

**VILLAGE OF WILLIAMS BAY, WISCONSIN  
CHAPTER 18: ZONING**

**ADOPTED: NOVEMBER 7, 2011  
AMENDED 2-2-15 (18.1006C)**



# VILLAGE OF WILLIAMS BAY ZONING ORDINANCE

## TABLE OF CONTENTS

Section 18.0100: Introduction and Definitions .....	1
18.0101 Title .....	1
18.0102 Authority .....	1
18.0103 Purpose.....	1
18.0104 Intent.....	1
18.0105 Jurisdiction .....	2
18.0106 Separability and Non-Liability .....	2
18.0107 Abrogation.....	2
18.0108 Rules of Interpretation .....	2
18.0109 Warning and Disclaimer of Liability .....	3
18.0110 Re-enactment and Repeal .....	3
18.0111 Effective Date .....	3
18.0112 Word Usage.....	4
18.0113 Abbreviations.....	4
18.0114 Definitions .....	5
Section 18.0200: Standard Zoning Districts .....	21
18.0201 Purpose.....	21
18.0202 Standard Zoning Districts .....	21
18.0203 Map of Standard Zoning Districts.....	21
18.0204 Interpretation of Zoning District Boundaries.....	21
18.0205 Vacations and Annexations .....	22
18.0206 Description and Purpose of Zoning Districts.....	22
18.0207 AH Agricultural Holding District .....	22
18.0208 ER Estate Residential District.....	26
18.0209 SF-1 Low Density Residential District .....	28
18.0210 SF-2 Large Lot Residential District .....	30
18.0211 SF-3 Suburban Residential District .....	33
18.0212 SF-6 Village Residential District.....	35
18.0213 SF-CPP Cedar Point Park.....	37
18.0214 TF Two-Family Residential.....	42
18.0215 MF-12 Small Multi-Family Residential District .....	45
18.0216 MF-18 Multi-Family Residential District .....	48
18.0217 SB Small Business District .....	51
18.0218 VC Village Center District .....	54

---

18.0219	LSB Lakeshore Business .....	57
18.0220	CB Community Business District.....	59
18.0221	LI Light Industrial District.....	62
18.0222	GI General Industrial District .....	64
18.0223	P&I Public and Institutional District.....	66
18.0224	P&R Parks and Recreation District .....	68
Section 18.0300: Land Use Regulations .....		71
18.0301	Purpose.....	71
18.0302	Regulation of Allowable Uses.....	71
18.0303	Regulations Applicable to All Land Uses .....	71
18.0304	Detailed Land Use Descriptions and Regulations .....	73
18.0305	Table of Land Uses .....	73
18.0306	Residential Land Uses.....	87
18.0307	Agricultural Land Uses .....	96
18.0308	Institutional Land Uses.....	100
18.0309	Recreational Land Uses.....	103
18.0310	Business Land Uses.....	104
18.0311	Industrial Land Uses .....	113
18.0312	Storage Land Uses.....	116
18.0313	Transportation Land Uses .....	117
18.0314	Extraction and Disposal Land Uses.....	118
18.0315	Accessory Land Uses .....	120
18.0316	Temporary Land Uses.....	128
Section 18.0400: Density and Intensity Standards.....		131
18.0401.	Purpose.....	131
18.0402.	Intent .....	131
18.0403.	Approach.....	131
18.0404.	Natural Resources Site Evaluation.....	131
18.0405.	Instructions for Determining Density and Intensity .....	133
Section 18.0500: Bulk Standards.....		135
18.0501.	Purpose.....	135
18.0502.	Residential Bulk Standards .....	135
18.0503.	Nonresidential Bulk Standards .....	138
18.0504.	Yard Setback Adjustments .....	141
18.0505.	Intrusions into Required Yards.....	141
18.0506.	Exceptions to Maximum Height Regulations .....	143

---

<b>Section 18.0600: Nonconforming Situations</b> .....	<b>145</b>
18.0601 Purpose.....	145
18.0602 Nonconforming Uses.....	145
18.0603 Nonconforming Structures.....	146
18.0604 Nonconforming and Substandard Lots.....	147
18.0605 Nonconforming Site and Building Design .....	148
<b>Section 18.0700: Overlay Zoning Districts</b> .....	<b>151</b>
18.0701 Purpose.....	151
18.0702 How to Use this Section.....	151
18.0703 Overlay Zoning Districts.....	151
18.0704 Map of Overlay Zoning Districts .....	151
18.0705 Village Center Design Overlay District.....	151
18.0706 SWO Shoreland-Wetland Overlay District.....	157
18.0707 Floodplain Overlay Districts.....	167
18.0708 EC Environmental Conservation Overlay District.....	190
18.0709 PDO Planned Development Overlay District .....	193
<b>Section 18.0800: Performance Standards</b> .....	<b>201</b>
18.0801 Purpose .....	201
18.0802 Exterior Site and Building Design Standards .....	201
18.0803 Access Standards .....	203
18.0804 Visibility Standards .....	204
18.0805 Off-Street Parking and Traffic Circulation.....	205
18.0806 Off-Street Loading Standards .....	210
18.0807 Exterior Lighting Standards.....	212
18.0808 Exterior Storage Standards.....	213
18.0809 Fencing Standards.....	214
18.0810 Private Residential Swimming Pool Standards.....	216
18.0811 Communication Tower Standards .....	217
18.0812 Air Pollution Standards .....	219
18.0813 Glare and Heat Standards.....	219
18.0814 Fire and Explosions .....	220
18.0815 Odor Standards .....	220
18.0816 Toxic, Noxious, and Waste Materials .....	220
18.0817 Hazardous Materials .....	221
18.0818 Water Quality Standards .....	221
18.0819 Noise Standards .....	221
18.0820 Vibration Standards .....	222

---

---

18.0821	Group Development and Large Development Standards .....	223
18.0822	Reserved .....	233
18.0823	Administration and Enforcement .....	233
<b>Section 18.0900: Landscaping Requirements .....</b>		<b>235</b>
18.0901	Purpose.....	235
18.0902	How to Use this Section .....	235
18.0903	Landscaping Points .....	236
18.0904	Sample Landscaping Schemes .....	236
18.0905	Measurement of Landscaping Points.....	240
18.0906	Landscaping Requirements for Regular Developments.....	241
18.0907	Requirements for Permanently Protected Green Space .....	244
18.0908	Reforestation Requirements .....	244
18.0909	Bufferyard Requirements.....	244
18.0910	Classification of Plant Species .....	249
18.0911	Descriptions and Standards for Rain Gardens and Bioswales .....	254
18.0912	Installation Requirements .....	255
18.0913	Calculating Landscaping and Bufferyard Requirements .....	256
18.0914	Depiction on Required Site Plan.....	257
<b>Section 18.1000: Signage Regulations .....</b>		<b>259</b>
18.1001	Purpose .....	259
18.1002	Compliance.....	259
18.1003	Signs Permitted in all Zoning Districts without a Permit .....	259
18.1004	Signs Permitted in all Residential Districts with a Permit.....	259
18.1005	Signs Permitted in all Business and Industrial Districts with a Permit.....	260
18.1006	Signs Permitted in the Public Parks and Recreation Districts with a Permit.....	260
18.1007	Portable Signs.....	261
18.1008	Facing.....	261
18.1009	Lighting and Color .....	261
18.1010	Construction and Maintenance Standards .....	261
18.1011	Existing Signs .....	262
18.1012	Sign Permit .....	262
18.1013	Measuring Signs .....	263
18.1014	Directional Signs.....	263
<b>Section 18.1100: Administration .....</b>		<b>265</b>
18.1101	Purpose.....	265
18.1102	Zoning Administrator .....	265
18.1103	Plan Commission .....	266

---

---

18.1104	Village Board.....	266
18.1105	Zoning Board of Appeals .....	266
18.1106	Fees .....	268
18.1107	Recovery of Village Costs and Expenses.....	268
Section 18.1200: Procedures .....		271
18.1201	Purpose .....	271
18.1202	Review and Approval Required .....	271
18.1203	Public Hearings .....	273
18.1204	Zoning Ordinance Text Amendment .....	273
18.1205	Zoning Map Amendments.....	275
18.1206	Site Plan.....	277
18.1207	Conditional Use Permit.....	283
18.1208	Temporary Use Permit.....	286
18.1209	Zoning Permit .....	288
18.1210	Building Permit.....	290
18.1211	Certificate of Compliance .....	290
18.1212	Sign Permit.....	293
18.1213	Development Agreement Required .....	293
18.1214	Other Permits.....	293
18.1215	Variance .....	293
18.1216	Interpretation .....	296
18.1217	Appeal.....	299
18.1218	Violations and Penalties .....	301



---

## **SECTION 18.0100: INTRODUCTION AND DEFINITIONS**

### **18.0101 Title**

This Chapter shall be known, cited, and referred to as the Village of Williams Bay Zoning Ordinance, except where as referred to herein, where it shall be known as “this Chapter.”

### **18.0102 Authority**

This Chapter is enacted pursuant to the authority granted by statutes of the State of Wisconsin. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. State Law References: Section 62.23(7), 62.231, 87.30, Wisconsin Statutes.

### **18.0103 Purpose**

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

### **18.0104 Intent**

- A. In consonance with the basic purpose stated in Section 18.0103 and to implement the same, the regulations herein are intended to provide a regulatory framework for land use within the Village, which will aid in achieving a harmonious and compatible relationship between various uses consistent with the rights of property ownership, the general public welfare, and the established goals for community development and character. To this intent, it is designed to relate realistically to those physical, economic, and environmental factors that would significantly influence the appropriate development and use of land and to provide maximum flexibility, adaptability, and responsiveness to changing physical and economic conditions and societal concerns.
- B. The regulations are designed to utilize performance standards wherever possible to evaluate the actual impact of uses or activities upon the community rather than to rely solely on preset and fixed formulae. Recognizing the unique character of the Village resulting from its topography, its location on the shores of Geneva Lake, and its development as a predominantly residential, lake-oriented community, these regulations are also specifically designed to preserve this character, to protect the waters of Geneva Lake, and to effectively harmonize the rights and concerns of Village residents with those of the general public attracted by the resort and recreational facilities on the lake.
- C. Further, it is the intent of this ordinance to regulate the use of all structures, lands, and waters; regulate lot coverage, population distribution, and density; and regulate size and location of all structures so as to control and lessen congestion on and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air, sanitation, and drainage; protect groundwater resources; prevent overcrowding of land; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; facilitate the use of solar devices and other innovative development techniques; stabilize and protect property values; preserve and protect burial sites; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the goals and objectives of the Village of Williams Bay Comprehensive Plan.
- D. In addition, the Floodway and Floodplain Fringe overlay zoning regulations set forth in this Chapter have been adopted to prevent and control erosion, sedimentation, and other pollution of surface waters; to

further the maintenance of safe and healthful water conditions and prevent flood damage to persons and property; and to minimize expenditures for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

- E. In addition, the Shoreland-Wetland Overlay zoning regulations set forth in this Chapter have been adopted to preserve, protect, and enhance the ponds, streams, shorelands, and wetland areas to maintain safe and healthful conditions. To this end, it is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

### **18.0105 Jurisdiction**

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

### **18.0106 Separability and Non-Liability**

It is hereby declared to be the intention of the Village of Williams Bay Village Board that provisions of this Chapter are separable in accordance with the following:

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, or structure, such judgment shall not affect the application of said provision to any other property, water, building, or structure not specifically included in said judgment.
- C. If any requirement or limitation attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.
- D. The Village does not guarantee, warrant, or represent that only those areas designated as floodplain will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village, its officers, employees, agents, or representatives for any flood damages, sanitation problems, or structural damages.

### **18.0107 Abrogation**

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

### **18.0108 Rules of Interpretation**

- A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Williams Bay.
- B. Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations that are more restrictive or that impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained, in violation of any state or federal regulations. Where there are conflicts between or among regulations within this Chapter, the regulations that are more

restrictive or that impose higher standards or requirements shall prevail. In all instances, where there are conflicts between the text of this Chapter and any tables or figures of this Chapter, the text shall prevail.

- C. No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except structures not requiring a building permit (e.g. swing set, clothesline, etc.), and without full compliance with the provisions of this Chapter and all other applicable local, county, and state regulations.
- D. Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective date of this Chapter, and the construction of which shall have been started within one year from the date of such permit.
- E. Except as provided in this Chapter, under provisions for nonconforming uses, nonconforming developments, substandard lots, and nonconforming structures and buildings (See Section 18.0600), no building, structure, development, or premises shall be hereinafter used or occupied, and no applicable permit granted, that does not conform to the requirements of this Chapter. In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.
- F. Except for outlots authorized under the Village land division regulations to contain permanently protected green space area, no yard or other open space area shall be considered as providing a yard or open space for a building or structure on any other lot.

### **18.0109 Warning and Disclaimer of Liability**

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

### **18.0110 Re-enactment and Repeal**

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

### **18.0111 Effective Date**

This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map. All plans approved under previous zoning regulations shall be

valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to developer agreement provisions.

### 18.0112 Word Usage

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

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

### 18.0113 Abbreviations

The abbreviations used in this Chapter are intended to have the meanings listed in Figure 18.0113:

Figure 18.0113	
Abbreviation	Meaning
Ac	Acre
CUP	Conditional Use Permit
db	Decibel
WisDNR	Wisconsin Department of Natural Resources
Du	Dwelling unit
Fc	Foot candles
FEMA	Federal Emergency Management Administration
ft	Foot
GSA	Gross site area
GSR	Green space ratio
ISR	Impervious surface ratio

<b>Figure 18.0113</b>	
<b>Abbreviation</b>	<b>Meaning</b>
LSR	Landscape surface ratio
Max	Maximum
MBS	Maximum building size
MGD	Maximum gross density
Min	Minimum
MH	Maximum height
MLA	Minimum lot area
N/A	Not applicable
NDA	Net developable area
RPA	Resource protection area
sf or sq. ft.	Square feet
Wis. Adm. Code	Wisconsin Administrative Code
Wis. Stats.	Wisconsin Statutes

**18.0114 Definitions**

The following words, terms, and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. For definitions applicable to the Shoreland-Wetland and Floodplain overlay districts, see Sections 18.0706 and 18.0707.

