved for Future Use.

DIVISION 7. TRAFFIC, PARKING AND ACCESS

Sec. 27-100. Traffic Visibility.

No obstruction such as structures, parking or vegetation shall be permitted in any district above the height of two and one-half feet above the plane through the mean centerline roadway grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located 15 feet from their point of intersection.

In the case of arterial streets, intersections, or railway intersections, the corner cutoff distances establishing the triangular vision clearance space are to be increased to 25 feet along each right-of-way line from their point of intersection.

Sec. 27-101. Loading Requirements.

In all districts adequate loading areas shall be provided and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

Sec. 27-102. Parking Requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

1) *Number of Parking Stalls*

Single-family dwellings	2 stalls for each dwelling
Mobile homes	2 stalls for each mobile home
Multi-family dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodgings and boarding houses.	1 stall for each 4 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 4 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor

Churches, theaters, auditoriums community centers, vocational and night schools, and other places of public assembly.	1 stall for each 5 seats
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 3 employees on the shift with the maximum number of employees
Financial institutions; business, governmental, and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley
Housing for the elderly	1 stall for each dwelling
	Unit plus 1 stall for every eight units for guest parking
Colleges, high schools	1 stall per employee plus 1 stall per 5 students
Elementary, middle schools	1 stall per employee
Trade schools	1 stall per 2 students
	Plus 1 stall per employee and/or teacher
Day care	1 stall per staff member
	Plus 1 stall per 5 students plus 1 space per facility vehicle
Bed and breakfast	1 stall for each guest
Commercial riding stables	1 space for each four stalls
Commercial feed lots	1 stall per employee on largest shift
Golf course	1 stall per employee on largest shift and 6 stalls per golf hole, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurants)
Golf driving range	1 stall per employee on largest work shift and 1 stall per tee
Home occupation	2 stalls in addition to requirement for residence
Model homes	4 spaces per model
Beauty salons, barber	3 spaces per chair

- 2) In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
- 3) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- 4) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for 1-and 2-family dwellings, at least 12 feet wide for commercial bed and breakfast establishments and at least 24 feet wide for all other uses.

- 5) Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
- 6) Location to be on the same lot as the principal use, or on a lot not over 400 feet from the principal use. Parking stalls and interior driveways located in the A-4, P-1, P-2, R-4, B-1, B-2, B-3, B-4, B-5, M-1, and M-2 districts shall be located at least 25 feet from any public right-of-way. No parking stall or driveway is permitted within the shore yard.
- 7) All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- 8) Curbs and barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- 9) Uses existing on the effective date of this ordinance which do not have the required amount of parking space shall not further reduce said space; and no expansion of the use shall be permitted, unless additional parking spaces in compliance with the setback requirements and equal to the parking requirement for the expansion are provided as part of the expansion.
- 10) Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces in compliance with the setback requirements and equal to the difference in required parking spaces between the existing use and the proposed use.
- 11) Parking areas existing on the effective date of this ordinance which do not meet the setback requirements may be continued as established. Once the parking area has been changed so as to comply with the provisions of this ordinance, it shall not revert back. If the parking area is discontinued or terminated for a period of 12 months, any future use shall conform to the provisions of this ordinance.

Sec. 27-103. Driveways.

- 1) All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements: *(Refer to Village of Bloomfield Municipal Code Section 22.30 (1) for permitting regulations.)*
 - a) Openings for vehicular ingress and egress shall not exceed 35 feet at the property line.
 - b) Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels, funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, hospital, park playground, library, or other place of public assembly.

Sec. 27-104. Highway Access.

- 1) No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, or to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

- 2) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
- a) Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or intersection streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - b) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - c) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
 - d) Temporary access to the above rights-of-way may be granted 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.

Sec. 27-105 through Sec. 27-109. Reserved for Future Use.

DIVISION 8. SIGNS

Sec. 27-110. Purpose.

Depending on their size, number and character, signs either provide useful information or detract from the quality of life for residents and attractiveness of the municipality. Large and tall signs threaten scenic beauty and distract motorists. Therefore, the purpose of this division is to protect public health, safety and welfare and specifically to promote the safety of public travel on roads. In addition, it is the intent of the Village of Bloomfield to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. This division is authorized, in part, by Wis. Stats. 60.62 and 62.23.

Sec. 27-111. General Requirements.

- 1) All signs are prohibited in any zoning district, except as provided by ordinance.
- 2) Back-to-back signs shall constitute one sign within the meaning of this Division.
- 3) All parts of a sign shall meet the setbacks as provided herein.
- 4) All signs are prohibited from being illuminated except those specifically provided for in this ordinance.
- 5) No sign shall contain, include or be illuminated by a flashing or moving light or be composed of any animated part, except as exempted under law.
- 6) Illuminated signs shall be effectively shielded so as to prevent beams of light from being directed on any adjoining property or portion of a street or road or to impair the vision of any motorist. All such signs shall conform to the electrical code.
- 7) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- 8) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
- 9) No sign shall encroach in any street or highway right-of-way.
- 10) In the case of signage not enumerated, the provision governing a sign that is similar shall apply.
- 11) Billboards are prohibited within 2,000 feet of any state designated rustic road.
- 12) The owner of any sign shall keep it in sound condition, well maintained and in good appearance and repair and shall maintain the premises on which the sign is located in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, refuse, debris and weeds.
- 13) Abandoned signs shall be promptly removed by the owner of the property upon which said abandoned sign is located.

Sec. 27-112. Existing Signs.

Signs lawfully existing at the time of the adoption or amendment of this Division may be continued although the use, size or location does not conform to the provisions of this Division. Such signs shall be subject to the nonconforming use or substandard structure provisions of Section 27-119 and Division 9, as applicable.

Sec. 27-113. Permit Required.

No person shall locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign without first obtaining a zoning permit, except as provided herein, and without being in conformity with the provisions of this article.

Sec. 27-114. Signs Permitted in All Zoning Districts.

The following signs may be erected, placed, posted or exhibited in any zoning district without a permit and subject to the conditions herein specified, and shall not be included in the determination of type, number or area of signs allowed in any zoning district:

- 1) Name, occupation and warning signs not over two square feet in area, provided the same is limited to one for each premise and the same is located at least five feet from the outer limit of the street or highway right-of-way.
- 2) Real estate signs, single or double faced, not over 9 square feet in area and 6 feet in height on property in residential zones and 32 square feet or less and 6 feet in height on property in nonresidential zones, provided there is no more than 1 sign for each premise and it is located at least 5 feet from the street or highway right-of-way, 10 feet from the side property lines and 50 feet from any intersection.
- 3) Directional signs not over 2 square feet in area provided such sign is located at least 50 feet from any intersection and 5 feet from the street or highway right-of-way. Each institution erecting such signs shall be limited to three in number.
- 4) "No Hunting" and "No Trespassing" signs provided the sign does not exceed two square feet in area.
- 5) Memorial signs, tablets, names of buildings and the date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- 6) Recreational signs within a village park not over nine square feet in area, six feet in height and located at least five feet from the street or highway right-of-way and ten feet from any intersection.
- 7) Any federal, state or local government sign, without limitation.
- 8) Official signs such as traffic control, parking restrictions, warning, information, and notices as required by law.
- 9) Window signs placed on the inside of commercial buildings provided such sign does not exceed 25 percent of the glass pane upon which the sign is displayed. Such signs may be illuminated and may be changeable copy when the building is open for business.

- 10) A sign appurtenant to a home occupation or daycare, limited to 1 one sign per parcel and provided said sign does not exceed 9 square feet in area and 6 feet in height, is located at least 5 feet from the street and highway right-of-way at least 10 feet from a side property line, and 50 feet from any intersection.
- 11) A sign appurtenant to a bed and breakfast establishment limited to 1 sign per parcel and provided that said sign does not exceed 9 square feet in area and 6 feet in height, is located at least 5 feet from the street and highway right-of-way, at least 10 feet from a side property line, and 50 feet from any intersection.
- 12) A sign appurtenant to a community-based residential facility limited to 1 sign per parcel and provided that said sign does not exceed 9 square feet in area and 6 feet in height, is located at least 5 feet from the road and highway right-of-way, at least 10 feet from a side property line, and 50 feet from any intersection.
- 13) Rummage/garage sale signs. Rummage or garage sale signs not to exceed 9 square feet in area and 6 feet in height, provided that such signs are limited to 72 hours per sale. A maximum of three such signs shall be allowed off premises.
- 14) Except as may be necessary to ensure traffic or pedestrian safety, the provisions of this Division do not apply to signs containing political messages erected on property during election campaign periods. Such signs shall not be located within 50 feet of an intersection. The person or organization responsible for the erection or distribution of any such sign and the owner of the property upon which the sign is located shall cause the same to be removed within 72 hours following the election campaign period.

Sec. 27-115. Signs Permitted in All Agricultural and Conservation Districts.

The following on-premise ground signs may be erected, placed or posted in the A-1, A-2, A-3, A-4, A-5, C-2, and C-3 districts without a permit and subject to the conditions herein specified:

- 1) Agricultural signs pertaining to the sale of products actually grown on a farm or to membership in agricultural or agricultural-related organizations which shall not exceed 24 square feet in area for any 1 sign, provided that no more than 2 signs are permitted on any 1 farm, shall not exceed 6 feet in height, such signs are located at least 5 feet from the street or highway right-of-way, are at least 10 feet from a side property line, such signs are more than 50 feet from any intersection, and are located on the same premises as the products for sale.
- 2) An on-premise business sign on lands zoned A-4 reviewed and approved as part of a conditional use process provided the sign is located at least five feet from all property lines.
- 3) A sign appurtenant to an approved conditional use limited to 1 sign per parcel and does not exceed 9 square feet in area, is located at least 5 feet from the road right-of-way, at least 10 feet from a side property line, and shall not exceed 6 feet in height, and shall be located at least 50 feet from any intersection.
- 4) Seasonal signs not to exceed 9 square feet in area. Such signs shall be located at least 5 feet from the road right-of-way, at least 10 feet from a side property line, shall not exceed 6 feet in height, and shall be located at least 50 feet from any intersection.

Sec. 27-116. Temporary Signs or Banners.

The following signs may be placed, posted or exhibited in any zoning district without a zoning permit and subject to the conditions herein specified:

- 1) Construction announcement signs not to exceed 32 square feet in area and 6 feet in height which announce new subdivisions, new industrial parks and similar facilities, provided the sign is located on the premises where the new facility is located. One sign is permitted per facility and the sign is located at least 5 feet from the outer limits of the street or highway right-of-way, and at least 50 feet from any intersection. For the purposes of this provision, a temporary construction announcement sign is one that will be used for no more than one year;
- 2) A sign pertaining to drives or events of civic, philanthropic, educational, religious, or nonprofit organizations of not more than 12 square feet and 6 feet in height may be erected, placed, posted or exhibited in any district provided the sign is located at least 5 feet from the street or highway right-of-way and at least 75 feet from any intersection. For the purposes of this provision, a temporary drive or event sign is one that will be used for no more than 30 days and not more than 4 events per calendar year shall be allowed; events may not be consecutive and at least 30 days shall have elapsed between events.

Sec. 27-117. Signs Permitted in All Zoning Districts.

- 1) The following on-premise signs may be erected, placed or posted in all districts with a permit and subject to the conditions herein specified:
 - a) Churches or schools.
 - i. Signs shall not exceed 25 square feet in area.
 - ii. Signs shall be setback a minimum of five feet from all property lines.
 - iii. Signs shall be located at least 50 feet from any intersection.
 - iv. Signs shall not exceed six feet in height.
 - v. Changeable copy panels are permitted.
 - vi. Only two permanent signs are permitted per church or school, only one of which may be a monument style sign and only one of which may be a wall or awning style sign. This wall sign may only display the name of the church or school.
 - vii. May be illuminated but shall be extinguished by 11:00 p.m.
 - viii. Score boards do not require permits and may only be illuminated during game times.
 - b) Permanent subdivision or development signs.
 - i. Signs shall not exceed 25 square feet in area.
 - ii. Signs shall be setback a minimum of five feet from all property lines.
 - iii. Signs shall be located at least 50 from any intersection.

- iv. Signs shall not exceed six feet in height.
 - v. Only one sign which may be a monument style sign is permitted.
 - vi. Such sign shall only be used to identify the subdivision name.
- 2) Nonconforming business signs. Signs (including but not limited to changeable copy) over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length. Such signs may be illuminated only when the building is open for business.

Sec. 27-118. Signs Permitted in Certain Business, Industrial and Park Districts.