**Abutting:** Having a common border with, or being separated from such common border by an alley or easement.

**Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

**Access, direct:** A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

**Accessory dwelling unit (land use):** See Section 18.0315E.

**Accessory use or structure:** A use or structure subordinate to and serving the principal use or structure on the same lot, and customarily incidental thereto.

**Acre:** 43,560 square feet.

**Active outdoor recreation (land use):** See Section 18.0309B.

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

**Address sign:** An accessory wall sign containing only the address of the premises on which it is located.

**Agricultural services (land use):** See Section 18.0307G.

**Air right pads:** The area of land above which the property owner has the right to control, occupy, and use the vertical space (air space).

Airport (land use): See Section 18.0313D.

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

Animal unit: A measure that represents a common denominator for the purpose of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the maximum carrying capacity of one acre of land and is related to the amount of feed various species consume and the amount of waste they produce. Figure 18.0114A indicates the number of common farm species that comprise a single animal unit:

**Figure 18.0114A: Species/Animal Unit Conversions**

Type of Livestock	# of Animals/Animal Unit	Type of Livestock	# of Animals/Animal Unit	Type of Livestock	# of Animals/Animal Unit
Horse (>2 yrs)	1	Calves (<1 yr)	5	Lambs	14
Colt (<2 yrs)	2	Brood Sow or Boar	2	Chickens–Egg Layers	30
Cattle (>2 yrs)	1	Hogs (up to 220 lbs)	3	Chickens–Fryers	60
Cattle (<2 yrs)	2	Sheep	10	Turkeys	50

Source: The Stockman’s Handbook

Apartment (land use): See Section 18.0306G.

Appeal: A means of obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 18.1217.

Arterial street: See “Street, arterial.”

Artisan production workshop (land use): See Section 18.0310D.

Artisan studio (land use): See Section 18.0310C.

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

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

Basement: A portion of a building located below grade or partly below grade.

Bathroom (land use): See Section 18.0315X.

Bed and breakfast establishment (land use): See Section 18.0310J.

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Boarding house (land use): See Section 18.0310L.

Bufferyard: Any permitted combination of distance, vegetation, fencing, and berming that results in a reduction of visual and other interaction with an adjoining property.

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

Building, accessory: A building that meets all of the following criteria: a) Is subordinate to and serves a principal structure or a principal use; b) is subordinate in area, extent, and purpose to the principal structure

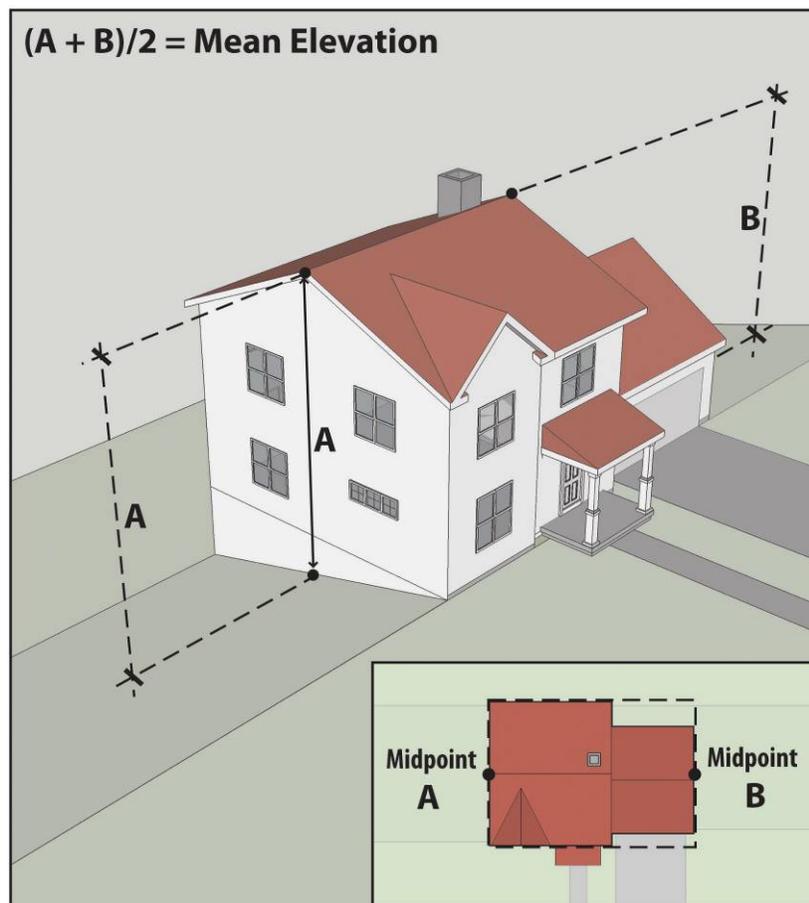
or use served; c) is located on the same lot as the principal structure or use served, except as otherwise expressly authorized by provisions of this Chapter; and d) is customarily incidental to the principal structure or use. Any portion of a principal building devoted to or intended to be devoted to an accessory use shall be considered an accessory use and not an accessory building.

**Building coverage:** The percentage of a lot covered by principal and accessory buildings.

**Building front:** The exterior wall of a building that faces the front lot line of the lot.

**Building height:** The vertical distance measured from the mean elevation of the finished lot grade to the highest point of the roof. Such measurement shall be taken from the side yards at the midpoint of the principal structure immediately adjacent to the building. The finished lot grade elevation shall be measured from the average of the two side yard elevations. See Figure 18.0114

**Figure 18.0114B: Building Height**



**Building line:** A line on a lot, generally parallel to a lot line or public or private street right-of-way line, located a sufficient distance from either to provide the minimum yards required by this Chapter. The building lines on a lot determine the area in which buildings are allowed to be developed subject to all applicable provisions of this Chapter. Building lines are also referred to as “setbacks.”

**Building envelope:** A component of a group development (see Section 18.0821) that conforms to the lot lines that would otherwise be applicable for a development not considered a group development. To determine the area of a building envelope, required minimum setback distances must be met for each principal structure in the group development, as measured from the building to the building envelope “line.”

Building, principal: A building in which the main or principal use of the lot is conducted.

Building separation: The narrowest distance between two buildings (see “minimum building separation”).

Building size: The total gross floor area of a building (see “maximum building size”).

Bulk (of a building): The combination of building height, size, and location on a lot.

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement four foot above natural grade.

Campground (land use): See Section 18.0310N.

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

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

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

Caretaker house or guest house (land use): See Section 18.0315F.

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

Clear cutting (land use): See Section 18.0307E.

Collector street: See “street, collector.”

Commercial animal boarding (land use): See Section 18.0310P.

Commercial greenhouse/garden center (land use): See Section 18.0310T.

Commercial indoor lodging (land use): See Section 18.0310K.

Communication tower (land use): See Section 18.0311E.

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

Community garden (land use): See Section 18.0307H.

Community living arrangement (land use): See Sections 18.0308F, 18.0308G, 18.0308H.

Company cafeteria (land use): See Section 18.0315M.

Company on-site recreation (land use): See Section 18.0315N.

Composting (land use): See Section 18.0314B.

Comprehensive plan: The Comprehensive Plan of the Village of Williams Bay, Wisconsin.

Concession stands and equipment rental (land use): See Section 18.0315W.

Conditional use: A land use that requires a conditional use permit in order to develop.

Construction, start of: See “start of construction.”

Cultivation (land use): See Section 18.0307A.

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

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

**Density:** A term used to describe the number of dwelling units per acre.

**Developer:** The legal or beneficial owner(s) of a lot of any land proposed for inclusion in a development.

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

**Development Agreement:** An agreement by a developer with the Village that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities and improvements, and any other mutually agreed to terms and requirements.

**Development pad:** The area of land where development will occur, including building areas, paved areas, yard and septic system areas, and other areas of non-native vegetation.

**Distribution center (land use):** See Section 18.0313B.

**Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding (see also Stormwater Facilities (land use) in Section 18.0315T).

**Drive-through sales and service (land use):** See Section 18.0310I.

**Drive-through sales and service incidental to on-site principal land use (land use):** See Section 18.0315U.

**Duplex (land use):** See Section 18.0306D.

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

**Dwelling, attached:** A dwelling unit joined to another dwelling unit at one or more sides by a shared wall or walls.

**Dwelling, detached:** A dwelling unit entirely surrounded by open space on the same lot.

**Dwelling unit:** A room or group of rooms providing or intended to provide permanent living quarters for not more than one "family," as defined in this section.

**Dwelling unit separation:** The narrowest distance between two dwelling units.

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

**Encroachment:** Any fill, structure, building, use, or development that advances beyond proper limits.

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

**Essential services:** Facilities that meet the following criteria: a) owned or maintained by public utility companies or public agencies; b) located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way; c) reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers; and d) not including any cross-country line on towers.

**Exterior communications device (land use):** See Section 18.0315R.

**Extraction (land use):** See Section 18.0314A.

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

Façade: The entire building front including the parapet.

Family: An individual or two or more persons, each related by blood, marriage, or adoption or guardianship, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Family daycare home (land use): See Section 18.0315B.

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

Farm residence (land use): See Section 18.0315G.

Farmer's Market (land use): See Section 18.0316I.

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

Fence, solid: Any fence that cannot be seen through. Such fences include basket-weave fences, stockade fences, plank fences, and similar fences.

Filling (land use): See Section 18.0315Y.

Floor area ratio (FAR): The ratio calculated by dividing the gross floor area of all buildings on a site by the gross site area (see maximum "floor area ratio").

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

Freight terminal (land use): See Section 18.0313C.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Glare: The brightness of a light source that causes eye discomfort.

Green space ratio (GSR): The percentage of the gross site area that is preserved as permanently protected green space. The green space ratio is calculated by dividing the area of permanently protected green space by the gross site area (see "minimum green space ratio").

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area (see maximum gross density).

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

Gross site area (GSA): The total area within a development site, including floodplain areas, wetlands, steep slopes, wooded areas, street rights-of-way, alleys, easements, stormwater management areas, parks, dedicated open space areas

Group daycare center (land use): See Section 18.0310O.

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

Heavy industrial (land use): See Section 18.0311B.

Height: See “building height.”

Home occupation (land use): See Section 18.0315A.

Husbandry (land use): See Section 18.0307B.

Identification sign: An accessory wall sign containing only the name of the premises on which it is located.

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

Impervious surface ratio: A measure of the intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross site area.

In-home suite (land use): See Section 18.0315D.

Incidental indoor sales (land use): See Section 18.0315P.

Incidental light industrial (land use): See Section 18.0315Q.

Incidental outdoor display (land use): See Section 18.0315O.

Indoor aquaculture (land use): See Section 18.0311D.

Indoor commercial entertainment (land use): See Section 18.0310G.

Indoor institutional-general (land use): See Section 18.0308A.

Indoor institutional-intensive (land use): See Section 18.0308B.

Indoor maintenance service (land use): See Section 18.0310Q.

Indoor sales and service (land use): See Section 18.0310E.

Indoor storage and wholesaling (land use): See Section 18.0312A.

Institutional residential (land use): See Section 18.0308E.

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

Intensive agriculture (land use): See Section 18.0307F.

Intensive outdoor activity (land use): See Section 18.0309C.

Intermediate daycare home (land use): See Section 18.0315B.

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

Junk or salvage yard (land use): See Section 18.0314D.

Lake related recreation (land use): See Section 18.0309D.

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

**Landscaped area:** The area of a site that is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. The landscaped area also includes any area located within planted and continually maintained landscaped planters.

**Landscape surface ratio (LSR):** The percentage of the gross site area or lot area that is preserved as permanently protected landscaped area.

**Land use:** The type of development and/or activity occurring on a piece of property.

**Large solar energy system (land use):** See Section 18.0311G.

**Large wind energy system (land use):** See Section 18.0311F.

**Lawn care (land use):** See Section 18.0315S.

**Light industrial (land use):** See Section 18.0311A.

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

**Lot:** A piece of land that meets the following criteria: a) undivided by any street or private road; (b) is occupied by, or designated to be developed with one building or principal use (except in the case of a group development under Section 18.0821); (c) contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this Chapter for such building, use, or development; and (d) has been described in a certified survey map or in a metes and bounds description approved by the Village or by Walworth County and recorded in the office of the Register of Deeds.

**Lot area:** The area contained within the property boundaries of a recorded lot.

**Lot, corner:** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. See Figure 18.0114C.

**Lot depth:** The average distance between the front lot line and the rear lot line of a lot.

**Lot, double frontage:** A lot, other than a corner lot, that has frontage on more than one street, or with frontage on a street and a navigable waterway. Double frontage lots shall have two front yards, or one front yard and one shore yard, and no rear yard. See Figure 18.0114C.

**Lot frontage:** The lot width as measured at the front lot line. For double frontage lots and corner lots, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided for both frontages.

**Lot, interior:** A lot other than a corner lot. See Figure 18.0114C.

**Lot line:** A lot line is the line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying the regulations of this Chapter.

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

**Lot line, interior side:** Any boundary of a lot that is not a front lot line, street side lot line, or a rear lot line.