The following illuminated and changeable copy on-premise signs may be erected, placed or posted in all B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4, P-1, and P-2 districts with a permit and subject to the conditions herein specified, unless reviewed and modified by the Plan Commission through the conditional use process:

- 1) Wall signs not exceeding 200 square feet in display area for any one premise.
- 2) Projecting signs not exceeding 100 square feet in display area on all sides for any one premise. Projecting signs shall be located not less than 10 feet from all lot lines, shall not extend more than 6 feet in any required yard, and shall not exceed 20 feet in height.
- 3) Freestanding signs, limited to one sign per parcel, provided the height of sign does not exceed 30 feet and further provided said sign is located no closer than 5 feet from a right-of-way, is no closer than 10 feet from a side lot line, 50 feet from any intersection, and does not exceed 100 square feet in display area on any 1 side nor 200 square feet in display area on all sides.
- 4) The following off-premise/billboard signs may be erected, placed or posted in all B-1, B-2, B-4, M-1, and M-2 districts, with a permit, and subject to the conditions specified herein. No billboard shall:
 - 5) Be located within 50 feet of the existing or proposed right-of-way of any federal, state or county trunk highway or any village road or any street measured horizontally along a line normal or perpendicular to the center of the highway.
 - 6) Be located within a 2,000-foot radius of any other off-premises sign, within 2,000 feet of any intersection, within 2,000 feet of the property line of any airport, airfield or landing strip, within 2,000 feet of any state designated rustic road or within 2,000 feet of an allowable district boundary.
 - 7) Exceed 15 feet in height above the mean centerline street grade and not exceed 32 square feet on one side, or 64 square feet on all sides of any one sign.
 - 8) Notwithstanding the foregoing, in no case shall the total square footage of signage on any parcel exceed 400 square feet unless an on-premise sign is modified by the Plan Commission.

Sec. 27-119. Nonconforming Signs.

Signs eligible for characterization as legal nonconforming. Any sign located within the village limits on January 13, 2010 that does not conform with this article is eligible for characterization as a legal nonconforming sign and is permitted, providing it meets the following requirements:

- 1) The sign was covered by a proper sign permit prior to January 13, 2010.
- 2) If no permit was required under the applicable law for the sign in question and the sign was, in all respects, in compliance with applicable law on January 13, 2010.
- 3) Loss of legal nonconforming status. A sign loses its nonconforming status if one or more of the following occurs:
 - a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this article than it was before alteration.
 - b) The sign is relocated.
 - c) The sign fails to conform to the village requirements regarding maintenance and repair, abandonment, or dangerous or defective signs.
- 4) Nothing in this article shall relieve the owner or use of a legal nonconforming sign or the owner of the property on which the sign is located from the sections of this article regarding safety, maintenance, and repair of signs.

Sec. 27-120. Wind Pressure and Dead Load Requirements.

All billboards, signs, and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed to receive dead loads as required in the building code or other sections of this code.

Sec. 27-121. Abandoned Billboards and Signs.

Except as otherwise provided in this article, all billboards and sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign/billboard is located when the business it advertises is no longer conducted where advertised. If the owner or lessee fails to remove the sign/billboard, the Village Board shall give the owner 60 days' written notice to remove such sign/billboard. Thereafter, upon the owner's or lessee's failure to comply, the village may remove such sign/billboard, the costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and the Village Board may take any other appropriate legal action necessary to attain compliance.

Sec. 27-122. Sign Illumination.

All illuminated sign applications require the applicant to provide the manufacturer's specifications verifying compliance with the following illumination sign requirements:

- 1) Electrical permits. All signs in which electrical wiring and connections are to be used shall comply with all applicable provisions of the State Electrical Code. No permit for the erection of a sign shall be granted prior to approval and issuance of a valid electrical permit for that sign.
- 2) Voltage Displayed. The voltage of any electrical apparatus used in conjunction with a sign shall be conspicuously noted on that apparatus.
- 3) Electrical illumination. A building or structure, along with signs, awnings and canopies attached to the building or structure, may be illuminated externally, provided that the light source is designed, located, shielded, and maintained in such a manner that it is fixed and not directly visible from any adjacent public rights-of-way or surrounding premises.
- 4) Internal illumination. Internally illuminated signs shall permit light to shine fully through the lettering and graphic element of the sign. The background for such lettering and graphic shall be opaque or translucent and shall transmit light at a level substantially less than that transmitted through the lettering and graphics. If the contrast between the lettering or graphic elements and background does not permit adequate legibility, a translucent white border of up to one inch in width may be placed around said lettering or graphic elements.
- 5) Brightness Limitation. In no instance shall lighting intensity of any illuminated sign exceed:
 - a) Three-foot candles at the front lot line and one-foot candle at all other lot lines, measured three feet above the surface of the ground.
 - b) Seventy-five-foot candles measured perpendicular to the face of the sign from a distance equal to the narrowest dimension of the sign. When the sign is located on a lot adjoining a property used exclusively for residential purposes, this limit is reduced to fifty candles.
- 6) Glare. All artificial illumination shall be designed, located, shielded, and directed so as to prevent the casting of glare or direct light upon adjacent public rights-of-way or surrounding property.

Sec. 27-123. Modification for an Off-Premise Sign Location

The Plan Commission may modify the location of an on-premise sign to an abutting parcel through conditional use review and approval. The Plan Commission shall first determine whether it is impractical to locate an on-premise sign on the parcel of concern and the proposed location on an abutting parcel must be next to the approved existing access to the parcel of concern. An on-premise sign on an approved abutting parcel shall not count as the on-premise sign for that parcel. The Plan Commission may also modify the height, setback and number of on-premise signs on abutting parcels after considering such evidence and need as may be presented at the public hearing bearing upon the general purpose and intent of this chapter and each institution erecting such signs shall be limited to three in number. A modified sign under this section shall meet all other requirements of the sign code.

Sec. 27-124. Enforcement and Penalties.

- 1) In addition to any penalty provided in this code, the Zoning Administrator shall have the authority to order the painting, repair, alteration or removal of any signs that become dilapidated, abandoned or a physical hazard to the public safety.

- 2) The Zoning Administrator shall also have the authority to immediately abate any sign of a physical hazard to public safety at the expense of the sign owner.

Sec. 27-125 through Sec. 27-129. Reserved for Future Use.

DIVISION 9. PERFORMANCE STANDARDS

Sec. 27-130. Compliance.

This ordinance permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards and all applicable standards set forth by the Wisconsin Departments of Commerce and Wisconsin Department of Natural Resources in the Wisconsin Administrative Code.

Sec. 27-131. Air Pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the Wisconsin Administrative Code.

Sec. 27-132. Fire and Explosive Hazards.

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187 degrees F.	400,000
105 degrees F. to 187 degrees F.	200,000
Below 105 degrees F.	100,000

Sec. 27-133. Glare and Heat.

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Sec. 27-134. Water Quality Protection.

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 would be likely to run, 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.

In addition, no activity shall discharge any liquid, gaseous, 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 NR Ch. 102 of the Wisconsin Administrative Code for all navigable waters in the village.

Sec. 27-135. Odors.

Except in the A-1, A-2, and A-3 districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control is set out in the Wisconsin Administrative Code.

Sec. 27-136. Radioactivity and Electrical Disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Sec. 27-137. Vibration.

No activity in any district except the M-1 and M-2 districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 or M-2 districts shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Displacements (Inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

Sec. 27-138 through Sec. 27-139. Reserved for Future Use.

DIVISION 10. NONCONFORMING USES, STRUCTURES, AND LOTS

Sec. 27-140. Existing Nonconforming Uses and Structures.

- 1) The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this ordinance may be continued although the use does not conform with the provisions of this ordinance, except that:
 - a) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted or moved.
 - b) Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50 percent of the assessed value of the structure over the life of the structure established upon application for the first zoning permit for any addition and/or alteration identifying a legal nonconforming use, unless it is permanently changed to conform to the use provisions of this ordinance.
 - c) Substitution of new equipment may be permitted by the board of adjustment if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
 - d) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this ordinance.
 - e) When a principal nonconforming structure is damaged by fire, explosion, flood or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the provisions of this ordinance.
 - f) Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use or structure. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the board.
- 2) A current file of all nonconforming uses and structures shall be maintained by the Zoning Administrator listing the following: property location, use of the structure, land, or water and assessed value of the structure.
- 3) Any addition or structural change that alters the footprint of a nonconforming structure or a structure used for a nonconforming use shall require a zoning permit issued by the Zoning Administrator.

Sec. 27-141. Existing Substandard Structures.

- 1) The use of a structure (principal and/or accessory) existing at the time of the adoption or the amendment of this ordinance may be continued although the structure's size and or location does not conform to the required yard, height, parking, loading, access, and lot area provisions of this ordinance.
- 2) Additions and enlargements to existing substandard structures (principal and/or accessory) are permitted and shall conform to the established building setback line of all side yard, street yard and rear yards, but may never be closer than five feet to any lot line, and shall conform to the required shore yard, height, parking, loading, and access provisions of this ordinance.

- 3) Existing substandard structures (principal and/or accessory) which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed to their original design (building envelope) and location (footprint), and any proposed additions and enlargements to the original design (building envelope) and/or location (footprint) shall conform with the established building setback lines of all side yard, street yard, and rear yards, but may never be closer than five feet to any lot line. Any proposed additions and enlargements shall conform to the required shore yard, height, parking, loading, and access provisions of this ordinance.
- 4) Existing substandard structures (principal and/or accessory) may be moved, removed, razed, and reconstructed, or replaced to their original design (building envelope) and location (footprint) and any proposed additions and enlargements to the original design (building envelope) and/or location (footprint) shall conform with the established building setback lines of all side yard, street yard, and rear yards, but may never be closer than five feet to any lot line. Any proposed additions and enlargements shall conform to the required shore yard, height, parking, loading, and access provisions of this ordinance.
- 5) The provisions of this section are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by public sanitary sewer.

Sec. 27-142. Changes and Substitutions.

Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the yard, height, parking, loading, and access provisions of this ordinance, it shall not revert back to a nonconforming use or substandard structure. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use for the existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and a substituted use shall become subject to all the conditions required by the board.

Sec. 27-143. Existing Substandard Lots.

In any residential, conservation, or agricultural district, a single-family detached dwelling and its accessory structures may be erected on an existing substandard legal lot or parcel of record in the Walworth County Register of Deeds Office before the effective date or amendment of this ordinance, provided such lot or parcel meets site regulation requirements of this ordinance, the sanitary ordinance of Walworth County, and the following minimum substandard lot requirements:

- 1) Lot area
 - a) Sewered lot: Minimum 7,500 square feet.
 - b) Unsewered lot: Minimum 10,000 square feet.
- 2) Lot width
 - a) Sewered lot: Minimum 50 feet.
 - b) Unsewered lot: Minimum 65 feet.

3) Side yard

a) Sewered lot: Minimum 10 feet.

b) Unsewered lot: Minimum 16 percent of the lot width on each side but not less than 5 feet from the lot line.

4) Rear yard: Minimum 25 feet.

Sec. 27-144 through Sec. 27-149. Reserved for Future Use.

DIVISION 11. EXCEPTIONS AND MODIFICATIONS

Sec. 27-150. Height Exceptions

The following uses and structures are accepted from the district height limitations provided elsewhere in this ordinance:

- 1) Special structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, substations, and smoke stacks, shall not exceed in height their distances from the nearest lot line.
- 2) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.
- 3) 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. Utility cabinets shall be setback a distance equal to two times their height from the nearest lot line.
- 4) Agricultural structures, such as barns, silos, tanks, and windmills, shall not exceed in height two times their distance from the nearest lot line.

Sec. 27-151. Yard Exceptions

The following uses and structures are accepted from the yard requirements provided elsewhere in this ordinance:

- 1) Uncovered stairs, landings, terraces, balconies, decks, and fire escapes may project into any required yard, except shore yard, but not to exceed six feet and not closer than three feet to any lot line.
- 2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard but such projection shall not exceed three feet.
- 3) Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten feet in height, shall not be closer than two feet to any existing public right-of-way, and shall be of an open type similar to woven wire or wrought iron fencing. Screening for garbage containers of a closed fence type may be permitted in all business, industrial, and park districts, except provided it does not exceed six feet in height, is not located in the street yard, and shall not be closer than ten feet to a property line.
- 4) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
- 5) Landscaping and vegetation are exempt from the yard requirements of this ordinance, except with respect to maintenance of traffic visibility as provided in Sec. 27-100.
- 6) Utility cabinets shall be setback a distance equal to two times their height from the nearest lot line.

Sec. 27-152. Reduced Street Yard Setback Exceptions

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

Sec. 27-153. Average Street Yard Exceptions

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting principal structures on each side .

Sec. 27-154. Noise Exceptions

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

Sec. 27-155. Reduced Side Yard Exceptions

The side yards may be modified down to a minimum of 16 percent of the lot width on each side for any lots having a lot width of less than 100 feet, but in no case shall it be less than 5 feet. This modification applies to unsewered districts only.

Sec. 27-156. Parking Requirement Exceptions and Modifications.

- 1) The Plan Commission may authorize exceptions to the parking standards or other requirements of Section 27-102 where the applicant can demonstrate that the proposed use will generate less parking demand than the parking standard requirements, or where an exception from the requirements would result in a site plan and development that would benefit the village and be consistent with the intent of this ordinance. An applicant requesting an exception to the parking requirements shall be required to demonstrate and document the projected parking demand based on an analysis of similar or comparable uses.
- 2) The Plan Commission may require additional parking stalls where it is determined that the proposed use is likely to generate a demand for more parking stalls than this chapter would require.
- 3) In granting exceptions to the parking standards, the Plan Commission may grant conditional exceptions, subject to future review and reconsideration.