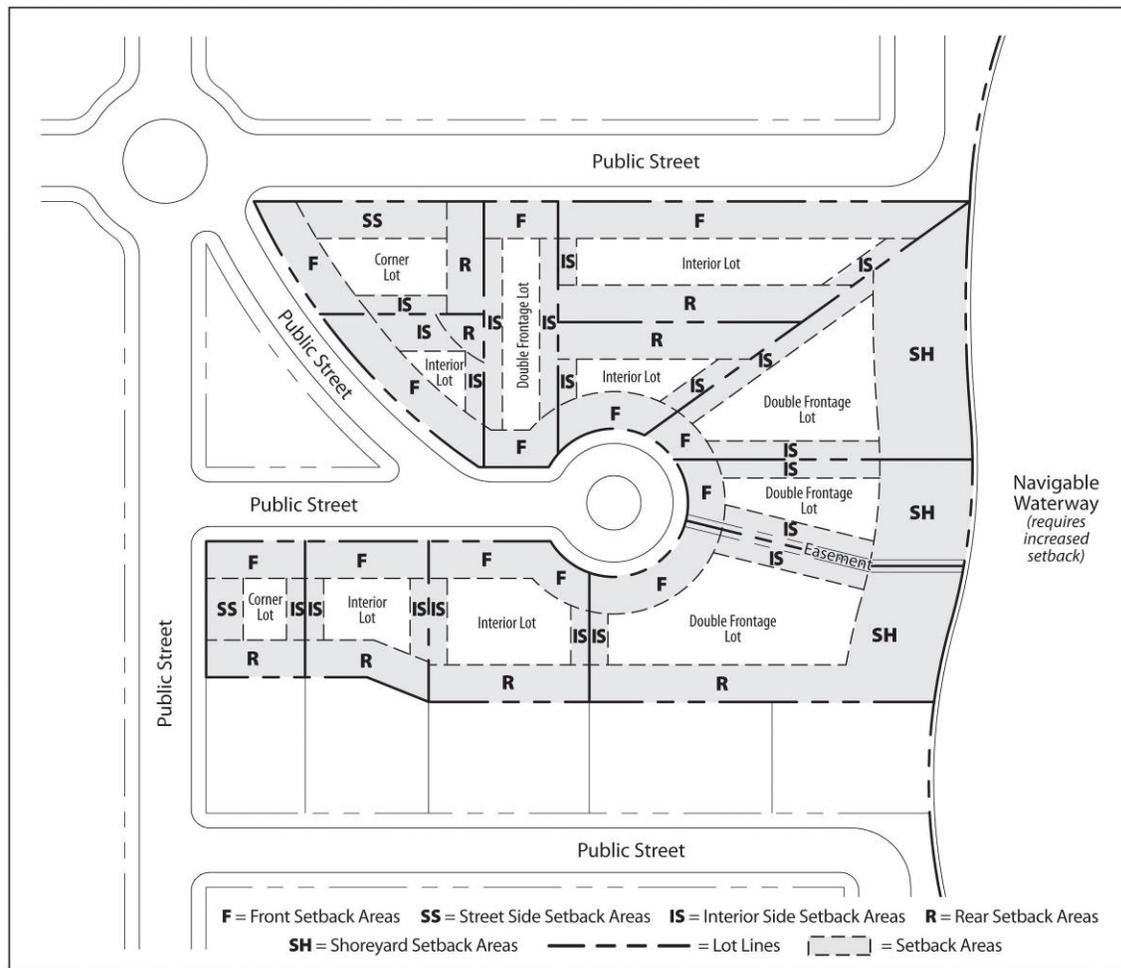
**Lot line, rear:** In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or

gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there shall be no rear lot line.

Lot line, shore: The lot line that abuts a navigable waterway.

Lot line, street side: For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line. (See also “lot line, front”).

Figure 18.0114C



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

Lot width: The maximum horizontal distance between the side lot lines, measured parallel to the front lot line and at the rear of the required front yard (see also “minimum lot width”)

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

Manufactured home: A type of housing unit that is largely assembled in factories and then transported to sites of use.

Market garden (land use): See Section 18.0307I.

Maximum building size (MBS): The largest total gross floor area a building is allowed to contain (see “building size”).

Maximum floor area ratio (FAR): The largest percentage of floor area allowed on a lot (see “floor area ratio”).

Maximum gross density (MGD): The maximum number of dwelling units allowed per acre of Gross Site Area (see “gross density”).

Maximum height: The tallest allowable height of a structure (see “building height”).

Migrant employee housing (land use): See Section 18.0315H.

Minimum building separation: The narrowest allowable building separation.

Minimum dwelling unit separation: The narrowest allowable dwelling unit separation.

Minimum landscape surface ratio (LSR): The smallest allowable landscape surface ratio (see “landscape surface ratio”).

Minimum lot area: The smallest allowable size of a lot.

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

Minimum required yard: The smallest yard depth allowable based on the setback regulations for the zoning district in which such lot is located.

Minimum setback: The shortest distance allowed between a lot line and a structure.

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

Mixed use: Some combination of residential, business, industrial, office, institutional, and/or other land uses within a district, development, or building.

Mixed use dwelling unit (land use): See Section 18.0306K.

Mobile home (land use): See Section 18-0306H.

Mobile home park (land use): See Section 18.0306J.

Mobile home subdivision (land use): See Section 18.0306I.

Multiplex (land use): See Section 18.0306F.

Municipal water supply: The municipal water supply of the Village of Williams Bay.

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

Nonconforming building or structure: See Section 18-0603.

Nonconforming site and building design: See Section 18.0605.

Nonconforming use: See Section 18.0602.

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects to the physical or economic well-being of individuals.

Nursery: Any enterprise that conducts the sale of plants that are grown on the premises.

Off-site parking (land use): See Section 18.0313E.

Office (land use): See Section 18.0310A.

Official map: The map adopted and designated by the Village as being the “Official Map” pursuant to Section 66.23(6) Wis. Stats., which shows current and proposed municipal improvement sites and rights-of-way.

Official zoning map: The map adopted and designated by the Village as being the “Official Zoning Map.”

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

On-site agricultural retail (land use): See Section 18.0307C.

On-site parking (land use): See Section 18.0315L.

Opacity: The degree to which vision is blocked by a bufferyard. Opacity is the proportion of a bufferyard’s vertical plane that obstructs views into an adjoining property.

Other permanently protected green space: Permanently protected green space areas that are not constrained by one of the protected natural resources (i.e. wetlands, floodplains, steep slopes, lakeshores, and woodlands). Examples include portions of private lots or outlots commonly held by a property owners association and that are deed restricted from site disruption.

Outdoor display (land use): See Section 18.0307E.

Outdoor entertainment (land use): See Section 18.0310H.

Outdoor maintenance service (land use): See Section 18.0310R.

Outdoor open space institutional (land use): See Section 18.0308C.

Outdoor storage and wholesaling (land use): See Section 18.0312B.

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

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

Parapet: The extension of a false front or wall above the roofline.

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

Passive outdoor recreation (land use): See Section 18.0309A.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or structures.

Permanently protected green space: An area in which site disruption and/or development is strictly limited.

Personal or professional service (land use): See Section 18.0310B.

Personal storage facility (land use): See Section 18.0312C.

Plan Commission: The Plan Commission of the Village of Williams Bay.

Planned development: see Section 18.0709.

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

Principal building: See “building, principal.”

---

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

Private sewage system: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor, and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

Production greenhouse (land use): See Section 18.0311C.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as: streets, roads, alleys, or pedestrian walks or paths; storm sewers; flood control improvements; water supply and distribution facilities; sanitary sewage disposal and treatment; and public utility and energy services.

Public services and utilities (land use): See Section 18.0308D.

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

Railroad right-of-way: A strip of land that includes tracks and auxiliary facilities for track operation, but not including freight depots or stations, platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Real estate sign: A sign that is used to offer the sale, lease, or rent of the property upon which the sign is placed.

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

Recorded lot: See “lot of record.”

Recycling and Waste Disposal (land use): See Section 18.0314C.

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

Residential garage or shed (land use): See Section 18.0315I.

Residential kennel or stable (land use): See Section 18.0315K.

Residential recreation facility (land use): See Section 18.0315J.

Restrictive, more/less: A regulation imposed by this Chapter is more/less restrictive than another if it prohibits or limits development to a greater/lesser extent or by means of more/less detailed specifications.

Scale (of development): The gross floor area, height, or volume of a single structure or group of structures.

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

Selective cutting (land use): See Section 18.0307D.

Setback: The shortest distance between the exterior of a building or structure and the nearest point on the referenced lot line (see “minimum setback”).

Sewer service area: Those areas in and around existing communities that are most suitable for urban development and capable of being provided with a full range of urban services.

Sexually-oriented land use: See Section 18.0310U.

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

Shoreland lot: A lot abutting a navigable lake, stream, or watercourse.

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

Sign, awning: A sign that is mounted or painted on, or attached to an awning, canopy, or marquee.

Sign, copy: The message or advertisement, and any other symbols on the face of a sign.

Sign, face: The area or display surface used for the sign copy.

Sign, ground: Any sign placed upon or supported by the ground independent of any other structure.

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

Sign, projecting: A sign that is wholly or partly dependent upon a building for support and that projects more than 12 inches from such building.

Sign, roof: A sign erected upon or over the roof or parapet of any building.

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

Sign, window: A sign located completely within an enclosed building and visible from a public way.

Single-family (land use): See Section 18.0306A.

Site area: See “gross site area.”

Small solar energy system (land use): See Section 18.0315V.

Solid fence: See “fence, solid.”

Standard zoning districts: Zoning districts that primarily regulate the use of land and intensity or density of such use. See Section 18.0200.

Start of construction: The date the building permit is issued, provided the actual start of activity was within 365 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Construction activity does not include any of the following: land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep slope: Steep slopes are areas that contain a gradient of 12 percent or greater.

Stormwater facilities (land use): See Section 18.0315T.

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

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

Street, arterial: A street that provides primary access to and through an area.

Street, collector: A street that disperses traffic throughout an area.

Street, local: A street that provides access to individual properties.

Street, local residential: A local street that primary serves to provide access directly to residential driveways and private residential courts and streets.

Street, residential collector: A collector street serving primarily residential land uses and that primarily serves to connect local residential streets to collector or arterial streets.

String of lights: Decorative lighting for store fronts, displays, or signage.

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

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

Substantial improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications that are solely necessary to ensure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Swale: A linear depression in the land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse (also see bioswale in Section 18.0911).

Temporary construction storage (land use): See Section 18.0316F.

Temporary farm product sales (land use): See Section 18.0316A.

Temporary garage or estate sale (auction) (land use): See Section 18.0316H.

Temporary outdoor assembly (land use): See Section 18.0316C.

Temporary outdoor sales (land use): See Section 18.0316B.

Temporary portable storage unit (land use): See Section 18.0316E.

Temporary relocatable building (land use): See Section 18.0316G.

Temporary shelter structure (land use): See Section 18.0316D.

Temporary use: A land use that is present on a property for a limited and specified period of time.

Tourist rooming house (land use): See Section 18.0310M.

Townhouse (land use): See Section 18.0306E.

Transit center (land use): See Section 18.0313A.

Twin house (land use): See Section 18.0306C.

Two-flat (land use): See Section 18.0306B.

**Unnecessary hardship:** The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

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

**Use:** The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**Use, accessory:** See “accessory use.”

**Use, conditional:** See “conditional use.”

**Use, principal:** See “principal use.”

**Variance:** Permission to depart from the requirements of this Chapter, granted pursuant to Section 18.1215.

**Vehicle sales (land use):** See Section 18.0310S.

**Visitor entrance:** Entrance to an industrial, institutional, or business use for customers and visitors.

**Well field:** Land used primarily for the purpose of locating wells to supply a municipal water system.

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

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

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

**Yard, front:** The yard between the side lot lines extending from the front lot line to the nearest part of the nearest principal building. For corner lots, the yard on which the property is addressed shall be the front yard. For double frontage lots in which the lot has frontage on more than one street, (see “lot, double frontage”), there shall be two front yards.

**Yard, interior side:** The yard between the front and rear lot lines extending from the interior side lot line to the nearest part of the nearest principal building.

**Yard, rear:** The yard between the side lot lines extending from the rear lot line to the nearest part of the nearest principal building. For double frontage lots (see “lot, double frontage”), there shall be no rear yard.

**Yard, shore:** The yard between the side lot lines extending from the shore lot line to the nearest part of the nearest principal building.

**Yard, street side:** For corner lots, the yard between the front and rear lot lines, extending from the street side lot line to the nearest part of the nearest principal building.

**Zero-lot line structure:** A structure that is built on the property line, such as a twin house, townhouse, or downtown unit.

**Zoning administrator:** The person authorized and charged by the Village with the administration of this Chapter.



---

## SECTION 18.0200: STANDARD ZONING DISTRICTS

### 18.0201 Purpose

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

### 18.0202 Standard Zoning Districts

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts. Overlay zoning districts are listed and described in Section 18.0700.

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

### 18.0203 Map of Standard Zoning Districts

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

### 18.0204 Interpretation of Zoning District Boundaries

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

- A. Zoning district boundaries shown as following or approximately following the limits of any village, city, town, or county boundary shall be construed as following such limits.

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

### **18.0205 Vacations and Annexations**

- A. Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- B. Annexations that are fully in compliance with the Village Annexation Ordinance shall be automatically placed in the AH Agricultural Holding District, unless another zoning designation is determined through an annexation agreement. Annexations containing lakeshore, as defined in this ordinance, shall comply with Section 59.692(7) of the Wisconsin Statutes. Annexations or consolidations containing floodlands shall be placed in one of the following overlay districts: FWO, FFO, and GFO.

### **18.0206 Description and Purpose of Zoning Districts**

The following sections specify the description and purpose of the standard zoning districts established by this Chapter, establish principal and accessory uses permitted by right or as conditional uses, establish bulk, density, and intensity standards, and reference other applicable regulations. Descriptions and standards for land use categories are provided in Section 18.0300. Section 18.0305 includes a Tables of Land Uses indicating which land uses are allowed in each zoning district, and whether they are permitted by right, allowed by conditional use permit, as an accessory use, or as a temporary use.

### **18.0207 AH Agricultural Holding District**

- A. Description and Purpose. This district is intended to permit agricultural land uses and development that is compatible with such uses. The land use standards for this district permit very low density, single-family, detached residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development requiring even minimal urban services does not occur until such services are available. As such, the Agricultural Holding (AH) district shall either serve as a designation that preserves and protects agricultural activities, or as a “holding zoning” that provides for an interim land use (agriculture) that can easily accommodate orderly future Village development (with rezoning to another district) at the appropriate time.

---

B. Principal Land Uses Permitted by Right.

1. Single-Family Detached—35 acre lot (per Section 18.0306A)
2. Cultivation (per Section 18.0307A)
3. On-Site Agricultural Retail (per Section 18.0307C)
4. Selective Cutting (per Section 18.0307D)
5. Public Services and Utilities (per Section 18.0308D)
6. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
7. Passive Outdoor Recreation (per Section 18.0309A)
8. Active Outdoor Recreation (per Section 18.0309B)

C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).

1. Single-Family Detached – 40,000 sf lot (for lots smaller than 35 acres, remainder of 35 acres must be deed restricted prohibiting subsequent development of additional principal structures unless rezoned for higher density development) (per Section 18.0306A)
2. Husbandry (per Section 18.0307B)
3. Clear Cutting (per Section 18.0307E)
4. Intensive Agriculture (per Section 18.0307F)
5. Agricultural Services (per Section 18.0307G)
6. Community Gardens (per Section 18.0307H)
7. Market Gardens (per Section 18.0307I)
8. Outdoor Open Space Institutional (per Section 18.0308C)
9. Lake Related Recreation (per Section 18.0309D)
10. Bed and Breakfast Establishments (per Section 18.0310J)
11. Campground (per Section 18.0310N)
12. Commercial Animal Boarding (per Section 18.0310P)
13. Production Greenhouse (per Section 18.0311C)
14. Indoor Aquaculture (per Section 18.0311D)
15. Large Wind Energy System (per Section 18.0311F)
16. Large Solar Energy System (per Section 18.0311G)
17. Extraction Use (per Section 18.0314A)
18. Airport (per Section 18.0313D)
19. Composting (per Section 18.0314B)
20. Recycling and Waste Disposal (per Section 18.0314C)
21. Junk or Salvage Yard (per Section 18.0314D)
22. Large Developments (per Section 18.0821)
23. Group Developments (per Section 18.0821)

D. Accessory Uses Permitted by Right.

1. Home Occupation (per Section 18.0315A)
2. Family Day Care Home (4-8 children) (per Section 18.0315B)
3. In-Home Suite (per Section 18.0315D)
4. Farm Residence (per Section 18.0315G)
5. Residential Garage or Shed (per Section 18.0315I)
6. Residential Recreational Facility (per Section 18.0315J)
7. On-Site Parking (per Section 18.0315L)
8. Exterior Communication Devices (per Section 18.0315R)
9. Lawn Care (per Section 18.0315S)
10. Stormwater Facilities (per Section 18.0315T)

- 
11. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Day Care Home (9-15 children) (per Section 18.0315C)
  2. Incidental Outdoor Display (per Section 18.0315O)
  3. Migrant Employee Housing (per Section 18.0315H)
  4. Residential Kennel or Stable (per Section 18.0315K)
  5. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Farm Product Sales (per Section 18.0316A)
  2. Temporary Outdoor Assembly (per Section 18.0316C)
  3. Temporary Shelter Structure (per Section 18.0316D)
  4. Temporary Portable Storage Unit (per Section 18.0316E)
  5. Temporary Construction Storage (per Section 18.0316F)
  6. Temporary Relocatable Building (per Section 18.0316G)
  7. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  8. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the AH zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family and agricultural land uses are exempt from the landscaping requirements in this Chapter. All other land uses in the AH zoning district shall adhere to the applicable landscaping requirements listed in Section 18.0900.
- J. Signage Regulations. All signs in the AH zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the AH zoning district are detailed in Figure 18.0207. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0207:  
Density, Intensity, and Bulk Regulations in the Agricultural Holding Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	35 acres 40,000 square feet (with conditional use permit)	40,000 square feet
Maximum Lot Area	5 acres	5 acres
Maximum Gross Density	1 dwelling unit per 35 acres	N/A
Minimum Gross Floor Area	900 sf (excluding attached garage)	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	200 feet	
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	30 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	35 feet

\* For additional setback standards applicable to residential garages, see Section 18.0315I.

---

## 18.0208 ER Estate Residential District

- A. Description and Purpose. This district is intended to permit single-family residential development at a low density of less than one dwelling unit per acre. Density and intensity standards for this district are designed to ensure that the existing character of areas zoned Estate Residential are protected and preserved.
- B. Principal Land Uses Permitted by Right.
1. Single-Family (per Section 18.0306A)
  2. Selective Cutting (per Section 18.307D)
  3. Public Services and Utilities (per Section 18.0308D)
  4. Community Living Arrangement (1-8 Residents) (per Section 18.0308F)
  5. Passive Outdoor Recreation (per Section 18.0309A)
  6. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Community Garden (per Section 18.0307H)
  4. Market Garden (per Section 18.0307I)
  5. Indoor Institutional—General (per Section 18.0308A)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Bed and Breakfast Establishment (per Section 18.0310J)
  9. Large Developments (per Section 18.0821)
  10. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Caretaker House or Guest House (per Section 18.0315F)
  5. Residential Garage or Shed (per Section 18.0315I)
  6. Residential Recreational Facility (per Section 18.0315J)
  7. On-Site Parking (per Section 18.0315L)
  8. Exterior Communications Device (per Section 18.0315R)
  9. Lawn Care (per Section 18.0315S)
  10. Stormwater Facilities (per Section 18.0315T)
  11. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Daycare Home (9-15 children) (per Section 18.0315C)
  2. Accessory Dwelling Unit (per Section 18.0315E)
  3. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)

- 4. Temporary Construction Storage (per Section 18.0316F)
  - 5. Temporary Relocatable Building (per Section 18.0316G)
  - 6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. **Overlay District Requirements.** All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. **Performance Standards.** All allowed uses in the ER zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. **Landscaping Regulations.** Single-family land uses are exempt from landscaping requirements. All other land uses in the ER zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. **Signage Regulations.** All signs in the ER zoning district shall comply with applicable provisions of Section 18.1000.
- K. **Nonconforming Situations.** Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. **Density, Intensity, and Bulk Regulations.** Density, intensity, and bulk regulations specific to the ER zoning district are detailed in Figure 18.0208. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0208:  
Density, Intensity, and Bulk Regulations in the Estate Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	65,000 square feet	2 acres
Maximum Gross Density	0.7 du per acre	N/A
Minimum Gross Floor Area	Total du: 1,500 sf 2-story du, 1 <sup>st</sup> level: 900 sf 3-story du, each level: 500 sf	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	200 feet	
Minimum Front and Street Side Yard Setback	30 feet* 100 feet from Cedar Point Drive*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	30 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	

**Figure 18.0208:  
Density, Intensity, and Bulk Regulations in the Estate Residential Zoning District**

	Residential Uses	Nonresidential Uses
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure) 60 feet (all accessory structures) from Cedar Point Drive	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

**18.0209 SF-1 Low Density Residential District**

- A. Description and Purpose. This district is intended to permit single-family residential development at a low density of one dwelling per acre. Density and intensity standards for this district are designed to ensure that the existing character of areas zoned in Large-Lot Residential are protected and preserved.
- B. Principal Land Uses Permitted by Right.
  - 1. Single-Family (per Section 18.0306A)
  - 2. Selective Cutting (per Section 18.0307D)
  - 3. Public Services and Utilities (per Section 18.0308D)
  - 4. Community Living Arrangement (1-8 Residents) (per Section 18.0308F)
  - 5. Passive Outdoor Recreation (per Section 18.0309A)
  - 6. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
  - 1. Cultivation (per Section 18.0307A)
  - 2. Clear Cutting (per Section 18.0307E)
  - 3. Community Garden (per Section 18.0307H)
  - 4. Market Garden (per Section 18.0307I)
  - 5. Indoor Institutional—General (per Section 18.0308A)
  - 6. Indoor Institutional—Intensive (per Section 18.0308B)
  - 7. Outdoor Open Space Institutional (per Section 18.0308C)
  - 8. Bed and Breakfast Establishment (per Section 18.0310J)
  - 9. Large Developments (per Section 18.0821)
  - 10. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
  - 1. Home Occupation (per Section 18.0315A)
  - 2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  - 3. In-Home Suite (per Section 18.0315D)
  - 4. Residential Garage or Shed (per Section 18.0315I)
  - 5. Residential Recreational Facility (per Section 18.0315J)

- 6. On-Site Parking (per Section 18.0315L)
  - 7. Exterior Communications Device (per Section 18.0315R)
  - 8. Lawn Care (per Section 18.0315SS)
  - 9. Stormwater Facilities (per Section 18.0315T)
  - 10. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
- 1. Intermediate Daycare Home (9-15 children) (per Section 18.0315C)
  - 2. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
- 1. Temporary Outdoor Assembly (per Section 18.0316C)
  - 2. Temporary Shelter Structure (per Section 18.0316D)
  - 3. Temporary Portable Storage Unit (per Section 18.0316E)
  - 4. Temporary Construction Storage (per Section 18.0316F)
  - 5. Temporary Relocatable Building (per Section 18.0316G)
  - 6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the SF-1 zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-1 zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the SF-1 zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the SF-1 zoning district are detailed in Figure 18.0209. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0209:**

**Density, Intensity, and Bulk Regulations in the Low Density Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	1 acre	2 acres
Maximum Gross Density	1 du per acre	N/A
Minimum Gross Floor Area	Total du: 1,500 sf 2-story du, 1 <sup>st</sup> level: 900 sf 3-story du, each level: 500 sf	N/A
Maximum Building Coverage of Lot	30 percent	

**Figure 18.0209:  
Density, Intensity, and Bulk Regulations in the Low Density Residential Zoning District**

	Residential Uses	Nonresidential Uses
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	200 feet	
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	30 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

**18.0210 SF-2 Large Lot Residential District**

- A. Description and Purpose. This district is intended to permit single-family residential development at a density of two dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of areas zoned Low Density Residential are protected and preserved.
- B. Principal Land Uses Permitted by Right.
  - 1. Single-Family (per Section 18.0306A)
  - 2. Selective Cutting (per Section 18.0307D)
  - 3. Public Services and Utilities (per Section 18.0308D)
  - 4. Community Living Arrangement (1-8 Residents) (per Section 18.0308F)
  - 5. Passive Outdoor Recreation (per Section 18.0309A)
  - 6. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
  - 1. Cultivation (per Section 18.0307A)
  - 2. Clear Cutting (per Section 18.0307E)
  - 3. Community Garden (per Section 18.0307H)
  - 4. Market Garden (per Section 18.0307I)

- 
5. Indoor Institutional—General (per Section 18.0308A)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Bed and Breakfast Establishment (per Section 18.0310J)
  9. Large Developments (per Section 18.0821)
  10. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. Residential Recreational Facility (per Section 18.0315J)
  6. On-site Parking (per Section 18.0315L)
  7. Exterior Communications Device (per Section 18.0315R)
  8. Lawn Care (per Section 18.0315S)
  9. Stormwater Facilities (per Section 18.0315T)
  10. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Daycare Home (9-15 children) (per Section 18.0315C)
  2. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the SF-2 zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-2 zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the SF-2 zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
-

- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the SF-2 zoning district are detailed in Figure 18.0210. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0210:  
Density, Intensity, and Bulk Regulations in the Large Lot Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	20,000 square feet	
Maximum Gross Density	2 du per acre	N/A
Minimum Gross Floor Area	Total du: 1,200 sf 2-story du, 1 <sup>st</sup> level: 750 sf 3-story du, each level: 400 sf	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	120 feet	
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	20 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

\* For additional setback standards applicable to residential garages, see Section 18.0315I.

---

## 18.0211 SF-3 Suburban Residential District

- A. Description and Purpose. This district is intended to permit single-family residential development at a density of 3.5 dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of areas zoned Suburban Residential are protected and preserved
- B. Principal Land Uses Permitted by Right.
1. Single Family (per Section 18.0306A)
  2. Selective Cutting (per Section 18.0307D)
  3. Public Services and Utilities (per Section 18.0308D)
  4. Community Living Arrangement (1-8 Residents) (per Section 18.0308F)
  5. Passive Outdoor Recreation (per Section 18.0309A)
  6. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Community Garden (per Section 18.0307H)
  4. Market Garden (per Section 18.0307I)
  5. Indoor Institutional—General (per Section 18.0308A)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Bed and Breakfast Establishment (per Section 18.0310J)
  9. Large Developments (per Section 18.0821)
  10. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. Residential Recreational Facility (per Section 18.0315J)
  6. On-Site Parking (per Section 18.0315L)
  7. Exterior Communications Device (per Section 18.0315R)
  8. Lawn Care (per Section 18.0315S)
  9. Stormwater Facilities (per Section 18.0315T)
  10. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Daycare Home (9-15 children) (per Section 18.0315C)
  2. Filling (per Section 18.0315Y)
- B. Allowable Temporary Uses
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
-

- C. **Overlay District Requirements.** All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- D. **Performance Standards.** All allowed uses in the SF-3 zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- E. **Landscaping Regulations.** Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-3 zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- F. **Signage Regulations.** All signs in the SF-3 zoning district shall comply with applicable provisions of Section 18.1000.
- G. **Nonconforming Situations.** Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- H. **Density, Intensity, and Bulk Regulations.** Density, intensity, and bulk regulations specific to the SF-3 zoning district are detailed in Figure 18.0211. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0211:  
Density, Intensity, and Bulk Regulations in the Suburban Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	12,000 square feet	20,000 square feet
Maximum Gross Density	3.5 du per acre	N/A
Minimum Gross Floor Area	Total du: 1,200 sf 2-story, 1 <sup>st</sup> level: 750 sf 3-story, each level: 400 sf	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	90 feet	
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	15 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	

**Figure 18.0211:  
Density, Intensity, and Bulk Regulations in the Suburban Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