Sec. 27-157 through Sec. 27-159. Reserved for Future Use.

DIVISION 12. PROCEDURAL REGULATIONS

Sec. 27-160. Purpose of Procedural Regulations.

The purpose of this Division is to establish the procedural requirements for reviewing applications for zoning text or map amendments, conditional use, site plan approvals, certificates of occupancy, variances, and appeals of interpretations by the Zoning Administrator.

Sec. 27-161. Procedures for Amending the Ordinance Text or Map Procedures.

- 1) *Purpose.* The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed text or map amendments to provisions of this ordinance.
- 2) *Initiation of Request for Amendment to this Ordinance.* Proceedings for amendment of the text or map of this ordinance may be initiated by any one of the following:
 - a) An owner(s) of the subject property, or their legally authorized representative(s).
 - b) A member of the Plan Commission.
 - c) A member of the Village Board.
- 3) *Application Requirements.* All applications for proposed amendments to the ordinance text or the zoning map, regardless of the party of their initiation, shall be made on application forms provided by the Zoning Administrator and shall be certified as complete by the Zoning Administrator prior to the formal initiation of this procedure. No notice of public hearing or placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred.
- 4) *Staff Meeting.* Once the application is approved as complete by the Zoning Administrator, the Zoning Administrator may schedule a meeting with village staff a minimum of two weeks from the date of complete application acceptance. Prior to any staff meeting on the site plan application, the Zoning Administrator shall forward copies of the complete application to all of the pertinent village staff.
- 5) *Review by the Zoning Administrator.* The proposed text amendment shall be reviewed by the Zoning Administrator who shall prepare a report addressing the following:
 - a) The Zoning Administrator shall evaluate the application to determine whether it is consistent and in harmony with the intent and purposes of this ordinance.
 - b) The Zoning Administrator shall evaluate the application to determine whether the requested text amendment is in harmony with the Village of Bloomfield Comprehensive Plan,
 - c) The Zoning Administrator shall evaluate whether the proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
 - d) The Zoning Administrator's report shall include relevant comments on the application from other village staff or departments.

- e) Zoning Administrator's Report. The Zoning Administrator shall forward the report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board.
- 6) *Review and Recommendation by the Plan Commission.* The Village Board shall not make an amendment to this ordinance without allowing for a Public Hearing and recommendation from the Plan Commission per the provisions of this section.
- a) The Plan Commission shall schedule a reasonable time and place for a Public Hearing to consider the amendment application. The applicant shall appear in person or be represented by an agent and/or an attorney. Notice of the proposed amendment and the Public Hearing shall conform to the requirements of Section 62.23(7) (d) of the Wisconsin Statutes AND Section 27-166 of the Bloomfield Zoning Ordinance Regulation Procedures for Public Hearing.
 - b) Within 60 days after the public hearing, the Plan Commission shall make a recommendation to the Village Board and shall state in the minutes its findings and recommendation.
 - c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application, the Village Board may proceed to act on the application. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board.
- 7) *Review and Action by Village Board.* The Village Board shall consider the Plan Commission's recommendation regarding the proposed text amendment. The board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the applicant.
- a) The Village Board shall schedule a public hearing to consider the application within a reasonable time period after receipt of the written recommendation from the Plan Commission. Notice of the proposed text amendment and the public hearing shall conform to the requirements of Section 62.23(7) (d) of the Wisconsin Statutes.
 - b) The Village Board may take final action on the application at the time of public hearing or may continue the proceedings. The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications, or may deny approval of the proposed amendment. If the Village Board wishes to make significant changes in the proposed 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 the village action.
 - c) When the Village Board takes action on the application, it shall state in the minutes and/or in the recitals of the adopting ordinance its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed text amendment outweigh any and all potential adverse impacts of the proposed amendment, after taking into consideration the proposal by the applicant and the recommendation of the Plan Commission. Any action to amend the ordinance text or map requires a majority vote of the Village 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 amendments to provisions of this ordinance.
- 8) *Effect of Denial:* No amendment 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.

Sec. 27-162. Conditional Use Permit Review and Approval Procedures.

- 1) *Purpose.* The purpose of this section is to provide regulations which govern the procedure and requirements for the review and actions on proposed conditional use permits.
- 2) *Initiation of Request for Approval of a Conditional Use Permit.* Proceedings for approval of a conditional use permit must be initiated by owner(s) of the subject property or their legally authorized representative(s).
- 3) *Application Requirements.* All applications for conditional use permits shall be made on application forms provided by the Zoning Administrator and shall be certified as complete by the Zoning Administrator prior to the formal initiation of this procedure. No notice of public hearing or placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred.
- 4) *Staff Meeting.* Once the application is approved as complete by the Zoning Administrator, the Zoning Administrator may schedule a meeting with village staff a minimum of two weeks from the date of complete application acceptance. Prior to any staff meeting on the site plan application, the Zoning Administrator shall forward copies of the complete application to all of the pertinent village staff.
- 5) *Review by the Zoning Administrator.* The proposed conditional use permit application shall be reviewed by the Zoning Administrator who shall prepare a report addressing the following:
 - a) The Zoning Administrator shall evaluate the application to determine whether it is consistent and in harmony with the intent and purposes of this ordinance.
 - b) The Zoning Administrator shall evaluate the application to determine whether the requested text amendment is in harmony with the Village of Bloomfield Comprehensive Plan.
 - c) The Zoning Administrator shall evaluate whether the proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
 - d) The Zoning Administrator's report shall include relevant comments on the application from other village staff or departments.
 - e) The Zoning Administrator shall forward the report to the Plan Commission for the Commission's review and use in making its recommendation to Village Board.
- 6) *Review and Recommendation by the Plan Commission.* The Village Board shall not make an amendment to this ordinance without allowing for a Public Hearing and recommendation from the Plan Commission per the provisions of this section.
 - a) The Plan Commission shall schedule a reasonable time and place for a Public Hearing to consider the Conditional Use Permit application. The applicant shall appear in person or be represented by an agent and/or an attorney. Notice of the proposed Conditional Use Permit and the Public Hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes AND Section 27-166 of the Bloomfield Zoning Ordinance Regulating Procedures for Public Hearing.

- b) Within 60 days after the public hearing, the Plan Commission shall make a recommendation to the Village Board and shall state in the minutes its findings and recommendation.
 - c) When the Plan Commission recommends an affirmative action on the application, it shall state in its recommendation action its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed conditional use sufficiently outweigh any and all potential adverse impacts of the proposed conditional use. Any action to recommend approval of a proposed conditional use shall be considered a recommendation on a unique request and shall not be construed as precedent for any other proposed conditional use.
 - d) If the Plan Commission fails to make a report within 60 days after the filing of said complete application, the Village Board may proceed to act on the application. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board.
- 7) *Review and Action by Village Board.* The Village Board shall consider the Plan Commission's recommendation regarding the proposed conditional use permit. The board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the applicant.
- a) The Village Board shall consider the conditional use permit application at its next regularly scheduled meeting, after receiving a recommendation on the application from the Plan Commission.
 - b) The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications, may deny approval of the proposed conditional use, or may approve the conditional use as either a regular or limited conditional use. If the Village Board wishes to approve significant changes in a proposed conditional use which result in more development than proposed at the time of public notice, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to final Village Board action.
 - c) When the Village Board takes affirmative action on the application for a conditional use permit, it shall state in the adopting resolution its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed conditional use sufficiently outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the proposal by the applicant and the recommendation of the Plan Commission. Any action to approve or allow the proposed conditional use requires a majority vote of the Village Board. The Village Board's approval of the proposed conditional use shall be considered the approval of a unique request and shall not be construed as precedent for any other proposed conditional use.
- 8) *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.
- 9) *Termination of an Approved Conditional Use.* Upon approval by Village Board, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements for initiation of development activity on the subject. Once a conditional use is granted, no site plan building permit or certificate of occupancy shall be issued for any development which does not comply with all requirements of the approved conditional use. Any conditional use found not to be in compliance with the terms of this ordinance or the terms and conditions of approval shall be

considered in violation of this ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Village Board.

- 10) *Time Limits on the Development of Conditional Use.* The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by Village Board and 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. For the purposes of this section, "operational" shall be defined as the granting of a certificate of occupancy 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 Village Board and shall be based upon a showing of acceptable justification, as determined by Village Board.
- 11) *Discontinuing an Approved Conditional Use.* Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- 12) *Change of Ownership.* All requirements of the approved conditional use shall be continued regardless of ownership of the subject property, except where limited explicitly by the Village Board. Modification, alteration, or expansion of any conditional use in violation, without approval by Village Board, shall be grounds for revocation of said conditional use permit.
- 13) *Recording of Conditional Use Permit Requirements.* Except for conditional use permit approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the applicant with the Walworth County Register of Deeds office. After recording, the applicant shall provide a copy of the recorded document to the Village Clerk.
- 14) *Pre-Existing Conditional Uses.* All uses existing at the effective date of this ordinance that were lawfully approved conditional uses under Walworth County zoning are hereby declared to be conforming conditional uses. Any proposed change to the existing use shall be subject to the conditional use procedures as if such use were being established anew. Also, any addition or alteration to existing structures or improvements which exceed 25 percent of the prior structure size or increase by 25 percent or more prior intensity of use shall be subject to the conditional use procedures as if such use were being established anew. Other than as above restricted, additions, alterations, or extensions to existing structures or improvements are not prohibited provided such changes do not result in a change in the existing use or otherwise violate any provision of applicable ordinances of the Village of Bloomfield or Walworth County.

Sec. 27-163. Site Plan Review and Approval Procedures.

- 1) *Purpose.* The purpose of this section is to specify the requirements and procedures for the review and approval of site plan applications for multifamily and commercial developments. Single and two-family homes are exempt from the requirements of this section.
- 2) *Initiation of Request for Approval of a Site Plan.* Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property or their legally authorized representative(s).

- 3) *Application for Site Plan Review.* All applications for site plan reviews shall be made on application forms provided by the Zoning Administrator and shall be certified as complete by the Zoning Administrator prior to the formal initiation of this procedure. No notice 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:

- a) Written description of the intended use describing in reasonable detail the following:
- i. Existing and proposed zoning district(s).
 - ii. Comprehensive plan future land use map designation(s).
 - iii. Current and proposed land uses.
 - iv. Projected number of dwelling units and total residents if the proposed use includes residential land uses.
 - v. Projected employees, number of daily customers, and hours of operation if the proposed use includes commercial land uses.
 - vi. Possible future expansion and related implications for i through v, above.
- b) Site plan which includes:
- i. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project.
 - ii. The date of the original plan and the latest date of revision to the plan.
 - iii. A north arrow and a graphic scale. Said scale shall not be smaller than 1-inch equals 100 feet.
 - iv. A legal description of the subject property.
 - v. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled.
 - vi. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose.
 - vii. All required building setback lines.
 - viii. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls.
 - ix. The location and dimension (cross-section and entry throat) of all access points onto public streets.

- x. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this ordinance.
 - xi. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas.
 - xii. The location of all outdoor storage areas and the design of all screening devices.
 - xiii. The location, type, height, size, and lighting of all signage on the subject property.
 - xiv. The location, height, design/type, illumination power, and orientation of all exterior lighting on the subject property.
 - xv. The location and type of any permanently protected green space areas.
 - xvi. The location of existing and proposed drainage facilities.
 - xvii. Lot area.
 - xviii. Gross area.
 - xix. Impervious surface area.
 - xx. Number of parking stalls
- c) Landscaping plan of the subject property, at the same scale as the main plan (and reduction at 11" x 17"), showing the location of existing and proposed plant materials, fencing, and berms.
 - d) Grading and erosion control plan at the same scale as the main plan (and reduction at 11" x 17") showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the following detailed requirements.
 - e) Scaled elevation drawings of each elevation of the proposed building(s) or proposed remodeling of an existing building(s) showing finished exterior treatment. Labels on the elevation drawings shall identify all exterior materials and colors and building height.
 - f) A certified survey map may be required by the Zoning Administrator in instances where he/she determines compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
- 4) *Staff Meeting.* Once the application is approved as complete by the Zoning Administrator, the Zoning Administrator may schedule a meeting with village staff a minimum of two weeks from the date of complete application acceptance. Prior to any staff meeting on the site plan application, the Zoning Administrator shall forward copies of the complete application to all of the pertinent village staff.
- 5) *Review and Recommendation by the Plan Commission.* The Village Board shall not make an amendment to this ordinance without allowing for a Public Hearing and recommendation from the Plan Commission per the provisions of this section. The Plan Commission shall schedule a reasonable time and place for a Public Hearing to consider the amendment application. The applicant shall

appear in person or be represented by an agent and/or an attorney. Notice of the proposed amendment and the Public Hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes AND Section 27-166 of the Bloomfield Zoning Ordinance Regulating Procedures for Public Hearing.

- 6) *Initiation of Land Use or Development Activity.* Except with the written permission of the Zoning Administrator, 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 ordinance and shall be subject to all applicable enforcement mechanisms and penalties.
- 7) *Modification of an Approved Site Plan.* Any and all variations or modifications of a site plan after approval shall be considered amendments of a site plan and shall require the same review and approval procedures as a new site plan application.
- 8) *Waivers of Submittal Requirements.* The Zoning Administrator may waive the certain specific application submittal requirements for site plans or site plan amendments for minor projects where the scope and scale of a project requiring site plan approval does not warrant literal interpretation of the application requirements. Any waivers of submittal requirements must be specifically described and included in any motion by the Plan Commission acting on such minor projects.

Sec. 27-164. Variance Procedures.

- 1) *Purpose.* The purpose of this section is to provide regulations which enable the village to hear and decide requests for permitted variation from the terms of this ordinance where, owing to special factors, a literal enforcement of the provisions of this ordinance would result in practical difficulty or unnecessary hardship, so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done, as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- 2) *Initiation of Request for Approval of a Variance.* Proceedings for approval of a requested variance shall be initiated by initiated by the owner(s) of the subject property, or their legally authorized representative(s).
- 3) *Application for Variances.* All applications for variances shall be made on application forms provided by the Zoning Administrator and shall be certified as complete by the Zoning Administrator prior to the formal initiation of this procedure. No notice 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 include the following:

- a) A map of the subject property showing all lands for which the variance is proposed. Said map shall clearly indicate the current zoning of the subject property. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier and shall be at a scale which is not less than 1-inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- b) A map showing the generalized location of the subject property in relation to the village as a whole.

- c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
 - d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 27-163.
 - e) 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 standard set out in this ordinance.
- 4) *Review by the Zoning Administrator.* The requested variance shall be reviewed by the Zoning Administrator as follows:
- a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this ordinance, he/she shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he/she shall so notify applicant.
 - b) Upon notifying the applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application.
 - c) The Zoning Administrator shall also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the Village of Bloomfield's Comprehensive Plan and is in compliance with the standards below:
 - i. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
 - ii. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which 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 a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed.
 - iii. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
 - iv. 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.
 - v. Violations by, or variances granted to, neighboring properties shall not justify a variance.
 - vi. 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.)

- vii. In what manner do the factors identified 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.
 - viii. 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.
 - ix. Would the granting of the proposed variance as depicted on the required site plan 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 ordinance, 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.
 - x. Have the factors which present the reason for the proposed variance been created by the act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this ordinance? The response to this question shall clearly indicate that such factors existed prior to the effective date of this ordinance and were not created by action of the applicant, a previous property owner, or their agent.
- d) The Zoning Administrator shall forward the report to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the village's zoning ordinance and comprehensive plan, the Zoning Administrator shall note this determination in the report.

5) *Review and Determination by Zoning Board of Appeals.*

- a) Within 30 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a Public Hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(d) of Wisconsin Statutes AND Section 27-166 of the Bloomfield Zoning Ordinance Regulating Procedures for Public Hearing.
- b) Within 30 days after the holding of the public hearing or within an extension of said period approved by the applicant and granted by the Zoning Board of Appeals, the Zoning Board of Appeals shall make its findings 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 the 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.

- c) 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.
 - d) Said report shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the requirements above.
- 6) *Effect of Denial.* No application for a variance 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.
 - 7) *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 as unique to the variance granted and shall not be construed as precedent for any other proposed variance.
 - 8) *Stay of Proceedings.* An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this ordinance 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 which 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.

Sec. 27-165. Appeals of Zoning Interpretations Procedures.

- 1) Purpose. The purpose of this section is to provide regulations which enable the village to hear and decide requests for appeals from the interpretations of the Zoning Administrator.
- 2) Initiation of Request for Review of Zoning Interpretation. 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.
- 3) *Time Limit for Filing an Appeal.* Any appeal of an interpretation under the provisions of this section shall be made per the requirements of this section within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- 4) *Application Requirements.* All applications for review of an interpretation, regardless of the party of their initiation per (2) above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Village Clerk and to the Zoning Board of Appeals. Said complete application shall be accompanied by all of the following:
 - a) 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.

- b) 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.
- 5) *Review by the Zoning Administrator.* The submitted appeal shall be reviewed by the Zoning Administrator in the following steps:
- a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this ordinance, he/she shall return the application to the applicant. If the Zoning Administrator determines that the application is complete, he/she shall so notify applicant.
 - b) Upon notifying applicant that the application is complete, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the 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 Village of Bloomfield's Comprehensive Master Plan.
 - c) 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 of the Village of Bloomfield's Comprehensive Master Plan or zoning ordinance, the Zoning Administrator shall note this determination in the report.
- 6) *Review and Action by the Zoning Board of Appeals*
- a) Within 45 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to Section 63.23(7)(d) of the Wisconsin Statutes.
 - b) Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or, within an extension of said period requested in writing by the applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per this section. 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 applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
 - c) 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.
- 7) *Effect of Denial.* No application for an appeal 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.
- 8) *Limited Effect of a Favorable Ruling on an Appeal.*

- a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted 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 a certificate of occupancy is obtained and a use has commenced within that period.
- b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted 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.

Sec. 27-166. Public Hearing Procedures

In addition to the Planning & Zoning Commission and Zoning Board of Appeals statutory notice requirements of Section 62.23(7)(d) of the Wisconsin Statutes, the municipality is requiring more stringent notice to the public in advance of a Public Hearing by the public body as provided herein.

- 1) **Public Notice:** The power to determine and approve applications shall be exercised only by the adoption of ordinances or resolutions. Consideration of these applications shall be made only in a specified case and after a Public Hearing before the Planning and Zoning Commission, or Zoning Board of Appeals as provided in the Zoning Ordinance, of which there shall be a notice of the time and place of the hearing published at least once, not more than thirty (30) nor less than fifteen (15) calendar days before the Hearing in a newspaper published in the municipality, or if no newspaper is published therein, then in a newspaper with a general circulation within the municipality. The notice shall identify the subject property location for which the proposed application(s) is/are requested as well as a brief statement of what the proposed variation will do.
- 2) **Public Notification:** For any Zoning application that requires a Public Hearing, the Village Zoning Administrator shall identify the owners of all property within five hundred feet (500'), either within the municipality or not, excluding rights of way of public streets, in each direction from all points on the perimeter of the property which is the subject of the petition (and the respective permanent tax keys of such properties), and shall in any event include at least the six (6) nearest property owners (and the respective permanent tax keys of such properties) within the Village; provided, however, that for the purpose of this section, ownership may be determined on the basis of the last available tax records of the County. The Village Zoning Administrator will send written notice by U.S. mail, at the petitioner's expense, through cost recovery, not less than fifteen (15) days prior to the initial date of the Public Hearing thereon, to those persons identified within the five hundred feet (500') determination.
- 3) **Public Hearing Notification Signs Required:**
 - a) **Signs Required:** In addition to any other notice that may be required by this section, the municipality shall post sign(s) on the subject property informing the general public of intent of a Public Hearing and information as to where to call to obtain a date and time of such Hearing. The required sign(s) will be posted by the Village Zoning Administrator.

- b) Placement Of Signs: One Public Hearing notification sign shall be posted on the subject property at a location oriented to and readable from the nearest adjacent roadway. However, additional signs shall be required where a parcel abuts two (2) or more roadways, and in such cases, one such sign shall be oriented to and shall be readable from each abutting roadway. Such signs must be constructed of materials which will withstand existing area weather conditions.
- c) Duration; Removal: Public Hearing notification signs must be posted not less than fifteen (15) days prior to the initial date of the scheduled Public Hearing on the petition or application, and can only be removed by the municipality after the initial date of the scheduled Public Hearing on the petition or application.
- d) Reimbursement: Prior to the initial date of the scheduled Public Hearing on the petition or application, the petitioner(s) shall reimburse the municipality for the actual out of pocket expenses incurred or to be incurred by the municipality for the fabrication, erection, damage to, and removal of the sign or signs required by this section. In the event that the sign is not returned to the municipality within ten (10) days of the completion of the scheduled Hearing for which the sign was posted, the petitioner shall reimburse the municipality a fee applying to the cost of replacement of such sign.
- e) Rules: The Zoning Administrator is authorized and empowered to establish such reasonable rules and regulations governing the posting of notification signs, not inconsistent with the provisions of this section, to carry out the intent of this section to provide notice of proposed Hearings which rules may be necessary due to unique characteristics of the subject property or application.
- f) Failure To Comply: Any failure to comply with this section shall not invalidate any action taken by the municipality on any such petition or application.

Sec. 27-167 through Sec. 27-169. Reserved for Future Use.

DIVISION 13. ADMINISTRATION AND ENFORCEMENT

Sec. 27-170. Purpose of Administrative Regulations.

The purpose of this Division is to establish the administrative and enforcement framework for the application of this ordinance.

Sec. 27-171. Zoning Administrator.

- 1) *Designation.* The Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this ordinance and is also herein referred to as the Zoning Administrator. The duty of the Zoning Administrator is to interpret and administer this ordinance and to issue, after on-site inspection, all permits required by this ordinance.
- 2) *Duties.* The provisions of this ordinance shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority, shall:
 - a) Determine that all site plans, building permits, certificates of occupancy, and sign permits, comply with all provisions of this ordinance.
 - b) Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this ordinance.
 - c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him/her to ensure compliance with this ordinance. If, however he/she is refused entry after presentations of his/her identification, he/she may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes. Be permitted to conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this ordinance.
 - d) Maintain permanent and current records of this ordinance including, but not limited to, all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications, therefore.
 - e) Record the first floor and lowest floor (basement or crawlway) elevations of all structures erected, moved, altered, or improved in the flood land districts.
 - f) Receive, file, and forward all applications for any and all procedures governed by this ordinance to the designated official bodies.
 - g) 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 ordinance to the owner, resident, agent, or occupant of the premises; and report uncorrected violations to the Village Attorney in a manner specified by him.
 - h) Institute, in the name of the Village of Bloomfield, any appropriate actions or proceedings against a violator of this ordinance, as provided by law.
 - i) Prohibit the use or erection of any structure, land, or water until he/she has inspected and approved such use or erection.

- j) Where useful, the Zoning Administrator, or his/her agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood, or may set marks delineating the boundaries of wetlands.
- k) Request assistance and cooperation from the Village of Bloomfield Police Department and Village Attorney as deemed necessary.
- l) 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.
- m) Make interpretations regarding the provisions of this ordinance.
- n) Grant minor variations from the dimensional setback, height, and area requirements of this ordinance, up to a maximum variation of 10% for setbacks and height limitations, and up to a maximum variation of 10% or 1,000 square feet for area requirements (whichever is less), so long as the spirit and intent of the performance standards are preserved.

Sec. 27-172. Plan Commission.

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

Sec. 27-173. Zoning Board of Appeals.

- 1) *Power and Duties.* The Zoning Board of Appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this ordinance; or appeals regarding an interpretation of the Zoning Administrator of the provisions of this ordinance.
- 2) *Establishment and Membership.* A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consist of five members appointed by the village chair, subject to confirmation by the Village Board, for three years, except that of those first appointed, one shall serve for one year and two for two years. The members shall serve without compensation and shall be removable by the village chair for cause upon written charges and after public hearing. The village chair shall designate one of the members president. The village chair shall appoint, subject to confirmation of the board, for staggered terms of three years two alternate members of such board, in addition to the five members above provided for. Annually, the village chair shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act,

with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling of vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the third Tuesday in April. Terms of office shall commence the first day of May. The Village Clerk shall serve as secretary of the board. The Zoning Board of Appeals may employ other employees.

- 3) *Organization.* The Zoning Board of Appeals shall adopt rules for its government and procedure. All bylaws or other rules adopted by the Zoning Board of Appeals must also be approved by the Village Board.
- 4) *Meetings.* Meetings of the Zoning Board of Appeals shall be held at the call of the president, and at such other times as the Zoning Board of Appeals may determine. The president, or in his/her absence an elected acting president, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- 5) *Meeting Minutes.* The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Board of Appeals, which is the Village Clerk's office, and shall be a public record.
- 6) *Powers.* 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, interpretation, decision, or determination made by the Zoning Administrator.
 - b) To authorize, upon appeal in specific cases, such variance from the terms of this ordinance 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 of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 - c) The Zoning Board of Appeals shall have the power to call on any other village department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.
 - d) In exercising the above listed powers, the Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of four (4) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to affect any variation in the requirements of this ordinance.
 - e) Except as specifically provided, no action of the Zoning Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.
- 7) *Appeals.* Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village of Bloomfield affected by any decision of the

administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide to same within a reasonable time.