## **18.0212 SF-6 Village Residential District**

- A. Description and Purpose. This district is intended to permit single-family residential development that has a moderate density of 6 dwelling units per acre. Density and intensity standards for this district are designed to ensure that the character of existing areas zoned Village Residential are protected and preserved. Subsequent to the adoption of this Chapter, no new, undeveloped lands shall be rezoned to or placed in this SF-6 zoning district.
- B. Principal Land Uses Permitted by Right.
1. Single-Family (per Section 18.0306A)
  2. Selective Cutting (per Section 18.0307D)
  3. Public Services and Utilities (per Section 18.0308D)
  4. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  5. Passive Outdoor Recreation (per Section 18.0309A)
  6. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Community Garden (per Section 18.0307H)
  4. Market Garden (per Section 18.0307I)
  5. Indoor Institutional—General (per Section 18.0308A)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Bed and Breakfast Establishment (per Section 18.0309J)
  9. Tourist Rooming House (per Section 18.0309M)
  10. Large Developments (per Section 18.0821)
  11. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)

- 
5. Residential Recreational Facility (per Section 18.0315J)
  6. On-Site Parking (per Section 18.0315L)
  7. Exterior Communications Device (per Section 18.0315R)
  8. Lawn Care (per Section 18.0315S)
  9. Stormwater Facilities (per Section 18.0315T)
  10. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Daycare Home (9-15 children) (per Section 18.0315C)
  2. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the SF-6 zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-6 zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the SF-6 zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the SF-6 zoning district are detailed in Figure 18.0212. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0212:  
Density, Intensity, and Bulk Regulations in the Village Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	7,200 square feet	12,000 square feet
Maximum Gross Density	6 du per acre	N/A
Minimum Gross Floor Area	900 sf/level	N/A
Maximum Building Coverage of Lot	30 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	60 feet	
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	10 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	20 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

**18.0213 SF-CPP Cedar Point Park**

- A. Description and Purpose. This District is intended to permit single family residential development in the Cedar Point Park Subdivision. The district regulations shall not apply to any lands, now or in the future, lying beyond this subdivision
- B. Principal Land Uses Permitted by Right.
  - 1. Single-Family (per Section 18.0306A)
  - 2. Selective Cutting (per Section 18.0307DD)
  - 3. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  - 4. Passive Outdoor Recreation (per Section 18.0309A)
  - 5. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).

- 
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307B)
  3. Large Developments (per Section 18.0821)
  4. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. On-Site Parking (per Section 18.0315L)
  6. Exterior Communications Device (per Section 18.0315R)
  7. Lawn Care (per Section 18.0315S)
  8. Stormwater Facilities (per Section 18.0315T)
  9. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Residential Recreational Facility (per Section 18.0315J)
  2. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. General Conditions Applicable to Cedar Point Park Subdivision and Additions Thereto.
1. Utility Easements. The original subdividers, their successors and assigns, shall have the right to enter upon, over, and along a strip of land five feet in width off the rear or sides of all lots that do not abut upon a private alley as and where indicated upon the recorded plats of the subdivisions for the purpose of constructing, operating, and maintaining public utilities, with right of ingress and egress thereto for construction and maintenance purposes.
  2. Property Owners Association. All private parks, roads, parking spaces, and similarly commonly owned properties in the subdivisions are owned, controlled, and maintained by an association of the subdivision property owners to which all of the owners of lots in the subdivisions are paying for the maintenance assessments therefore in accordance with the By-Laws of Cedar Point Park Association.
  3. Private Parks and Ways. The private parks designated on the various plats of the subdivision are to be private parks as are also the privately owned roads and parking spaces so indicated and designated on the respective plats. The parks, groves, roads, and parking spaces are for the unreserved use of the owners and occupants of the subdivisions and all such owners and occupants have the unreserved use of the common properties, subject to the proper regulations of the association of the owners of lots, and shall be allowed the unobstructed and free foot passages from park to park across lots

where the lake shore foot passage is indicated all in accordance with the By-Laws of Cedar Point Park Association.

4. Where lot lines in the Cedar Point Park Subdivisions have been changed subsequent to the original platting thereof, such changes are incorporated herein by reference and shall take precedence over the lot lines set forth herein, which are taken from the original plats of lots in Cedar Point Park original subdivision and the three additions thereto.
5. Prior to filing an application for zoning permit to construct or structurally alter any building, structure or conditional use previously granted, the applicant shall submit a request for review to the Building Committee of the Cedar Point Park Association (Building Committee). Such review shall be required with regard to construction, area, location on the lot, curbing, driveways, walls, fences, hedges, terracing, and the location on the lot of garages. The Building Committee shall issue a report containing its recommendations concerning the proposed construction or alteration. The applicant shall deliver the report of the Building Committee to the Building Inspector at the time of the application for a zoning permit. The Building Inspector shall consider such report and recommendation in imposing appropriate conditions on the zoning permit. However, nothing contained in this subsection is intended to delegate the authority of the Building Inspector to the Building Committee. All applications for a zoning permit, to include the construction of a conditional use if a conditional use permit has been granted by the Village Plan Commission, shall be accompanied by showing the location, actual shape, and dimensions on the lot of both existing and proposed improvements, including the dwelling, accessory buildings, fences, and conditional uses. In the case with an application for a zoning permit for a conditional use, the applicant shall specifically set forth any conditions imposed by the Plan Commission in granting a conditional use permit, and in the case of a swimming pool, the exact provisions required, specified or approved by the Plan Commission for the drainage thereof. No dwellings shall be erected containing less than 900 square feet on the first floor for lots 60 to 90 feet in width and wider, not including porches, breezeways or accessory buildings. No obstructions such as curbing, driveways, walls, fences, hedges, or terraces shall extend beyond lot lines into public roads or private roads of the Cedar Point Park Association. All dimensions shown relating to location and size of the lot shall be based on a survey certified by a surveyor licenses by the State of Wisconsin. The lot and location of the building thereon shall be staked out on the ground before construction is commenced.
6. The building line as used relating to each lot in the SF-CPP Cedar Point Park District shall mean the required setback for the location of all structures in all cases. The exceptions stated in sections 18.0505F(3) and 18.0505I(3) shall not apply in the SF-CPP district.
  - I. Performance Standards. All allowed uses in the SF-CPP zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
  - J. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SF-CPP zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
  - K. Signage Regulations. All signs in the SF-CPP zoning district shall comply with applicable provisions of Section 18.1000.
  - L. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
  - M. Density, Intensity, and Bulk Regulations.
    1. Lot Area and Width: Each lot shall have the area and width specified on the approved Cedar Point Park Subdivision plat or additions thereto. Each lot shall have those special conditions attributable specifically to them and the construction of all improvements thereon must observe the building

lines as specifically assigned each lot as well as the general yard requirements which shall be applicable to all lots, all as set forth in this Section (G) and Sections (H) through (K), inclusive.

2. Building Height and Area: No building or parts of a building shall exceed 35 feet in height.
3. Setbacks and Yards:
  - a. Minimum setbacks shall be that distance specified as the "building line" as set forth in Sections M5e. through h.
  - b. Garages for parked vehicles may be attached to the house or detached from the house. It is desirable to minimize the visual impact of garage doors as seen from the public street in front of the house. If attached to the house, a preferred location for garage doors is on the side of the house. If located on the front of the house, garage doors shall be set back at least two feet behind the facade of the house.
4. See Sections 18.0504, 18.0505, and 18.0506 for additional requirements applicable to all zoning districts.
5. Yards.
  - a. Rectangular Lots 60 to 90 feet in width.
    - i. Minimum Front or Street Side Yard Setback: 30 feet, or as noted
    - ii. Minimum Rear Yard Setback: 30 feet
    - iii. Minimum Side Yard Setback: 10 feet
  - b. Rectangular Lots 91 feet or greater in width.
    - i. Minimum Front or Street Side Yard Setback: 30 feet, or as noted
    - ii. Minimum Rear Yard: 30 feet
    - iii. Minimum Interior Side Yard Setback: 15 feet
  - c. Irregular Lots.
    - i. Minimum Front or Street Side Yard Setback: 30 feet, or as noted
    - ii. Minimum Rear Yard Setback: 30 feet
    - iii. Minimum Interior Side Yard Setback: Each the greater of one-half the total footage of the front/street side and rear lot lines multiplied by 0.16 or 10 feet, whichever is greater.
  - d. Garages.
    - i. Garages shall have a maximum area of 720 square feet and shall not occupy more than 20 percent of the rear yard area.
    - ii. Garages attached to the dwelling or located in an interior side yard shall comply with the interior side yard setback requirement.
    - iii. Detached garages shall not be less than 10 feet from the principal structure except as permitted in the Building Code of the Village of Williams Bay.
  - e. Special Conditions in the Original Cedar Point Park Subdivision.
    - i. The building line on all lots shall be 30 feet from the front lot line with the exceptions of Lots 52 thru 57, 62½, and 68 through 72.

- 
- ii. The building line on Lots 52 to 57 inclusive and Lots 67 through 69 shall be 40 feet from the front lot line and shall be 20 feet from the front lot line for Lots 70 through 72. The building line on Lots 62 and 62½ shall be as originally placed and shown on the plat.
- f. Special Conditions in the First Addition to Cedar Point Park Subdivision.
- i. The building line for all lots shall be 22 feet from and parallel to the front lot line, excepting for Lots 19, 20, and 48 through 53, which shall be 30 feet, and excepting Lots 8 through 11, 29 through 38, 67, and 68, which shall be and remain as shown on the plat of the first addition by means of a dotted line.
  - ii. Measurements are taken from north and south principal meridians shown on plat as recorded.
  - iii. Lots 69, 70, 70½, and 71 through 74 in the first addition shall also be exempt from the 22 feet building line.
  - iv. The building line on Lot 74 shall be 20 feet from the front lot line.
  - v. The building line for Lots 69, 70, 70½, and 71 through 73 shall be 50 feet from the front lot line.
  - vi. No owner or occupant of Lots 8 through 11, 29 through 38, 67, and 68 shall in any manner obstruct free passage on the foot path described by dotted lines on the recorded plat of this addition, which follows the lake shore and crosses the lots.
- g. Special Conditions In the Second Addition to Cedar Point Park Subdivision
- i. The building line on all lots shall be 22 feet from and parallel to front lot lines, excepting Lots 111, 119 through 121, 166, and 191 through 193.
  - ii. Lot 111 shall contain two building lines. The south building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line for Lot 111 shall be 70 feet from the rear lot line.
  - iii. On Lots 119, 120, and 121 in the addition, the front building line shall be on a line parallel to the building line specified, that is 22 feet. The rear building line shall be 80 feet from the longest rear lot line.
  - iv. On Lots 191 through 193, the building line shall be 75 feet from the rear lot lines.
  - v. On Lot 166 in the addition, the front and interior side building lines shall be 22 feet from the front and interior side lot lines.
- h. Special Conditions in the Third Addition to Cedar Point Park Subdivision.
- i. On Lots 201 through 204, the building line shall be a straight line across the above lots that shall start at a point 226 feet west of the rear northwest corner or road stake along the northern boundary line of Lot 201 to a point that shall be 153.65 feet west of the southeast corner or road stake of Lot 204 and along the southern boundary line of Lot 204.
  - ii. On Lots 205 through 213, the building line shall commence at a point that shall be 153.65 feet west of the northern road stake of Lot 205 and shall continue in a straight line until it intersects the southern boundary line of Lot 213 at a point that shall be 158.40 feet in a westerly direction from the southeast corner or road stake of Lot 213.
  - iii. On Lots 214 through 217, the building line shall be a straight line that shall start at a point 158.40 feet in a westerly direction from the northeast corner or road stake along the northern boundary line of Lot 214 and shall continue across Lots 214 thru 217 until it
-

intersects the southeastern boundary line of Lot 217 at a point that shall be 163.40 feet in a southwesterly direction from the eastern corner or road stake of Lot 217.

- iv. On Lot 218, the building line shall be a straight line across Lot 218 that starts at a point along the northwestern boundary line, which shall be 163.40 feet in a southwesterly direction from the northern corner or road stake of Lot 218 to a point on the southeastern boundary line of Lot 218 that shall be 174 feet in a southwesterly direction from the eastern corner or road stake of Lot 218.
- v. On Lots 219 and 220, the building line shall be a straight line that shall start at a point along the northwestern boundary line of Lot 219, 174 feet in a southwesterly direction from the northern corner or road stake of Lot 219, across Lots 219 and 220 until it intersects the eastern boundary line of Lot 220 at a point that shall be 181.60 from the northwestern corner or road stake of Lot 220.
- vi. On Lots 221 through 223, the building line shall be a straight line that shall commence at a point on the western boundary line of Lot 221, 181.60 feet in a southwesterly direction from the northwestern corner or road stake of Lot 221 across Lots 221 through 223 to a point on the eastern boundary line of Lot 223, which shall be 189.50 feet in a southerly direction from the northeastern corner or road stake of Lot 223.
- vii. On Lots 224, 225, and 226, the building line shall be a straight line that shall commence at the eastern boundary line of Lot 224 and shall be 189.50 feet in a southerly direction from the northwestern corner or road stake of Lot 224 across Lots 224, 225, and 226 to a point on the eastern boundary line of 226, which shall be 60 feet in a northerly direction from the southern corner or lake front stake of Lot 226.
- viii. The building line of Lots 231 to 271 inclusive shall be parallel to and 30 feet back of the front line on Circle Pkwy.
- ix. The building on Lot 224 shall face in a westerly direction.
- x. The building on Lot 245 shall face in an easterly direction.
- xi. The building on Lot 272 shall face in a southwesterly direction being not more than 30 degrees southerly from the northern boundary line and 25 feet from Circle Pkwy.
- xii. The building on Lot 273 shall face a southeasterly direction, being not more than 30 degrees southerly from the northern boundary line and 25 feet from Circle Pkwy.
- xiii. The building line on Lot 330 shall be parallel to and a continuation of the building line of Lots 232 and 244. The building line on Lot 230 shall face in a westerly direction.
- xiv. Garages, if any, on Lots 272 and 273 shall be along the north and south lot line that divides them.
- xv. Garages that may be erected on any of the lake shore lots numbered 201 to 226 inclusive shall remain at least 25 feet from the lot line shown on the plat that borders on Circle Pkwy.
- xvi. Garages that may be erected on Lots 227 to 273 inclusive shall remain at least 30 feet back of the front lot lines on Circle Pkwy.