- 8) *Notice of Hearing.* The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, and cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five days prior to the date of hearing.
- 9) *Hearings.* Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the Zoning Board of Appeals. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the board following public hearing may be made either in public or closed session as the board shall determine.
- 10) *Findings.*
 - a) Findings of fact and reasons for all actions taken shall be reduced by the board to writing in the minutes of the proceedings.
 - b) In the case of appeal based on variance, for the same to be granted the findings shall affirmatively show the following together with the fact, and the grounds therefore:
 - c) A literal enforcement of the terms of this ordinance would result in practical difficulty or unnecessary hardship to the appellant.
 - d) The variance is not contrary to the public interest and will not endanger public safety.
 - e) The variance is in accord with the spirit of this ordinance.
 - f) The variance will cause substantial justice to be done.
 - g) Further to be considered by the Zoning Board of Appeals in case of appeal based on variance, in arriving at its reasons and grounds for the above required findings, are the following:
- 11) *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.
- 12) *Exceptional Circumstances.* There may be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general a recurrent nature as to suggest that the zoning ordinance should be changed.
- 13) *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.

- 14) *Preservation of Property Rights.* Such variance may be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- 15) *Absence of Detriment.* Such variance should not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

Sec. 27-174. Fees.

- 1) Application fees. Application fees for the procedures set forth in Division 10 and other procedures and applications associated with this ordinance shall be established by resolution by the Village Board and adjusted from time to time by the Village Board, as needed.
- 2) Additional review fees. In addition, the village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the village's review of a proposal coming before the Plan Commission. The village may apply the charges for these services to the applicant. The village will require the applicant to sign a professional consultant review services form. The village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the applicant. The submittal of a development proposal application or petition by an applicant shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to an applicant, but which are not paid may be assigned by the village as a special assessment to the subject property.

Sec. 27-175. Violations and Penalties.

- 1) *Violation of this Ordinance.* 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 ordinance, or otherwise elect, refuse or fail to comply with this ordinance's requirements. Any person who violates or fails to comply with any of the provisions of this ordinance shall, upon conviction thereof, be subject to the penalties set forth in this section and 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.
- 2) *Penalties.* Any person, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for 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.
- 3) *Village Promulgated Correction of Violation.* In addition to any other penalty imposed by this section for a violation of the provisions of this ordinance, the village reserves and maintains the continued right to abate violations of this ordinance.
- 4) *Abatement of violation.* If the Zoning Administrator determines that a violation of this ordinance 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. The Zoning Administrator is hereby authorized to abate a violation of this ordinance.

- 5) *Notice of violation.* If the Zoning Administrator determines that a violation of this ordinance 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 on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator shall cause the violation to be abated per this section. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred.
- 6) *Cost of Abatement.* In addition to any other penalty imposed by this subchapter for a violation of the provisions of this ordinance, the cost of abating a violation of this ordinance 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 State Statute 66.615(5).

Sec. 27-176 through Sec. 27-179. Reserved for Future Use.

DIVISION 14. DEFINITIONS

For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

- 1) Abandoned sign: Any sign located on a property which becomes vacant and is unoccupied for a period of 30 days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business activity, service or product sold on the premises.
- 2) Access and viewing corridor: A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
- 3) Accessory use or structure: A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. An accessory structure cannot contain a separate dwelling unit, nor be used for overnight stays.
- 4) Adult entertainment use: An establishment consisting of, including, or having the characteristics of any or all of the following:
 - a) Adult bookstore: An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
 - b) Adult cabaret:
 - c) An establishment devoted to adult entertainment either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein;* A cabaret that features topless and/or bottomless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein*, for observation by patrons.
 - d) Adult mini motion picture theater: An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
 - e) Adult motion picture theater: An enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
 - f) Adult oriented establishment: Shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets, and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein*, to a member of the public, a patron or a

member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

*Specified anatomical areas: Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

*Specified sexual activities: Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochism, fellatio or cunnilingus. Fondling or erotic touching of human genitals, pubic region, buttock or female breast.

- 5) Agricultural use: Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising (Wis. Stats. 91.01, 92.10).
- 6) Airport, public: Any airport which complies with the definition contained in Wis. Stats. § 114.002(18m)(a), or any airport which serves or offers to serve any common carriers engaged in air transport.
- 7) Alley: A special public right-of-way affording only secondary access to abutting properties.
- 8) Animal unit: Has the meaning given in NR-243.03(3). For animal units not listed, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to 1 animal unit.
- 9) Amusement activities: Amusement activities means uses such as, but not limited to, fair grounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers.
- 10) Area, net developable: Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, all lands having slopes of 20 percent or greater, and all lands proposed for commercial or business land uses.
- 11) Area, total lot: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- 12) Arterial Street: A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways, and parkways.
- 13) Attached or attachment: The minimum requirement for attachments shall include all of the following:
 - a) The attachment, when possible, must extend from original grade to the roof line of one or more of the connected structures.
 - b) The attachment must be completely enclosed by a roof, walls, and floor (openings only for windows, skylights, doors, etc., are allowed).

- c) The attachment must be accessible from all connecting structures.
 - d) The attachment as well as the connecting structures must meet applicable Uniform Dwelling Codes for foundation requirements.
 - e) The attachment should be similar in design and materials to the connected structure(s).
- 14) Automotive proving grounds: An area used for testing and measuring the durability, safety, performance, emissions and related functions of passenger vehicles, light-duty trucks, and multi-purpose vehicles which functions are consistent with the design, development, engineering, manufacturing, and marketing of such vehicles and the administration of the same, but does not include public performance and racing, whether by paid admission or otherwise, of motorcycles, go-carts, or race cars.
 - 15) Automotive salvage yard: Any premises on which more than one self-propelled vehicle, not in running and/or operating condition, is not stored within an enclosed building. Running and/or operating conditions shall be a vehicle currently licensed, registered, and operating in accordance with all applicable regulations of the Department of Motor Vehicles for the State of Wisconsin.
 - 16) Banner: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this chapter.
 - 17) Basement: That portion of any structure located partly below the average adjoining lot grade.
 - 18) Bed and breakfast establishment: Any place of lodging, in compliance with Wis. Stats. § 254.61(1), that provides four or fewer rooms for rent, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
 - 19) Bed and breakfast establishment--commercial: Any place of lodging, in compliance with Wis. Stats. § 254.61(1), that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
 - 20) Billboard: Any off-premises sign, except political signage, exceeding 12 square feet in area.
 - 21) Boardinghouse: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
 - 22) Boathouse, private: A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls, or any combination of these structural parts.
 - 23) Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
 - 24) Building envelope: The three-dimensional space within which a structure is built.
 - 25) Building area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

- 26) Building height: The vertical distance, measured from the lowest finished grade along the street yard elevation of the structure, to the ridge of the highest roof line of the structure, including the roofs of architectural projections such as cupolas, domes, steeples, and gables. Flat roofs shall be measured to the highest point of the roof surface including such architectural projections as railings and walls.
- 27) Building inspector: A person certified by the Wisconsin Department of Commerce to engage in the administration and enforcement of the Uniform Dwelling Code for the State of Wisconsin.
- 28) Building officer: A person other than a certified Building Inspector having duties that do not include the administration and enforcement of the Uniform Dwelling Code.
- 29) Building, detached: A principal building surrounded by open space on the same lot.
- 30) Building, principal: A building in which the principal use of the lot on which it is located is conducted.
- 31) Building line: A line between which any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this ordinance.
- 32) Buildable lot area: That portion of a lot remaining after required yards have been provided.
- 33) Bulkhead line: A boundary line established along any section of the shore of any navigable waters by a village ordinance approved by the Wisconsin Department of Natural Resources, pursuant to Wis. Stats. § 30.11. Filling and development are only permitted on the landward side of such bulkhead line.
- 34) Business: An occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.
- 35) Campground, planned campground development: A parcel or tract of land maintained, intended, or used for the purpose of supplying nonpermanent overnight accommodations to persons in a recreational vehicle, no more than 400 square feet in area, including travel trailer, pick-up coach, motor home, camping trailer, and park model, as well as other permitted structures as specified in this ordinance.
- 36) Campground, public or private: Any parcel or tract of land maintained, intended, or used for the purpose of supplying non-permanent overnight accommodations to persons providing their own means of shelter in a portable device or recreational vehicle, no more than 400 square feet in area, including travel trailer, pick-up coach, motor home, camping trailer, park model, buses, automobiles, tents, or sleeping bags.
- 37) Carport: A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this ordinance, a carport shall be considered to be the equivalent of a garage.
- 38) Car washes: Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.
- 39) Cemetery: As defined in Wisconsin State Statutes Chapter 157.

- 40) Centralized sanitary sewerage system: A system designed to collect, convey, and treat sanitary and other wastes from a number of individual waste sources, and which operates a sewage treatment facility approved by the Wisconsin Department of Natural Resources. A septic tank, whether serving one or several waste sources, is not a sewage treatment facility. Any sewerage system served by a septic tank shall not, therefore, be termed or classified as a centralized sanitary sewerage system. Such centralized sanitary sewerage systems may be publicly or privately owned and operated, but in every case is subject to the rules and regulations for the Wisconsin Department of Natural Resources.
- 41) Changeable copy sign: A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not contain, include or be illuminated by a flashing or moving light or be composed of any animated part. Each change of message shall be accomplished in one second or less and each message shall remain in a fixed position for at least two seconds. The use of traveling messages or segmented messages is prohibited.
- 42) Channel: Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- 43) Channeling: The act or action which results in an interconnection of two bodies of water, usually navigable by surface craft.
- 44) Clinic: An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this ordinance, a doctor's or dentist's office in his/her own home, when it complies with the requirements of this ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his/her own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.
- 45) Clothing repair shops: Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, or clothes pressing shops, but not employing over five persons.
- 46) Clothing stores: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.
- 47) Club: An association of persons using a building or group of buildings for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.
- 48) Cluster treatment systems: A cluster treatment system collects, conveys and treats sanitary waste and other waste water from a number of individual waste sources and is operated by a governmental unit with sanitary powers. A cluster treatment system shall include treatment systems that employ an aerated lagoon, together with a spray irrigation system. Such systems shall include those that involve a traditional septic field serving multiple homes which is thereafter collected into the cluster system. Effluent may be transported via a combination of pressure collection and local holding tank contract hauling. Cluster treatment systems are designed specifically as a means to replace or provide for failed or sub-code private sewerage systems installed prior to the availability of the new cluster system service. As such they are not designed to serve all properties within a community. Neither the properties served by the clusters nor others within the governmental district shall be considered as served by a public or centralized sanitary sewerage system for purpose of invoking any of the sewerage zoning categories.

- 49) Commercial arboretum: A place where many kinds of trees and shrubs are grown for exhibition,
- 50) Commission: That commission, also known as the Village of Bloomfield Plan Commission, created and designated by the Village Board under Wis. Stats. § 60.62 and 62.23 to act in matters pertaining to village planning and zoning.
- 51) Composting: A controlled process of degrading organic material by micro-organisms (not to include solid waste and sludge composting).
- 52) Condominium: A property subject to a condominium declaration established in accordance with Wis. Stats. Ch. 703.
- 53) Conservation area/unbuildable: That portion of the proposed subdivision parcel within the identified conservation land (open space) of the proposed development containing floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.
- 54) Conservation development: A residential development in which dwellings are located in a manner that reduces the area of land needed to be cleared, graded, and converted from agricultural, woodland, or wildlife habitat uses to building sites, driveways, and yard space. In such developments, lot sizes, dimensions, and setbacks are reduced from those typically required for conventional developments, although the total number of dwellings is not increased unless provided for through density bonuses specifically authorized. This term shall also encompass the concept of "conservation subdivision" and "conservation condominium."
- 55) Conservation easement: A legal agreement between a landowner and a government agency or a qualified tax-exempt nonprofit conservation organization, such as a land trust or conservancy, that permanently limits uses of the land in order to protect its conservation or natural resource values. A conservation easement runs with the chain of title, in perpetuity and specifies the various conservation uses that may occur on the property. Land subject to a conservation easement remains privately owned and managed by the landowner but monitoring and enforcement of the easement restrictions becomes the permanent responsibility and legal right of the holder of the conservation easement.
- 56) Conservation land: That portion of a tract that is set aside for the protection of sensitive natural features, land capable of use for agriculture, horticulture or silviculture, scenic views, and other unique or noteworthy features. Conservation land may be accessible to the residents of the development and/or public or may be lands which are not accessible to the public.
- 57) Conservation lot: A large (ten acres or greater in size), privately owned lot comprising part of an area of conservation land. The purpose of the conservation lot is to provide surrounding residents with visual access to conservation land while keeping the land under private ownership and maintenance. Only a small portion of a conservation lot may be developed; the remainder must be protected through conservation easements and used in conformance with standards for conservation land. Public access to conservancy lots is not required.
- 58) Conservation plan: A plan which is developed to protect existing natural resources as to conformance with soil conservation standards or other equivalent engineering data.
- 59) Conservation standards mean design criteria, standards and specifications for soil and water conservation practices and management used by the village.