## 18.0214 TF Two-Family Residential

- A. Description and Purpose. This district is intended to permit residential development that has a moderate density of 10 dwellings per acre. The land use standards for this district permit detached single-family homes, attached single-family units (i.e., townhomes/rowhomes), and attached two-family units (i.e. two-flats, duplexes, twin houses). Higher density multi-Family residential uses are not permitted in this

---

District. Density and intensity standards for this district are designed to ensure that the character of areas zoned as Two-Family Residential are protected and preserved.

- B. Principal Land Uses Permitted by Right.
1. Single-Family (per Section 18.0306A)
  2. Two-Flat (per Section 18.0306B)
  3. Twin-House (per Section 18.0306C)
  4. Duplex (per Section 18.0306D)
  5. Townhouse (3 to 4 unit building) (per Section 18.0306E)
  6. Selective Cutting (per Section 18.0307D)
  7. Public Services and Utilities (per Section 18.0308D)
  8. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  9. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  10. Passive Outdoor Recreation (per Section 18.0309A)
  11. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Community Garden (per Section 18.0307H)
  4. Market Garden (per Section 18.0307I)
  5. Indoor Institutional—General (per Section 18.0308A)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Bed and Breakfast Establishment (per Section 18.0310J)
  9. Tourist Rooming House (per Section 18.0310M)
  10. Group Daycare Center (9+ children) (per Section 18.0310O)
  11. Large Developments (per Section 18.0821)
  12. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. Residential Recreational Facility (per Section 18.0315J)
  6. On-Site Parking (per Section 18.0315L)
  7. Exterior Communications Device (per Section 18.0315R)
  8. Lawn Care (per Section 18.0315S)
  9. Stormwater Facilities (per Section 18.0315T)
  10. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Daycare Home (9-15 children) (per Section 18.0315C)
  2. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)

- 3. Temporary Portable Storage Unit (per Section 18.0316E)
  - 4. Temporary Construction Storage (per Section 18.0316F)
  - 5. Temporary Relocatable Building (per Section 18.0316G)
  - 6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. **Overlay District Requirements.** All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. **Performance Standards.** All allowed uses in the TF zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. **Landscaping Regulations.** Single-family land uses are exempt from landscaping requirements. All other land uses in the TF zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. **Signage Regulations.** All signs in the TF zoning district shall comply with applicable provisions of Section 18.1000.
- K. **Nonconforming Situations.** Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. **Density, Intensity, and Bulk Regulations.** Density, intensity, and bulk regulations specific to the TF zoning district are detailed in Figure 18.0214. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0214:**

**Density, Intensity, and Bulk Regulations in the Two-Family Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	SF: 6,000 sf TF: 3,000 sf/du Townhouse: 3,000 sf/du	12,000 square feet
Maximum Gross Density	10 du per acre	N/A
Minimum Gross Floor Area	900 sf	N/A
Maximum Building Coverage of Lot	40 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	SF: 60 ft TF: 55 ft/du Townhouse: 30 ft/du	100 feet
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	8 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	

**Figure 18.0214:  
Density, Intensity, and Bulk Regulations in the Two-Family Residential Zoning District**

	Residential Uses	Nonresidential Uses
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

**18.0215 MF-12 Small Multi-Family Residential District**

- A. Description and Purpose. This district is intended to permit residential development that has a density of up to 12 dwelling units per acre. The land use standards for this district permit detached single-family homes, duplexes, two flats, twin homes, townhouses, multiplexes, and small-scale apartment buildings. Multi-family buildings containing more than 4 dwelling units and up to 8 dwelling units require a conditional use permit. Density and intensity standards for this district are designed to ensure that the character of areas zoned Small Multi-Family Residential are protected and preserved.
- B. Principal Land Uses Permitted by Right.
  - 1. Single-Family (per Section 18.0306A)
  - 2. Two-Flat (per Section 18.0306B)
  - 3. Twin House (per Section 18.0306C)
  - 4. Duplex (per Section 18.0306D)
  - 5. Townhouse (3 to 4 unit building) (per Section 18.0306E)
  - 6. Multiplex (3 to 4 unit building) (per Section 18.0306F)
  - 7. Apartment (3 to 4 unit building) (per Section 18.0306G)
  - 8. Selective Cutting (per Section 18.0307D)
  - 9. Public Services and Utilities (per Section 18.0308D)
  - 10. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  - 11. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  - 12. Passive Outdoor Recreation (per Section 18.0309A)
  - 13. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
  - 1. Townhouse (5 to 8 unit building) (per Section 18.0306E)
  - 2. Multiplex (5 to 8 unit building) (per Section 18.0306F)
  - 3. Apartment (5 to 8 unit building) (per Section 18.0306G)
  - 4. Cultivation (per Section 18.0307A)
  - 5. Clear Cutting (per Section 18.0307E)

6. Community Gardens (per Section 18.0307H)
  7. Market Gardens (per Section 18.0307I)
  8. Indoor-Institutional—General (per Section 18.0308A)
  9. Indoor Institutional—Intensive (per Section 18.0308B)
  10. Outdoor Open Space Institutional (see Section 18.0308C)
  11. Institutional Residential (per Section 18.0308E)
  12. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  13. Bed and Breakfast Establishments (per Section 18.0310J)
  14. Boarding House (per Section 18.0310L)
  15. Tourist Rooming House (per Section 18.0310M)
  16. Group Day Care Center (9+ children) (per Section 18.0310O)
  17. Large Developments (per Section 18.0821)
  18. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Day Care Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. Residential Recreational Facility (per Section 18.0315J)
  6. On-Site Parking Lot (per Section 18.0315L)
  7. Lawn Care (per Section 18.0315S)
  8. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Day Care Home (9-15 children) (per Section 18.0315C)
  2. Exterior Communication Devices (per Section 18.0315R)
  3. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the MF-12 zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the MF-12 zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.

- J. Signage Regulations. All signs in the MF-12 zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the MF-12 zoning district are detailed in Figure 18.0215. See Section 18.0400 and 18.0500 for additional requirements applicable to all zoning districts

**Figure 18.0215:  
Density, Intensity, and Bulk Regulations in the MF-12 Residential Zoning District**

	Residential Uses	Nonresidential Uses
Minimum Lot Area	SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sq ft	12,000 square feet
Maximum Gross Density	12 du per acre	N/A
Minimum Gross Floor Area	First level of principal structure: 1,000 sf Efficiency du: 500 sf 1-bedroom du: 600 sf 2-bedroom du: 800 sf 3-bedroom du: 1,000 sf 4-bedroom + du: 1,200 sf	N/A
Maximum Building Coverage of Lot	40 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	SF: 60 ft TF: 55 ft/du Townhouse: 30 ft/du MF: 100 ft	100 feet
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	SF/TF/Townhouse 8 feet; MF: 25	25 feet
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	

**Figure 18.0215:  
Density, Intensity, and Bulk Regulations in the MF-12 Residential Zoning District**

	Residential Uses	Nonresidential Uses
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

### **18.0216 MF-18 Multi-Family Residential District**

- A. Description and Purpose. This district is intended to permit residential development that has a density up to 18 dwelling units per acre. The land use standards for this district permit detached single-family homes, duplexes, two flats, twin homes, townhouses, multiplexes, and apartments. Multi-family buildings containing more than 8 dwelling units and up to 16 dwelling units require a conditional use permit. Density and intensity standards for this district are designed to ensure that the character of areas zoned as Multi-Family Residential are protected and preserved.
- B. Principal Land Uses Permitted by Right.
  - 1. Single-Family (per Section 18.0306A)
  - 2. Two-Flat (per Section 18.0306B)
  - 3. Twin House (per Section 18.0306C)
  - 4. Duplex (per Section 18.0306D)
  - 5. Townhouse (3 to 4 unit building) (per Section 18.0306E)
  - 6. Multiplex (3 to 4 unit building) (per Section 18.0306F)
  - 7. Apartment (3 to 4 unit building) (per Section 18.0306G)
  - 8. Selective Cutting (per Section 18.0307D)
  - 9. Public Services and Utilities (per Section 18.0308D)
  - 10. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  - 11. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  - 12. Passive Outdoor Recreation (per Section 18.0309A)
  - 13. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
  - 1. Townhouse (5 to 8 unit building) (per Section 18.0306E)
  - 2. Multiplex (5 to 16 unit building) (per Section 18.0306F)
  - 3. Apartment (5 to 16 unit building) (per Section 18.0306G)
  - 4. Mobile Home Subdivision (per Section 18.0306I)
  - 5. Mobile Home Park (per Section 18.0306J)
  - 6. Cultivation (per Section 18.0307A)
  - 7. Clear Cutting (per Section 18.0307E)
  - 8. Community Gardens (per Section 18.0307H)
  - 9. Market Gardens (per Section 18.0307I)
  - 10. Indoor Institutional—General (per Section 18.0308A)
  - 11. Indoor Institutional—Intensive (per Section 18.0308B)

- 
12. Outdoor Open Space Institutional (see Section 18.0308C)
  13. Institutional Residential (per Section 18.0308E)
  14. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  15. Bed and Breakfast Establishments (per Section 18.0310J)
  16. Boarding House (per Section 18.0310L)
  17. Tourist Rooming House (per Section 18.0310M)
  18. Group Day Care Center (9+ children) (per Section 18.0310O)
  19. Large Developments (per Section 18.0821)
  20. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Day Care Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. Residential Recreational Facility (per Section 18.0315J)
  6. On-Site Parking Lot (per Section 18.0315L)
  7. Lawn Care (per Section 18.0315S)
  8. Stormwater Facilities (per Section 18.0315T)
  9. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Intermediate Day Care Home (9-15 children) (per Section 18.0315C)
  2. Exterior Communication Devices (per Section 18.0315R)
  3. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the MF-18 zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the MF-18 zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the MF-18 zoning district shall comply with applicable provisions of Section 18.1000.
-

- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the MF-18 zoning district are detailed in Figure 18.0216. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0216:  
Density, Intensity, and Bulk Regulations in the MF-18 Residential Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sq ft	12,000 square feet
Maximum Gross Density	18 du per acre	N/A
Minimum Gross Floor Area	First level of principal structure: 1,000 sf Efficiency du: 500 sf 1-bedroom du: 600 sf 2-bedroom du: 800 sf 3-bedroom du: 1,000 sf 4-bedroom + du: 1,200 sf	N/A
Maximum Building Coverage of Lot	40 percent	
Minimum Landscape Surface Ratio	50 percent	
Minimum Lot Width	SF: 60 ft TF: 55 ft/du Townhouse: 30 ft/du MF: 100 ft	100 feet
Minimum Front and Street Side Yard Setback	30 feet*	
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	SF/TF/Townhouse 8 feet MF: 25	25 feet
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	16 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structures	Refer to Section 18.0303B for additional requirements	
Accessory Structure Setback from Principal Building	10 feet	
Accessory Structure Interior Side Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	

**Figure 18.0216:  
Density, Intensity, and Bulk Regulations in the MF-18 Residential Zoning District**

	Residential Uses	Nonresidential Uses
Accessory Structure Rear Yard Setback	5 feet (less than 200 square foot structure; 10 feet (more than 200 foot structure)	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0.15I.*

### **18.0217 SB Small Business District**

- A. Description and Purpose. This district is intended to permit small-scale business development that is compatible with the overall Village character of Williams Bay and with adjacent residential development in particular. The desired development character is achieved through the application of landscape surface ratio (LSA) requirements, and by restricting the maximum building size (MBS) of all nonresidential buildings within each instance of this district. In order to ensure minimum disruption to adjacent or nearby residential development, business development within this district must take access from a collector or arterial street.
- B. Principal Land Uses Permitted by Right.
  - 1. Single Family (per Section 18.0306A)
  - 2. Two-Flat (per Section 18.0306B)
  - 3. Twin-House (per Section 18.0306C)
  - 4. Duplex (per Section 18.0306D)
  - 5. Selective Cutting (per Section 18.0307D)
  - 6. Public Services and Utilities (per Section 18.0308D)
  - 7. Indoor Institutional—General (per Section 18.0308A)
  - 8. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  - 9. Passive Outdoor Recreation (per Section 18.0309A)
  - 10. Active Outdoor Recreation (per Section 18.0309B)
  - 11. Office (per Section 18.0310A)
  - 12. Personal or Professional Service (per Section 18.0310B)
  - 13. Indoor Sales and Service (per Section 18.0310E)
  - 14. Indoor Maintenance Service (per Section 18.0310Q)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
  - 1. Mixed use Dwelling Unit (per Section 18.0306K)
  - 2. Cultivation (per Section 18.0307A)
  - 3. Clear Cutting (per Section 18.0307E)
  - 4. Community Garden (per Section 18.0307H)
  - 5. Market Garden (per Section 18.0307I)
  - 6. Outdoor Open Space Institutional (per Section 18.0308C)
  - 7. Institutional Residential (per Section 18.0308E)
  - 8. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  - 9. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  - 10. Artisan Studio (per Section 18.0310C)
  - 11. Outdoor Display (per Section 18.0310F)
  - 12. Indoor Commercial Entertainment (per Section 18.0310G)
  - 13. Drive-Through Sales and Service (per Section 18.0310I)

- 
14. Bed and Breakfast Establishment (per Section 18.0310J)
  15. Boarding House (per Section 18.0310L)
  16. Tourist Rooming House (per Section 18.0310M)
  17. Group Daycare Center (9+ children) (per Section 18.0310O)
  18. Commercial Greenhouse/Garden Center (see Section 18.0310T)
  19. Off-Site Parking (per Section 18.0313E)
  20. Large Developments (per Section 18.0821)
  21. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Family Daycare Home (4-8 children) (per Section 18.0315B)
  3. In-Home Suite (per Section 18.0315D)
  4. Residential Garage or Shed (per Section 18.0315I)
  5. Residential Recreational Facility (per Section 18.0315J)
  6. On-Site Parking (per Section 18.0315L)
  7. Incidental Outdoor Display (per Section 18.0315O)
  8. Exterior Communications Device (per Section 18.0315R)
  9. Lawn Care (per Section 18.0315S)
  10. Stormwater Facilities (per Section 18.0315T)
  11. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Immediate Daycare Home (9-15 children) (per Section 18.0315C)
  2. Incidental Light Industrial (per Section 18.0315Q)
  3. Drive-Through Sales and Service Incidental to On-Site Principal Land Use (per Section 18.0315U)
  4. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Farm Product Sales (per Section 18.0316A)
  2. Temporary Outdoor Sales (per Section 18.0316B)
  3. Temporary Outdoor Assembly (per Section 18.0316C)
  4. Temporary Shelter Structure (per Section 18.0316D)
  5. Temporary Portable Storage Unit (per Section 18.0316E)
  6. Temporary Construction Storage (per Section 18.0316F)
  7. Temporary Relocatable Building (per Section 18.0316G)
  8. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  9. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the SB zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
-

- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the SB zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the SB zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the SB zoning district are detailed in Figure 18.0217. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.
- M. The following additional architectural and operational provisions shall apply to the SB Small Business Zoning District:
  - 1. Maximum zoning district area shall be three acres.
  - 2. To ensure that businesses are clustered together in nodes, there shall be a minimum of 500 feet between any SB districts that are separated other zoning districts, or between one or more lots zoned SB that are separated by one or more lots zoned something other than SB.
  - 3. For nonresidential uses only, the following regulations shall also apply:
    - a. There shall be no off-street parking located within minimum required front and street yard setbacks for principal buildings. No off-street parking shall be located in required bufferyards per Section 18.0900.
    - b. Businesses within the SB district shall maintain architectural designs consistent with a residential character. Minimally, this shall include the following:
      - i. Use of residential roof materials such as shingles;
      - ii. All roofs shall be pitched.
      - iii. A minimum of 15 percent of any façade facing a public street shall be covered by windows.
      - iv. Exterior building materials on all sides of the building shall be compatible with nearby residential uses. Acceptable materials include wood, cement board, vinyl siding, brick, decorative block, stone, and other materials approved by the Plan Commission.
    - c. Operating hours: no earlier than 7:00 a.m. or later than 9:00 p.m., unless otherwise extended by granting of a conditional use permit.

**Figure 18.0217:  
Density, Intensity, and Bulk Regulations in the Small Business Zoning District**

	<b>Residential Uses</b>	<b>Nonresidential Uses</b>
Minimum Lot Area	12,000 square feet	12,000 square feet
Maximum Gross Density (MGD)	3.5 du per acre	N/A
Maximum Building Coverage of Lot	30 percent	30 percent
Minimum Landscape Surface Ratio (LSR)	50 percent	40 percent
Maximum Building Size (MBS)	5,000 sq ft (one story building)	
Minimum Lot Width	90 feet	
Minimum Front and Street Side Yard Setback	30 feet*	

**Figure 18.0217:  
Density, Intensity, and Bulk Regulations in the Small Business Zoning District**

	Residential Uses	Nonresidential Uses
Minimum Shore Yard Setback	150 feet	
Minimum Interior Side Yard Setback	15 feet	
Minimum Rear Yard Setback	30 feet	
Maximum Principal Building Height	35 feet	
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet	
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet	
Minimum Off-Street Parking Requirement	Per Section 18.0300	
Accessory Structure Interior Side Yard Setback	5 feet	
Accessory Structure Rear Yard Setback	5 feet	
Maximum Accessory Structure Height	15 feet	

*\* For additional setback standards applicable to residential garages, see Section 18.0315I.*

## 18.0218 VC Village Center District

- A. Description and Purpose. This district is intended to provide for the preservation and stabilization of Williams Bay’s Village Center, and is intended to permit a mixture of compatible land uses typical of a small “downtown” setting.
- B. Principal Land Uses Permitted by Right.
1. Selective Cutting (per Section 18.0307D)
  2. Indoor-Institutional—General (per Section 18.0308A)
  3. Public Services and Utilities (per Section 18.0308D)
  4. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  5. Passive Outdoor Recreation (per Section 18.0309A)
  6. Active Outdoor Recreation (per Section 18.0309B)
  7. Office (per Section 18.0310A)
  8. Personal or Professional Service (per Section 18.0310B)
  9. Indoor Sales and Service (per Section 18.0310E)
  10. Indoor Maintenance Service (per Section 18.0310Q)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Mixed Use Dwelling Unit (per Section 18.0306K)
  2. Cultivation (per Section 18.0307A)
  3. Clear Cutting (per Section 18.0307E)
  4. Community Garden (per Section 18.0307H)
  5. Market Garden (per Section 18.0307I)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Institutional Residential (per Section 18.0308E)
  9. Intensive Outdoor Activity (per Section 18.0309C)
  10. Lake Related Recreation (per Section 18.0309D)

- 
11. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  12. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  13. Artisan Studio (per Section 18.0310C)
  14. Outdoor Display (per Section 18.0310F)
  15. Indoor Commercial Entertainment (per Section 18.0310G)
  16. Outdoor Entertainment (per Section 18.0310H)
  17. Drive-Through Sales and Service (per Section 18.0310I)
  18. Bed and Breakfast Establishment (per Section 18.0310J)
  19. Commercial Indoor Lodging (per Section 18.0310K)
  20. Boarding House (per Section 18.0310L)
  21. Tourist Rooming House (per Section 18.0310M)
  22. Group Daycare Center (9+ children) (per Section 18.0310O)
  23. Transit Center (per Section 18.0313A)
  24. Off-Site Parking (per Section 18.0313E)
  25. Large Developments (per Section 18.0821)
  26. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Residential Garage or Shed (per Section 18.0315I)
  3. Residential Recreational Facility (per Section 18.0315J)
  4. On-Site Parking (per Section 18.0315L)
  5. Company Cafeteria (per Section 18.0315M)
  6. Company On-Site Recreation (per Section 18.0315N)
  7. Incidental Outdoor Display (per Section 18.0315O)
  8. Exterior Communications Device (per Section 18.0315R)
  9. Lawn Care (per Section 18.0315S)
  10. Stormwater Facilities (per Section 18.0315T)
  11. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Incidental Light Industrial (per Section 18.0315Q)
  2. Drive-Through Sales and Service Incidental to On-Site Principal Land Use (per Section 18.0315U)
  3. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Farm Product Sales (per Section 18.0316A)
  2. Temporary Outdoor Sales (per Section 18.0316B)
  3. Temporary Outdoor Assembly (per Section 18.0316C)
  4. Temporary Shelter Structure (per Section 18.0316D)
  5. Temporary Portable Storage Unit (per Section 18.0316E)
  6. Temporary Construction Storage (per Section 18.0316F)
  7. Temporary Relocatable Building (per Section 18.0316G)
  8. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  9. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between
-

the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

- H. Performance Standards. All allowed uses in the VC zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the VC zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the VC zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the VC zoning district are detailed in Figure 18.0218. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0218:  
Density, Intensity, and Bulk Regulations in the Village Center Zoning District**

Minimum Lot Area	n/a
Maximum Building Coverage of Lot	75 percent
Minimum Landscape Surface Ratio (LSR)	0 percent
Minimum Lot Width	n/a
Minimum Front and Street Side Yard Setback	0 feet
Maximum Front and Street Side Yard Setback	5 feet (more only with conditional use permit)
Minimum Shore Yard Setback	150 feet
Minimum Interior Side Yard Setback	0 feet or 10 feet
Minimum Rear Yard Setback	20 feet
Maximum Principal Building Height	35 feet 40 feet with conditional use permit
Minimum Principal Building Separation (multi-structure developments on shared lots)	0 or 10 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet
Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	20 feet

---

## 18.0219 LSB Lakeshore Business

- A. Description and Purpose. This district is intended to designate appropriate areas for business development along Geneva Lake, particularly those uses that relate to the recreational use of the Lake. Standards applicable to the Lakeshore Business District are designed to preserve the appearance and environmental quality of the Lake and the lakeshore.
- B. Principal Land Uses Permitted by Right.
1. Selective Cutting (per Section 18.0307D)
  2. Public Services and Utilities (per Section 18.0308D)
  3. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  4. Passive Outdoor Recreation (per Section 18.0309A)
  5. Active Outdoor Recreation (per Section 18.0309B)
  6. Office (per Section 18.0310A)
  7. Personal or Professional Service (per Section 18.0310B)
  8. Indoor Sales and Service (per Section 18.0310E)
  9. Indoor Maintenance Service (per Section 18.0310Q)
  10. Off-Site Parking (per Section 18.0313E)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Mixed Use Dwelling Unit (per Section 18.0306K)
  2. Cultivation (per Section 18.0307A)
  3. Clear Cutting (per Section 18.0307E)
  4. Community Garden (per Section 18.0307H)
  5. Market Garden (per Section 18.0307I)
  6. Outdoor Open Space Institutional (per Section 18.0308C)
  7. Institutional Residential (per Section 18.0308E)
  8. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  9. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  10. Intensive Outdoor Activity (per Section 18.0309C)
  11. Lake Related Recreation (per Section 18.0309D)
  12. Outdoor Display (per Section 18.0310F)
  13. Indoor Commercial Entertainment (per Section 18.0310G)
  14. Outdoor Entertainment (per Section 18.0310H)
  15. Bed and Breakfast Establishment (per Section 18.0310J)
  16. Commercial Indoor Lodging (per Section 18.0310K)
  17. Transit Center (per Section 18.0313A)
  18. Large Developments (per Section 18.0821)
  19. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Residential Garage or Shed (per Section 18.0315I)
  3. Residential Recreational Facility (per Section 18.0315J)
  4. On-Site Parking (per Section 18.0315L)
  5. Company-Cafeteria (per Section 18.0315M)
  6. Company On-Site Recreation (per Section 18.0315N)
  7. Incidental Outdoor Display (per Section 18.0315O)
  8. Exterior Communications Device (per Section 18.0315R)

- 
9. Lawn Care (per Section 18.0315S)
  10. Stormwater Facilities (per Section 18.0315T)
  11. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Incidental Light Industrial (per Section 18.0315Q)
  2. Drive-Through Sales and Service Incidental to On-Site Principal Land Use (per Section 18.0315U)
  3. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Farm Product Sales (per Section 18.0316A)
  2. Temporary Outdoor Sales (per Section 18.0316B)
  3. Temporary Outdoor Assembly (per Section 18.0316C)
  4. Temporary Shelter Structure (per Section 18.0316D)
  5. Temporary Portable Storage Unit (per Section 18.0316E)
  6. Temporary Construction Storage (per Section 18.0316F)
  7. Temporary Relocatable Building (per Section 18.0316G)
  8. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  9. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the LSB zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the LSB zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
- J. Signage Regulations. All signs in the LSB zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the LSB zoning district are detailed in Figure 18.0219. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0219:  
Density, Intensity, and Bulk Regulations in the Lakeshore Business Zoning District**

Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	50 percent
Minimum Landscape Surface Ratio (LSR)	20 percent
Minimum Lot Width	100 feet
Minimum Front and Street Side Yard Setback	30 feet
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Yard Setback	15 feet
Minimum Rear Yard Setback	30 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet
Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	15 feet

## 18.0220 CB Community Business District

- A. Description and Purpose. This district is intended to permit a wider range of retail, service, office, lodging uses that are compatible with the Village's desired community character. Generally, land included in the Community Business district abuts arterial or major collector streets. Access requirements are intended to minimize negative traffic impacts on adjacent residential land uses and arterial roadways while ensuring safe and efficient access to business sites.
- B. Principal Land Uses Permitted by Right.
1. Selective Cutting (per Section 18.0307A)
  2. Indoor Institutional—General (per Section 18.0308A)
  3. Public Services and Utilities (per Section 18.0308D)
  4. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  5. Passive Outdoor Recreation (per Section 18.0309A)
  6. Active Outdoor Recreation (per Section 18.0309B)
  7. Office (per Section 18.0310A)
  8. Personal or Professional Service (per Section 18.0310B)
  9. Indoor Sales and Service (per Section 18.0310E)
  10. Indoor Maintenance Service (per Section 18.0310Q)
  11. Vehicle Sales (per Section 18.0310S)
  12. Off-Site Parking (per Section 18.0313E)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Mixed Use Dwelling Unit (per Section 18.0306K)
  2. Cultivation (per Section 18.0307A)

- 
3. Clear Cutting (per Section 18.0307E)
  4. Community Garden (per Section 18.0307H)
  5. Market Garden (per Section 18.0307I)
  6. Indoor Institutional—Intensive (per Section 18.0308B)
  7. Outdoor Open Space Institutional (per Section 18.0308C)
  8. Institutional Residential (per Section 18.0308E)
  9. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  10. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  11. Intensive Outdoor Activity (per Section 18.0309C)
  12. Lake Related Recreation (per Section 18.0309D)
  13. Artisan Studio (per Section 18.0310C)
  14. Outdoor Display (per Section 18.0310F)
  15. Indoor Commercial Entertainment (per Section 18.0310G)
  16. Outdoor Entertainment (per Section 18.0310H)
  17. Drive-Through Sales and Service (per Section 18.0310I)
  18. Bed and Breakfast Establishment (per Section 18.0310J)
  19. Commercial Indoor Lodging (per Section 18.0310K)
  20. Boarding House (per Section 18.0310L)
  21. Group Daycare Center (9+ children) (per Section 18.0310O)
  22. Commercial Animal Boarding (per Section 18.0310P)
  23. Outdoor Maintenance Service (per Section 18.0310R)
  24. Commercial Greenhouse/Garden Center (see Section 18.0310T)
  25. Personal Storage Facility (per Section 18.0312C)
  26. Transit Center (per Section 18.0313A)
  27. Large Developments (per Section 18.0821)
  28. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Residential Garage or Shed (per Section 18.0315I)
  3. Residential Recreational Facility (per Section 18.0315J)
  4. On-Site Parking (per Section 18.0315L)
  5. Company-Cafeteria (per Section 18.0315M)
  6. Company On-Site Recreation (per Section 18.0315N)
  7. Incidental Outdoor Display (per Section 18.0315O)
  8. Exterior Communications Device (per Section 18.0315R)
  9. Lawn Care (per Section 18.0315S)
  10. Stormwater Facilities (per Section 18.0315T)
  11. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Incidental Light Industrial (per Section 18.0310Q)
  2. Drive-Through Sales and Service Incidental to On-Site Principal Land Use (per Section 18.0315U)
  3. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Farm Product Sales (per Section 18.0316A)
  2. Temporary Outdoor Sales (per Section 18.0316B)
-