- 60) Construction sign: Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.
- 61) Contractors storage yard: Outside and/or inside storage of equipment, commercial vehicles, and/or supplies for contractors such as plumbers, heating and air conditioning contractors, excavators, carpenters, landscapers, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.
- 62) Core living area: That area or space within a dwelling unit devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, and other appurtenances.
- 63) Cultural activities: Cultural activities means uses such as, but not limited to, aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, museums, libraries, planetaria and zoos.
- 64) Development area: A parcel of land where a structure, land, water, or air is used, intended to be used, is located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered.
- 65) Directional sign: A sign which designates entrances, exits, parking areas, and similar functions without advertising.
- 66) Ditching: The process of excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conductance of waters.
- 67) Drain: A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.
- 68) Drain tile laying: The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around building foundations.
- 69) Drainage basin: A geographic area the general configuration of which causes surface waters to flow in a specified direction; the area, contained by a naturally defined watershed, draining all surface waters.
- 70) Drainageway: Any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gulleys, ravines, or washes, in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.
- 71) Dredging: The process of which bottom materials are removed from bodies of water for the purposes of deepening the body of water.
- 72) Dwelling: A structure or portion thereof that is designed or arranged for human habitation, but does not include boarding or lodging houses, motels, hotels, or tents.
- 73) Dwelling, detached, single-family: A structure containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.
- 74) Dwelling, multiple-family: A structure containing three or more dwelling units.

- 75) Dwelling, single-family: A structure containing one dwelling unit, which is designed or arranged for use as living quarters for one family. "Single-family dwelling" includes a manufactured home which contains only one dwelling unit.
- 76) Dwelling, two-family: A structure on a single lot, which contains two dwelling units.
- 77) Dwelling unit: A group of rooms containing but not limited to living area(s), bathroom area(s), and food preparation area(s).
- 78) Earth moving: Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and devoiding the soils of vegetative cover so as to make the same soil susceptible to erosion.
- 79) Efficiency: A dwelling unit consisting of one principal room with no separate sleeping rooms.
- 80) Egg production, commercial: An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 or more animal units.
- 81) Election campaign period: A sign which shall have the meaning as set forth in Wis. Stats. § 12.04.
- 82) Election sign: A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general, or special election.
- 83) Emergency shelter: Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.
- 84) Erosion: The process by which the ground surface is worn away by action of wind or water.
- 85) Erosion control plan: A written description of control measures designed to prevent excess movement of soil, sediment or rock fragments caused by water, wind, ice or gravity. Plan shall include erosion control measures such as grading, excavating, fills, open cuts, side slopes and other land disturbances to be mulched, seeded, sodded, ripped, or otherwise protected as a temporary or permanent erosion control measure. Such control measures will be designed and installed also with the intent to protect surface water, manmade and natural drainage ways and subsurface water. Design and installation will be performed meeting minimum standards SCS Technical Guide, or other approved engineering data which meet approval of the Village of Bloomfield.
- 86) Essential services: Essential services means services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. These services may also include privileges in streets in accordance with Wis. Stats. 66.0425 and as amended from time to time.
- 87) Excavation: The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting there from.

- 88) Existing development pattern: A situation where principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline
- 89) Expressway: A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.
- 90) Family: One person, or group of individuals related by blood, marriage, adoption, or guardianship as defined by state statutes, and not to exceed four persons not so related, living together in a dwelling unit as a single housekeeping unit with an intentional structured relationship. The individuals shall have common use of, and access to, all living areas, bathrooms, and food preparation areas.
- 91) Farm family business: Any lawful activity, except a farm operation, consisting of uses which are accessory to an agricultural use listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics, conducted primarily for any of the following:
- a) The purchase, sale, lease or rental of personal or real property.
 - b) The manufacture, processing or marketing of products, commodities or any other personal property.
 - c) The sale of services.
- 92) Farm stand: See "roadside stand."
- 93) Feed lot, commercial: An animal confinement facility used or designed for the feeding or holding of 500 or more animal units for a period of 30 days or more.
- 94) Fence: An artificially constructed barrier of any material or combination to enclose, screen, or separate areas.
- 95) Fill: Any act by which clean uncontaminated soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported, and shall include the conditions resulting there from.
- 96) Flood: A temporary rise in stream flow or stage in lake level that results in water overtopping the banks and inundating areas adjacent to the stream channel or lake bed.
- 97) Flood profile: A graph showing the relationship of the floodwater surface elevation for a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- 98) Flood stage: Those floodlands, excluding the floodway, subject to inundation by the 100-year recurrence interval flood, or where such data is not available, the maximum flood of record.
- 99) Floodproofing: Measures designed to prevent or reduce flood damage for those uses which cannot be removed from, or which of necessity must be erected on, floodplains ranging from structural modifications, through installation of special equipment or materials to operation and management safeguards, such as the following: underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent water-tight bulkheads, shutters, and doors; treatment of exposed timbers; elevation of flood-vulnerable utilities; use of waterproof cement; adequate fuse protection; anchoring of buoyant tanks; sealing of basement

walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire-reinforced glass; location and elevation of valuable items; waterproofing, disconnecting, elevation, or removal of all electrical equipment; the avoidance of the use of flood-vulnerable areas; temporary removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipments; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs in flood drain pipes; placement of movable watertight bulkheads; counter-flooding; erection of sandbag levees; and the shoring of weak walls or other structures.

- 100) Floodway: Those floodlands, including the channel, required to carry and discharge the 100-year recurrence interval flood. Since development and fill are prohibited in the floodplain under the terms of this ordinance, the floodway is defined as that area subject to inundation by the ten-year recurrence interval flood.
- 101) Floor area, business, commercial, and industrial buildings: For the purpose of determining off-street parking and off-street loading requirements.
- 102) Floor area: The sum of gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.
- 103) Floor area, gross: The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment--open or closed--located on a roof or in a basement), penthouses, attic space having a headroom of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.
- 104) Freestanding sign: Any sign which is attached to or part of a completely self-supporting structure other than a building that has a structural base of less than 75 percent of the width of the area of the sign.
- 105) Freeway: An expressway with full control of access and with fully grade separated intersections.
- 106) Frontage: The smallest dimension of a lot abutting a public street or other officially approved way measured along the street line.
- 107) Fur farm: Any property comprising land or buildings, or both used for the purpose of raising or harboring fur bearing animals including those defined in Wis. Stats. § 29.01(3)(c), and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.
- 108) Garage, private: An accessory building or accessory portion of the main building used or designed or intended to be used for the storage of private motor vehicles. See also "Carport."
- 109) Garage, public: Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

- 110) Gift stores: Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- 111) Grading: Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.
- 112) Hardware stores: Retail stores where items such as plumbing, heating, carpentry and electrical supplies; sporting goods; and paints are sold.
- 113) Height of sign: The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.
- 114) High-water elevation: The average annual high-water level of a pond, stream, lake, flowage or wetland references to an established datum plane or if where such elevation is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic, or vegetative characteristics.
- 115) Hospital: An institution where patients are lodged overnight providing primary health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.
- 116) Hotel: A building where rooms, with or without meals, are supplied to the transient public, or to anyone who may apply, for compensation.
- 117) Household: A family living together in a single dwelling unit, with common access to, and use of all living and dining areas, bathrooms, food preparation and serving areas.
- 118) Home occupation: Any occupation for gain or support conducted entirely within building on the parcel by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, and may include up to two additional employees who are not resident occupants. A home occupation may include uses such as barbering, beauty culture, house cleaning service, laundry, ironing, photography, real estate brokerage, or drivers' education and shall not include any use with outside storage.
- 119) Impervious surface: An area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil, but includes rooftops, sidewalks, driveways, parking lots, and streets unless determined by the Zoning Administrator to be designed, constructed, and maintained to be pervious.
- 120) Interchange: A grade separated intersection with one or more turning lanes for travel between intersection legs.
- 121) Joint extraterritorial zoning committee: Any zoning committee established in accordance with Wis. Stats. § 62.23(7a).
- 122) Kennel: The use of land, with related buildings or structures, for the breeding, rearing, or boarding of more than four dogs.

- 123) Laboratory: A place where scientific experiments and research are carried on, or where drugs, chemicals, etc. are made or tested for purity or strength.
- 124) Laboratory, experimental: An establishment devoted to the development of and fabricating of preliminary or pilot models, but specifically not to include any mass production from the result of the experimental work.
- 125) Lagoon: A water body in a depression back of an offshore bar, a beach ridge, or shore dune with these geomorphic features, either natural or manmade, acting as barriers or dams. Also, a shallow pond, channel, or impoundment connected to a larger body of water.
- 126) Lagooning: The act of creating a lagoon.
- 127) Land restoration: Land disturbance activities which require large scale grading and filling for the re-establishment or stabilization of unstable soil contours resulting from non-agricultural practices.
- 128) Land stewardship plan: A site plan, narrative, and supporting documents and details, depicting, specifying and describing the proposed conservation measures and methods required to protect and improve the natural, cultural, historic, and scenic elements of the conservation land. The land stewardship plan must identify monitoring, operation, and maintenance activities needed to maintain the quality and the stability of the resources on the conservation land. The cost and schedule for implementing the proposed conservation measures and methods must be included in the land stewardship plan.
- 129) Livestock: Domestic animals traditionally used in this state in the production of food, fiber, or other animal products. Livestock includes animals such as bovine animals, swine, poultry, sheep, and goats. Livestock does not include animals such as equine animals, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- 130) Livestock facility: A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels on which the facility is located but does not include an entire tax parcel used only for pasture. Two or more livestock facilities constitute a single livestock facility, for purposes of this chapter, if the same person owns or manages all of the facilities and any of the following apply:
- 131) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent tax parcels or on tax parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- 132) Common livestock structures are used to collect or store manure or other waste from the facilities.
- 133) Manure or other waste from the facilities is applied to the same tax parcel of land or under the same nutrient management plan.
- 134) Livestock structure: A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes but is not limited to a barn, milking parlor, feed storage facility, feeding facility, animal lot, or waste storage facility. Livestock structure does not include a pasture, a fence surrounding a pasture, a livestock watering facility in a pasture, or a machine shed or like facility that is not used for livestock.

- 135) Living rooms: All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.
- 136) Loading areas: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.
- 137) Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.
- 138) Lodging house: A building other than a hotel where lodging is provided for compensation for five or more persons not members of a family.
- 139) Lot: A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.
- 140) Lot, corner: A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- 141) Lot, flag: A lot configured such that its conventional length and width does not abut directly onto a public or private street or right-of-way, and where access to the street is by a narrow driveway, access easement, or similar extension.
- 142) Lot, interior: A lot situated on a single street which is bounded by adjacent lots along each of its other lines.
- 143) Lot, substandard: A parcel of land having frontage on a public street occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.
- 144) Lot, through: A lot which has a pair of opposite lot lines along two substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- 145) Lot coverage: The area under a roof and enclosed by the exterior permanent walls.
- 146) Lot lines and area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- 147) Lot width: The width of a parcel of land measured at the rear of the specified street yard.
- 148) Machine shops: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair, and overhaul shops.
- 149) Maintenance easement: Maintenance easement means a limited right of vehicle ingress/egress to unmanned utilities, dams, cell towers, renewable energy, sanitary sewers, etc. (not including buildings) necessary to provide a needed public service. The limited access easement is to facilitate repairs and maintenance only and shall not be permitted to access buildings. The limited access easement shall connect to a street or other officially approved way.

- 150) **Manufactured home:** A structure certified and labeled as a manufactured home under 42 US Code Sections. 5401 to 5406 which, when placed on a site:
- a) Is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1), which meets the standards set forth in subchapters III, IV, and V of chap. ILHR 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. In villageships that utilize a building officer, that officer shall require a plan certified by a registered architect, registered professional engineer, or Building Inspector to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
 - b) Is installed in accordance with the manufacturer's instructions.
 - c) Is properly connected to utilities.
 - d) Shall have a minimum width of 22 feet.
 - e) Shall have a core area of living space at least 22 feet by 22 feet in size.
- 151) **Manufactured home site:** Land within a manufactured home park for the placement of a single manufactured or mobile home and the exclusive use of its occupants.
- 152) **Manufactured home park:** Land which has been developed for the placement of manufactured homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.
- 153) **Minor home occupation:** Minor home occupation means an occupation for gain or support conducted entirely within the residence by resident occupants only which is customarily incidental to the principal use of the premises and does not exceed 25 percent of the area of any floor.
- 154) **Minor structures:** Any small, 100 square feet or less, movable accessory erection or construction, such as birdhouses, pet houses, play equipment, and arbors.
- 155) **Mitigation:** Balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.
- 156) **Mobile home:** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 35 feet. "Mobile home" includes the structure, its plumbing, heating, air conditioning and electrical systems, all appliances, and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code Sections 5401 to 5406, but which is not set on an enclosed foundation in the manner described in the definition of manufactured home shall be deemed to be a mobile home under this zoning ordinance.
- 157) **Modular home:** A structure which is partially pre-assembled at a manufacturing plant and placed on a lot or parcel as a dwelling unit or units; also called "pre-fabricated" or "pre-cut" homes or "double-wide" units. For purposes of this ordinance, the term manufactured home shall generally

be used to describe this type of structure. It shall be further distinguished from the term mobile home. (See definitions of "manufactured home" and "mobile home.")

- 158) Monument sign: Any sign independent from any building that has a structural base of not less than 75 percent of the width of the sign.
- 159) Motel: A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- 160) Navigable waters: All-natural inland lakes and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of the Village of Bloomfield. This ordinance does not apply to lands adjacent to farm drainage ditches if:
 - a) Such lands are not adjacent to a natural navigable stream or river;
 - b) Those parts of the such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history;
 - c) Such lands are maintained in nonstructural agricultural use.
- 161) Net buildable area: The gross tract area minus all lands located within existing and proposed street rights-of-way, all lands located within railway rights-of-way or easements, all wetlands, and all of the area located within a pond, lake, or stream channel.
- 162) Net developable acre: Those lands within a development parcel remaining after the deletion of wooded slopes of 12 percent or greater, any slopes 20 percent or greater, wetlands, and existing and proposed streets.
- 163) Non-common conservation land: Land designated as permanent open space, but not subject to common ownership by an association. Non-common conservation land is typically situated within large conservation lots or limited common element at least ten acres in size or within nonresidential lots used for compatible rural resource uses such as agriculture, horticulture, silviculture, or equestrian boarding not including building areas and required building setbacks.
- 164) Nonconforming structure: Any structure, by virtue of the use to which it is put, which does not comply with the use provision of this ordinance for the district in which it is located, such as, but not limited to, structures in the floodplain, wetland, right of way, or those structures lying on or across a parcel line.
- 165) Nonconforming use: Any land or water lawfully used or occupied at the time of the effective date of this ordinance which does not conform to the regulations of this ordinance or amendments thereto pertaining to uses.
- 166) Nonprofit conservation organization: A qualified tax-exempt conservation organization, organized as a nonprofit organization under federal tax laws, which, in all or part of its mission, actively works to conserve lands by undertaking or assisting direct land transactions. Nonprofit conservation organizations purchase land or acquire conservation easements on land for its natural, recreational, scenic, historic, and productive value.
- 167) Nursery: Land or greenhouses used to raise flowers, shrubs, vegetable, and plants not for retail sale.

- 168) Nursing home: A building or institution for the care of the aged, the infirm or the sick, provided the same shall comply with the further definitions and with the regulations contained in the rules of the Wisconsin Department of Health and Social Services.
- 169) Off-premise sign: Any sign which is not appurtenant to the use of the property where the sign is located, or to a product sold or a service offered upon the property where the sign is located, and which does not identify the place of business where the sign is located as a purveyor of the merchandise or services advertised upon the sign.
- 170) On-premise sign: Any sign that is not an off-premise sign.
- 171) Open space: Land within a development area exclusive of required yards, access drives, and parking area. Such open space may be placed in more than one location within the development area. Perimeter yards may be included in the open space calculation.
- 172) Ordinary high-water mark means 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 characteristics.
- 173) Outdoor Furnace: An outdoor furnace is an apparatus designed to burn solid or liquid combustible materials (e.g., corn, ear corn, wood, wood pellets, coal, fuel oil) to produce heat and/or heat hot water for a building in which it is not located.
- 174) Owners association (OA): A legal and recorded membership organization, established by the subdivider, of all owners of interests within the development. The OA is established and operated with a financial subsidy from the developer before any sale of any building area within the development. Membership of the OA of all owners and their successors within a development is mandatory and automatic and is accomplished by making membership a condition of sale and the membership document must be signed by the purchaser at the closing or settlement. The OA is governed by bylaws which must authorize the OA to collect dues and fees and place liens on the real property of members who fail to pay their dues and fees. The OA may hold undivided land, including conservation land, in common. The term owner's association is synonymous with such associations as a property owners association, homeowner's association, and condominium association.
- 175) Parcel: A lot, lots, or tract of land designated by a single tax key number legally recorded in the register of deeds office. Those platted lots assigned multiple tax key numbers as a result of such things as school district, village, county, or village boundaries shall constitute one parcel.
- 176) Park, amusement: An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.
- 177) Park, public: An area owned by the village, county or other public entity within the village operated for the convenience and recreation of the public and containing such facilities as the owning entity shall see fit.
- 178) Parking lot: A structure on premises containing ten or more parking spaces open to the public for rent or a fee.
- 179) Parking space: A graded and surfaced area of not less than 180 square feet in an area either enclosed or open for the parking of a motor vehicle having adequate ingress or egress to a public street or alley.

- 180) Parties in interest: Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.
- 181) Party wall: A wall containing no opening which extends from the elevation of building footings to the elevation of the other surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.
- 182) Pasture: An area of land where animals graze or otherwise seek feed in a manner that maintains the vegetative cover over all the grazing area, which does not have grazing at a density greater than one animal unit per acre and where the vegetative cover is the primary food source for the animals.
- 183) Patio: A terrace extending not more than six inches above the average level of the ground at its margins, provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.
- 184) Permanent sign: Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in permanent manner affixed to the ground, wall, or building.
- 185) Person: Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation, or partnership.
- 186) Personal service establishments: Includes uses such as but not limited to artists services, barber services, beauty services, dry cleaning, laundry, photographic studios, shoe repair and cleaning services, custom tailoring, travel arranging services, and day spas.
- 187) Pets, household: Animals commonly found in residences as pets, such as dogs, cats, song birds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.
- 188) Pierhead line: A boundary line established along any section of the shore of any navigable waters by a village ordinance approved by the Wisconsin Department of Natural Resources, pursuant to Wis. Stats. § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Wis. Stats. § 30.12(2).
- 189) Planned unit development: A development to be created as a single entity that permits improved environmental design and innovative uses of land and structures which are consistent with the overall intent of the Village of Bloomfield Zoning Ordinance.
- 190) Professional homes offices: Residences of Doctor of Medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions without employees.
- 191) Projecting sign: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.
- 192) Property: An unimproved parcel, a parcel together with improvements on it, or improvements without the underlying land.

- 193) Public assembly uses: Public assembly uses means uses such as, but not limited to, amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums.
- 194) Public passenger transportation terminals: Public passenger transportation terminals mean bus, taxi, or rail depots.
- 195) Reach: A longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.
- 196) Real estate signs: A sign pertaining to the lease, hire, or sale of land, building or part thereof upon which the sign is located.
- 197) Recreational camp: An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational, or religious purposes.
- 198) Recycling: The process by which waste products such as metal cans, glass, newspaper, document paper, cardboard, or plastic are collected and/or reduced to raw material for the transformation into new and different products (not to include automobile salvage, wrecking, junk, demolition, toxic and hazardous/medical waste, and scrap yards).
- 199) Rendering plant: A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption to by-products, such as hide, skin, grease, bones, glue and soap, and for the storage of such by-products.
- 200) Residential accessory structures: Including but not limited to detached garages, detached personal storage structures, swimming pools, hot tubs, or tennis courts.
- 201) Retaining wall: A structure constructed and erected between lands of different elevations to protect structures and/or prevent erosion.
- 202) Retirement home: A building or institution for the accommodation of elderly persons, with or without nursing or medical care, provided that if such nursing or medical care is to be provided on a continuing basis for at least 3 persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.
- 203) Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription, easement, or condemnation and intended (whether improved or unimproved) to be occupied by a street for vehicular way or railroad. The right of one to pass over the property of another for ingress and egress. Essential services are permitted to be located within a right-of-way.
- 204) Right-of-way line: The dividing line between a highway and the abutting lots or other divisions of land.
- 205) Roadside stand: A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).
- 206) Rooming house: See "lodging house."

- 207) Routine maintenance of vegetation: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- 208) Sanitary landfill: A type of land disposal operation involving the disposal of solid waste and/or contaminated soil on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.
- 209) School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.
- 210) Seasonal signs: A sign used to identify seasonal commercial establishments, including but not limited to Christmas tree lots, fruit and vegetable stands, and crop signs.
- 211) Sediment: Soils or other surficial materials transported by wind or surface water as a product of erosion.
- 212) Service station: Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.
- 213) Shorelands: Those lands lying within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds, and flowages; 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- 214) Shoreline buffer zone: The vegetation protection area.
- 215) Shorelines: The intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the average annual high-water elevation.
- 216) Sign: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known which is used or is intended to attract attention of the public and which is visible from any public street or highway but does not include legal notices required to be posted by village, state or federal law and highway and traffic signs authorized by village, state or federal law. The term sign shall not include flags.
- 217) Silt: Soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.
- 218) Sketch plan overlay sheet. A sketch map drawn on translucent or transparent material, to be overlain on top of an existing conditions and site analysis map, to determine the extent to which the proposed layout of house sites, streets, lot lines, and protected open space avoids negatively impacting the property's principal and noteworthy natural and cultural features.
- 219) Slaughterhouse: Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses, or poultry and the storage, freezing, and curing of meat and preparation of meat products.
- 220) Smoke unit: The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

- 221) Soil: Any earth, sand, gravel, rock, or any similar material.
- 222) Solid waste: Garbage, refuse, and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- 223) Steep slope: A slope over 12 percent grade, which is characterized by increased runoff, erosion, and sediment hazards.
- 224) Stewardship fund: An endowment or fund that is established along with a conservation easement agreement and is used to cover the expense of monitoring, enforcing, compliance, and legal defense of the easement.
- 225) Storage capacity: The volume of space available above a given cross-section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.
- 226) Stormwater best management practice: Structural and nonstructural practices and methods that are designed, constructed, and maintained to control the quantity and quality of stormwater. Stormwater best management practices selected are based the physical suitability of a site, the overall site management objectives, and the performance criteria specified in the village land disturbance, erosion control, and stormwater management ordinance.
- 227) Stormwater management plan: A plan that includes structural and nonstructural stormwater best management practices selected to match overall site management objectives and site conditions with the stormwater performance criteria specified in the village land disturbance, erosion control, and stormwater management ordinance. The plan includes scaled site plans, narrative, construction details, design computations, inspection, operation, and management requirements for the structural and nonstructural stormwater management practices selected to serve the development. The costs and schedule for constructing, operating, and maintaining the selected structural and nonstructural stormwater best management practices selected to service the site must be included in the stormwater plan.
- 228) Story: That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.
- 229) Story, half: A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.
- 230) Street: Any public or private vehicular way that provides access to property, including but not limited to state, county, village, and private roadways.
- 231) Stripping: Any activity which removes the vegetative surface cover including tree removal, clearing, grubbing, and storage or removal of topsoil.
- 232) Structure: Anything constructed or erected that covers more than 100 square feet or has a volume greater than 800 cubic feet or a height greater than six inches but shall not include seasonal structures or children's play systems.
- 233) Structural alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

- 234) Structural improvement: Any repair, re-construction, or improvement of a nonconforming structure, the cost of which equals or exceeds 50 percent of the present 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 which are solely necessary to assure safe living conditions.
 - b) Any alterations of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.
 - c) Ordinary maintenance repairs are not considered structural repairs, modifications, or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.
- 235) Subdivision road: A village road or other officially approved means of access providing access to interior lots located within a subdivision or minor subdivision as defined in the Village of Bloomfield Land Division Ordinance.
- 236) Substandard structure: Any structure conforming in respect to use but not in respect to the frontage width, height, lot area, yard, parking, loading, or distance requirements of this ordinance.
- 237) Swimming pool: A receptacle for water, or an artificial pool of water, having at any point of more than two feet depth, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, for bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 260 square feet in area and four feet in depth which are dismantled and removed for the winter are not regulated as swimming pools.
- 238) Tourist court: Same as "Motel."
- 239) Turning lanes: An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.
- 240) Unit: A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or part thereof) in a building.
- 241) Unnecessary hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- 242) Use: The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

- 243) Use consistent with agricultural use: (Wis. Stats. 91.01 (10), 92.10) Any activity that meets all of the following conditions:
- a) The activity will not convert land that has been devoted primarily to agricultural use, unless under a state or federal wetland restoration program or any other designated program as adopted by the Village Board of supervisors.
 - b) The activity will not limit the surrounding land's potential for agricultural use.
 - c) The activity will not conflict with agricultural operations on land subject to a farmland preservation agreement.
 - d) The activity will not conflict with agricultural operations on other properties.
- 244) Use, accessory: A subordinate use on the same lot which is incidental and customary in connection with the principal or conditional use.
- 245) Use, principal: The main use of land or building as distinguished from a subordinate or accessory use.
- 246) Use, conditional: Uses of a special nature so as to make impractical their predetermination as a principal use in a district.
- 247) Utilities: Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including electric power generation plants, sewage disposal plants, village incinerators, warehouses, shops, and storage yards.
- 248) Vision clearance: An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this ordinance.
- 249) Wall sign: Any on-premise sign painted or attached to and erected parallel to the face of or erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface.
- 250) Waterfront: Land at the edge of a navigable body of water such as a stream, river, pond, flowage, harbor, bay, or lake.
- 251) Woodland: Those upland acres 1 acre or more in size having 17 or more deciduous trees per acre, each measuring at least 4 inches DBH (diameter at 4 ½ feet above the ground) and having 50 percent or more tree canopy coverage. Coniferous tree plantations and reforestation projects are also considered woodlands.
- 252) Yard: An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- 253) Yard, rear: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the

nearest point of the principal structure. This yard shall be opposite the street yard or opposite one of the street yards with driveway access on a corner lot.

- 254) Yard, side: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. Any yards not designated as a street yard, rear yard, or shore yard shall also be deemed side yards.
- 255) Yard, shore: A yard within 75 feet of the ordinary high-water mark of a navigable body of water.
- 256) Yard, street: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line, and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards, also called front yard.
- 257) Yards, perimeter: Required yard areas around the exterior boundaries of a parcel. Includes street yards, shore yards, side yards, and rear yards.
- 258) Zoning Administrator: For the purposes of this ordinance, the Zoning Administrator shall be the professional hired by Village of Bloomfield to administer and enforce the provisions of the zoning ordinance.

DIVISION 15. TELECOMMUNICATIONS

Sec. 27-180. Authority.

This ordinance is adopted under the authority granted by Wis. Stats. Ch. 61.34 and 66.0404 and amendments thereto. The Village of Bloomfield, Walworth County, Wisconsin, do ordain as follows: This Ordinance shall be known as, referred to, and cited as the Mobile Tower Siting Ordinance, Village of Bloomfield, Wisconsin.

Sec. 27-181. Title

This Ordinance shall be known as, referred to, and cited as the Mobile Tower Siting Ordinance, Village of Bloomfield, Wisconsin.

Sec. 27-182. Purpose

The Purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

Sec. 27-183. Intent

It is intended that the village shall apply these regulations to accomplish the following:

- 1) Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high-quality telecommunications infrastructure, consistent with the Federal Telecommunications Act of 1996 and Wisconsin State Statute 66.0404, are provided to serve the community, as well as serve as an important and effective part of the Village law enforcement, fire and emergency response network.
- 2) Provide a process for obtaining necessary permits for telecommunication facilities while at the same time protecting the interests of the village citizens.
- 3) Furthermore, this chapter is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by Wis. Stats. § 59.69(4d) and (4f), or its successor sections, as amended from time to time or as preempted by federal law.

Sec. 27-184. Applicability

This ordinance applies only in the Village of Bloomfield

Sec. 27-185. Exempt from Village Review

The following shall be exempt from Village Review:

- 1) The use of all television antenna, satellite dishes and receive-only antennas, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the primary use of the property.
- 2) Amateur Radio. This chapter shall not govern the installation of any antenna and their supporting towers, poles and masts that is owned and/or operated by a federally licensed amateur radio operator or, is used exclusively for receive-only antennas.
- 3) Mobile services providing public information coverage of news events of a temporary or emergency nature.
- 4) Utility pole mounted antenna if the height of the antenna is 30 feet or less above the highest part of the utility pole.
- 5) Freestanding (ground mounted antenna) antennas (not supported on or attached to a building) and their supporting towers, poles or masts and their equipment buildings 350 square feet or less in size, may be installed without a zoning permit when the overall height of the antennas and their supporting structures do not exceed a height of 45 feet above the original grade at the site of the installation. Antennas, their supporting towers, poles or masts and their equipment building to be located in the A-1 zoning district are subject to meeting the requirements of Wis. Stats. § 91.01(10) as amended from time to time.
- 6) Antennas installed on, or attached to, any existing building (building mounted antenna), and their equipment buildings 350 square feet or less in size, when the height of the antenna and its supporting tower, pole or mast is 30 feet or less above the highest part of the building or alternative support is 30 feet or less above the highest part of the building or alternative support structure to which it is attached. Antennas, installed on, or attached to, any existing building, and their equipment buildings to be located in the A-1 zoning district are subject to meeting the requirements of Wis. Stats. § 91.01(10) as amended from time to time.

Sec. 27-186. Definitions.

All applicable definitions in Chapter 27 shall also apply unless specifically defined in this chapter.

“**Antenna**” means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

“**Application**” means an application for a zoning permit under this Sec. to engage in an activity specified in sub. (2) (a) or a class 2 collocation.

“**Class 1 collocation**” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility but does need to engage in substantial modification.

“**Class 2 collocation**” means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free-standing support structure for the facility or engage in substantial modification.

“**Collocation**” means class 1 or class 2 collocation or both.

“**Department**” means the Bloomfield Village Zoning Department.

“**Distributed antenna system**” means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

“**Equipment compound**” means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

“**Existing structure**” means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.

“**Fall zone**” means the area over which a mobile support structure is designed to collapse.

“**Height**” means the distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas and protection devices (e.g. lightning rods).

“**Mobile service**” has the meaning given in 47 USC 153 (33).

“**Mobile service facility**” means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

“**Mobile service provider**” means a person who provides mobile service.

“**Mobile service support structure**” means a freestanding structure that is designed to support a mobile service facility.

“**Permit**” means a Village Zoning Permit which authorizes any of the following activities by an applicant:

- a) A class 1 collocation.
- b) A class 2 collocation.
- c) The construction of a mobile service support structure.

“**Public utility**” has the meaning given in s. 196.01 (5).

“**Search ring**” means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

“**Substantial modification**” means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

- a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more. If a greater height is necessary to avoid interference with an existing antenna, the activity is not considered a substantial modification.
- c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation. If a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, the activity is not considered a substantial modification.
- d) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

“Support structure” means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

“Utility pole” means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01(1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light

Sec. 27-187. Siting and construction of any new mobile service facility or substantial modification of facilities and support structures

Application Process

- 1) A zoning permit is required for the siting and construction of any new mobile service support structure and facilities and the substantial modification of an existing support structure and mobile service facilities (Class 1 collocation).
 - a) New mobile service support structure and facilities means a freestanding structure that is designed to support a mobile service facility and the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area.
 - b) Substantial modification of an existing support structure and mobile service facilities means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:
 - i. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

- ii. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more. If a greater height is necessary to avoid interference with an existing antenna, the activity is not considered a substantial modification.
 - iii. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation. If a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable, the activity is not considered a substantial modification.
 - iv. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- 2) A zoning permit application must be completed by any applicant and submitted to the department. The application must contain the following information, if applicable:
- a) The name, business address, phone number, e-mail address, facsimile number of the applicant and the contact individual.
 - b) The location of the proposed or affected support structure.
 - c) The location of the proposed mobile service facility.
 - d) If the application is to construct a new mobile service support structure a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - e) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocations, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - f) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and the network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - g) Federal Communications Commission (FCC) license number and registration numbers, if applicable.
 - h) Copies of finding of no significant impacts (FONSI) statement from the Federal Communication Commission, if applicable.
 - i) Copies of determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable.
 - j) Plans indicating security measures (i.e. fencing, lighting, etc.).

- k) A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
 - l) Copies of an Affidavit of Notification indicating that all operators and owners of airports located within ½ mile radius from heliports, 1 mile from private airport runways, or 3-mile radius from public use airport runways, have been notified via certified mail, if applicable.
 - m) Proof of Bond as surety for removal.
- 3) Applications for a zoning permit shall be made to the department on forms furnished by the village.
 - 4) If an applicant submits to the department an application for a zoning permit to engage in an activity described in this ordinance, which contains all the information required under this ordinance, the department shall consider the application complete. If the zoning administrator does not believe that the application is complete, the department shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - 5) Within 90 days of its receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 90-day period:
 - a) Review the application to determine whether it complies with all applicable aspects of Village ordinances, subject to the limitations in this Sec.
 - b) Make a final decision whether to approve or disapprove the application.
 - c) Notify the applicant in writing, of its final decision.
 - d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - 6) The zoning administrator may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 2.e.

If an applicant provides the zoning administrator with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required, that setback or fall zone area does not apply to such a structure unless the department provides the applicant with substantial evidence that the engineering certification is flawed

Sec. 27-188. Class 2 collocation .

Application Process.

- 1) A zoning permit is required for a class 2 collocation.
- 2) A zoning permit application must be completed by any applicant and submitted to the department. The application must contain the following information:

- a) The name, business address, phone number, e-mail address, facsimile, etc. of the applicant and the contact individual.
 - b) The location of the proposed or affected support structure.
 - c) The location of the proposed mobile service facility.
- 3) Applications for a zoning permit shall be made to the department on forms furnished by the Village.
 - 4) A class 2 collocation is subject to the same requirements for the issuance of a zoning permit to which any other type of commercial development or land use development in Chapter 27 is subject.
 - 5) If an applicant submits to the department an application for a zoning permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the department shall consider the application complete. If any of the required information is not in the application, the department shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - 6) Within 45 days of its receipt of a complete application, the department shall complete all of the following or the applicant may consider the application approved, except that the applicant and the department may agree in writing to an extension of the 45-day period:
 - a) Make a final decision whether to approve or disapprove the application.
 - b) Notify the applicant, in writing of its final decision.
 - c) If the application is approved, issue the applicant the relevant permit.
 - d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

Sec. 27-189. Setbacks and site development.

- 1) Setbacks from property lines. All new towers shall be setback a minimum of 50 feet from all property lines. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)
- 2) Setback from road right of way of all streets. All new towers shall be setback from all streets a minimum as defined in the village zoning ordinances.
- 3) Setback from ordinary high-water mark (OHWM). All new towers shall be setback a minimum of 75 feet from the ordinary high-water mark (OHWM) of any navigable body of water.
- 4) Guy wire anchor setback. All guy wire anchors shall be at least 25 feet from all property lines.
- 5) An existing legal substandard mobile service support structure or facility existing at the time of the adoption or amendment of this ordinance may be continued although the structure's size and/or location does not conform to the required setback(s). Additions, enlargements, reconstruction or

replacement, within the scope of this Chapter, shall conform with the legally established setback lines, as detailed in Chapter 27.

- 6) Equipment shelters/buildings shall be limited to 350 square feet or less in size per mobile service provider and 15 feet in height measured from the lowest finished grade to the ridge of the highest roof line of the structure.
- 7) The leased area/equipment compound intended for the location of the mobile service support structure and mobile service facility shall maintain a minimum size of twenty-five hundred (2,500) square feet.
- 8) All sites must be served by a minimum 30-foot-wide easement. All sites shall use existing access points and roads whenever possible. Any new access point to the site shall be approved by the applicable road jurisdiction.
- 9) Any parcel created shall meet the minimum lot area, width and frontage requirements in accordance with Chapter 27.

Sec. 27-190. Abandonment.

- 1) Any mobile service support structure and facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Time may be extended upon review and approval of the department, if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:
 - a) The owner of such mobile service support structure and facility shall remove such within 90 days of receipt of notice from the department notifying the owner of such abandonment. If removal to the satisfaction of the department does not occur within 90 days, the county corporation counsel may order removal utilizing the established security for removal as provided below and salvage. If there are two or more users of a single tower, then this provision shall not become effective until all operation of the tower cease. The mobile service support structure shall notify the department when the facility is no longer in operation.
- 2) Removal. It is the express policy of the village and this chapter that mobile service support structure be removed once they are no longer in use and not a functional part of providing service and that it is the mobile service support structure owners responsibility to remove such structure and restore the site to its original condition or a condition approved by the department. This restoration shall include the removal of any subsurface structure or foundation including concrete used to support the structure down to ten feet below the surface. After a mobile service support structure is no longer in operation, the tower owner shall have 90 days to effect removal and restoration unless weather prohibits such efforts. The mobile service support structure owner shall record a document with the Walworth County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure.
- 3) Security for removal. The Mobile service support structure shall provide to the village, prior to issuance of a zoning permit, a performance bond in the amount of \$20,000.00 or a bond equal to a written estimate from a qualified tower removal contractor to guarantee that the structure will be removed when no longer in operation. The village will be named as the obligee on the bond and must approve the bonding company.

Sec. 27-191. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or its applications of this ordinance that can be given effect without the invalid provision or application and to this end the provision of this ordinance are severable.

Sec. 27-192. Transferability.

Permits granted under this chapter go with the land and are transferable. Permits granted under this chapter are not limited in duration. All chapter and permit requirements shall apply to subsequent owners. The department shall be notified of any change in ownership including, but not limited to, facility leases, mortgages, liens or other instruments which may affect title to the property.

Sec. 27-193. Appeal Procedure.

Those dimensional standards established herein in accordance with Wisconsin Statute 61.35 may be appealed to the Village Board for a variance following the provisions of Chapter 27, Village Code of Ordinances, Zoning or Shoreland Zoning. A party who is aggrieved by the final decision of the department may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

Sec. 27-194. Limitations.

All limitations contained in Wis. Stat. ss/ 66.0404(4) are hereby incorporated by reference

Sec. 27-195 through Sec. 27-200 Reserved for Future Use