3. Temporary Outdoor Assembly (per Section 18.0316C)
  4. Temporary Shelter Structure (per Section 18.0316D)
  5. Temporary Portable Storage Unit (per Section 18.0316E)
  6. Temporary Construction Storage (per Section 18.0316F)
  7. Temporary Relocatable Building (per Section 18.0316G)
  8. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  9. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the CB zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. Single-family land uses are exempt from landscaping requirements. All other land uses in the CB zoning district shall adhere to the applicable landscaping requirements (see Section 18.0900).
- J. Signage Regulations. All signs in the CB zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the CB zoning district are detailed in Figure 18.0220. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0220:**

**Density, Intensity, and Bulk Regulations in the Community Business Zoning District**

Minimum Lot Area	20,000 square feet
Maximum Building Coverage of Lot	50 percent
Minimum Landscape Surface Ratio (LSR)	20 percent
Minimum Lot Width	100 feet
Minimum Front and Street Side Yard Setback	20 feet
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Yard Setback	15 feet
Minimum Rear Yard Setback	25 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet

**Figure 18.0220:****Density, Intensity, and Bulk Regulations in the Community Business Zoning District**

Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	15 feet

**18.0221 LI Light Industrial District**

- A. Description and Purpose. This district is intended to allow primarily indoor industrial, storage, office, and other associated business and support uses. Allowable uses are geared toward activities that are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances. Outdoor uses are limited to those that are accessory to indoor principal uses. Architectural, site design, landscaping, and other requirements are intended to ensure compatibility with nearby residential, institutional, and conservancy uses.
- B. Principal Land Uses Permitted by Right.
1. Selective Cutting (per Section 18.0307D)
  2. Public Services and Utilities (per Section 18.0308D)
  3. Passive Outdoor Recreation (per Section 18.0309A)
  4. Active Outdoor Recreation (per Section 18.0309B)
  5. Office (per Section 18.0310A)
  6. Personal and Professional Service (per Section 18.0310B)
  7. Indoor Maintenance Service (per Section 18.0310Q)
  8. Light Industrial (per Section 18.0311A)
  9. Indoor Storage and Wholesaling (per Section 18.0312A)
  10. Off-Site Parking (per Section 18.0313E)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Community Garden (per Section 18.0307H)
  4. Market Garden (per Section 18.0307I)
  5. Outdoor Open Space Institutional (see Section 18.0308C)
  6. Intensive Outdoor Activity (per Section 18.0309C)
  7. Lake Related Recreation (per Section 18.0309D)
  8. Artisan Studio (per Section 18.0310C)
  9. Artisan Production Shop (per Section 18.0310D)
  10. Group Daycare Center (9+ children) (per Section 18.0310O)
  11. Outdoor Maintenance Service (per Section 18.0310R)
  12. Sexually-Oriented Land Use (per Section 18.0310U)
  13. Production Greenhouse (per Section 18.0311C)
  14. Indoor Aquaculture (per Section 18.0311D)
  15. Communication Tower (per Section 18.0311E)
  16. Outdoor Storage and Wholesaling (per Section 18.0312B)
  17. Personal Storage Facility (per Section 18.0312C)
  18. Transit Center (per Section 18.0313A)
  19. Distribution Center (per Section 18.0313B)
  20. Airport (per Section 18.0313D)
  21. Large Developments (per Section 18.0821)

---

22. Group Developments (per Section 18.0821)

D. Accessory Uses Permitted by Right.

1. On-Site Parking (per Section 18.0315L)
2. Company Cafeteria (per Section 18.0315M)
3. Company On-Site Recreation (per Section 18.0315N)
4. Incidental Indoor Sales (per Section 18.0315P)
5. Exterior Communications Device (per Section 18.0315R)
6. Lawn Care (per Section 18.0315S)
7. Stormwater Facilities (per Section 18.0315T)
8. Small Solar Energy System (per Section 18.0315V)

E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).

1. Drive-Through Sales and Service Incidental to On-Site Principal Land Use (per Section 18.0315U)
2. Filling (per Section 18.0315Y)

F. Allowable Temporary Uses.

1. Temporary Outdoor Assembly (per Section 18.0316C)
2. Temporary Shelter Structure (per Section 18.0316D)
3. Temporary Portable Storage Unit (per Section 18.0316E)
4. Temporary Construction Storage (per Section 18.0316F)
5. Temporary Relocatable Building (per Section 18.0316G)

B. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.

C. Performance Standards. All allowed uses in the LI zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.

D. Landscaping Regulations. All land uses in the LI zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.

E. Signage Regulations. All signs in the LI zoning district shall comply with applicable provisions of Section 18.1000.

F. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.

G. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the LI zoning district are detailed in Figure 18.0221. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0221:  
Density, Intensity, and Bulk Regulations in the Light Industrial Zoning District**

Minimum Lot Area	40,000 square feet
Maximum Building Coverage of Lot	30 percent
Minimum Landscape Surface Ratio (LSR)	15 percent
Minimum Lot Width	100 feet
Minimum Front and Street Side Yard Setback	30 feet
Minimum Shore Yard Setback	150 feet
Minimum Interior Side Yard Setback	15 feet
Minimum Rear Yard Setback	30 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet
Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	35 feet

## 18.0222 GI General Industrial District

- A. Description and Purpose. This district is intended to allow industrial, office, storage, and other supporting uses, including those land uses that may require more extensive outdoor storage, freight handling, repair, and maintenance activities than allowed in the LI district. Allowable uses are geared toward activities that are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances that cannot be adequately mitigated on-site. Architectural, site design, landscaping, and other requirements are intended to minimize impacts and potential nuisances to other land uses.
- B. Principal Land Uses Permitted by Right.
1. Selective Cutting (per Section 18.0307D)
  2. Public Services and Utilities (per Section 18.0308D)
  3. Passive Outdoor Recreation (per Section 18.0309A)
  4. Active Outdoor Recreation (per Section 18.0309B)
  5. Office (per Section 18.0310A)
  6. Indoor Maintenance Service (per Section 18.0310Q)
  7. Light Industrial (per Section 18.0311L)
  8. Indoor Storage and Wholesaling (per Section 18.0312A)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Agricultural Services (per Section 18.0307G)
  4. Outdoor Open Space Institutional (see Section 18.0308C)
  5. Lake Related Recreation (per Section 18.0309D)

- 
6. Artisan Studio (per Section 18.0310C)
  7. Artisan Production Shop (per Section 18.0310D)
  8. Outdoor Maintenance Service (per Section 18.0310R)
  9. Sexually-Oriented Land Use (per Section 18.0310U)
  10. Heavy Industrial (per Section 18.0311B)
  11. Production Greenhouse (per Section 18.0311C)
  12. Indoor Aquaculture (per Section 18.0311D)
  13. Communication Tower (per Section 18.0311E)
  14. Large Solar Energy System (per Section 18.0311G)
  15. Outdoor Storage and Wholesaling (per Section 18.0312B)
  16. Distribution Center (per Section 18.0313B)
  17. Freight Terminal (per Section 18.0313C)
  18. Airport (per Section 18.0313D)
  19. Composting (per Section 18.0314B)
  20. Recycling and Waste Disposal (per Section 18.0314C)
  21. Junk or Salvage Yard (per Section 18.0314D)
  22. Large Developments (per Section 18.0821)
  23. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. On-Site Parking (per Section 18.0315L)
  2. Company Cafeteria (per Section 18.0315M)
  3. Company On-Site Recreation (per Section 18.0315N)
  4. Incidental Indoor Sales (per Section 18.0315P)
  5. Exterior Communications Device (per Section 18.0315R)
  6. Lawn Care (per Section 18.0315S)
  7. Stormwater Facilities (per Section 18.0315T)
  8. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
- B. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- C. Performance Standards. All allowed uses in the GI zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- D. Landscaping Regulations. All land uses in the GI zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
-

- E. Signage Regulations. All signs in the GI zoning district shall comply with applicable provisions of Section 18.1000.
- F. Nonconforming Situations. Any nonconforming lot, use, structure, and/or site shall adhere to the provisions of Section 18.0600.
- G. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the GI zoning district are detailed in Figure 18.0222. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0222:**

**Density, Intensity, and Bulk Regulations in the General Industrial Zoning District**

Minimum Lot Area	40,000 square feet
Maximum Building Coverage of Lot	30 percent
Minimum Landscape Surface Ratio (LSR)	15 percent
Minimum Lot Width	100 feet
Minimum Front and Street Side Yard Setback	30 feet
Minimum Shore Yard Setback	150 feet
Minimum Interior Side Yard Setback	15 feet
Minimum Rear Yard Setback	30 feet
Maximum Principal Building Height	35 feet
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet
Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	35 feet

**18.0223 P&I Public and Institutional District**

- A. Description and Purpose. This district is intended to establish and preserve areas for certain public and institutional uses in the Village of Williams Bay.
- B. Principal Land Uses Permitted by Right.
  - 1. Selective Cutting (per Section 18.0307D)
  - 2. Indoor Institutional--General (per Section 18.0308A)
  - 3. Public Services and Utilities (per Section 18.0308D)
  - 4. Passive Outdoor Recreation (per Section 18.0309A)
  - 5. Active Outdoor Recreation (per Section 18.0309B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
  - 1. Cultivation (per Section 18.0307A)
  - 2. Clear Cutting (per Section 18.0307E)
  - 3. Community Garden (per Section 18.0307H)
  - 4. Market Garden (per Section 18.0307I)

- 
5. Indoor Institutional–Intensive (per Section 18.0308B)
  6. Outdoor Open Space Institutional (per Section 18.0308C)
  7. Institutional Residential Development (per Section 18.0308E)
  8. Community Living Arrangement (1-8 residents) (per Section 18.0308F)
  9. Community Living Arrangement (9-15 residents) (per Section 18.0308G)
  10. Community Living Arrangement (16+ residents) (per Section 18.0308H)
  11. Intensive Outdoor Activity (per Section 18.0309C)
  12. Lake Related Recreation (per Section 18.0309D)
  13. Group Day Care Center (9+ children) (per Section 18.0310O)
  14. Large Developments (per Section 18.0821)
  15. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. Home Occupation (per Section 18.0315A)
  2. Residential Garage or Shed (per Section 18.0315I)
  3. Residential Recreational Facility (per Section 18.0315J)
  4. On-Site Parking Lot (per Section 18.0315L)
  5. Company Cafeteria (per Section 18.0315M)
  6. Company Provided On-Site Recreation (per Section 18.0315N)
  7. Lawn Care (per Section 18.0315S)
  8. Exterior Communication Device (per Section 18.0315R)
  9. Stormwater Facilities (per Section 18.0315T)
  10. Small Solar Energy System (per Section 18.0315V)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Drive-Through Sales and Service Incidental to On-Site Principal Land Use (per Section 18.0315U)
  2. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  7. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the P&I zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. All land uses in the P&I zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
-

- J. Signage Regulations. All signs in the P&I zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the P&I zoning district are detailed in Figure 18.0223. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0223:**

**Density, Intensity, and Bulk Regulations in the Public and Institutional Zoning District**

Minimum Lot Area	12,000 square feet
Maximum Building Coverage of Lot	30 percent
Minimum Landscape Surface Ratio (LSR)	40 percent
Minimum Lot Width	90 feet
Minimum Front and Street Side Yard Setback	30 feet 100 feet from the following streets: Geneva St. west of Dartmouth Rd. North Lakeshore Dr. Theater Rd. Elkhorn Rd. north of Stark St.
Minimum Shore Yard Setback	150 feet
Minimum Interior Side Yard Setback	15 feet
Minimum Rear Yard Setback	30 feet
Maximum Principal Building Height	35 feet 45 feet with conditional use permit
Minimum Principal Building Separation (multi-structure developments on shared lots)	30 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet
Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	15 feet

**18.0224 P&R Parks and Recreation District**

- A. Description and Purpose. This district is intended to accommodate land uses serving the recreational needs and interests of residents and tourists. This district provides an environment that does not allow residential uses, business uses that are not recreation-based, or industrial uses.
- B. Principal Land Uses Permitted by Right.
  - 1. Selective Cutting (per Section 18.0307D)
  - 2. Indoor Institutional—General (per Section 18.0308A)
  - 3. Intensive Outdoor Activity (per Section 18.0309C)

- 
4. Passive Outdoor Recreation (per Section 18.0308A)
  5. Active Outdoor Recreation (per Section 18.0308B)
- C. Principal Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Cultivation (per Section 18.0307A)
  2. Clear Cutting (per Section 18.0307E)
  3. Community Garden (per Section 18.0307H)
  4. Market Garden (per Section 18.0307I)
  5. Indoor Institutional—Intensive (per Section 18.0308B)
  6. Outdoor Open Space Institutional (per Section 18.0308C)
  7. Lake Related Recreation (per Section 18.0309D)
  8. Public Services and Utilities (per Section 18.0308D)
  9. Outdoor Entertainment (per Section 18.0310H)
  10. Campground (per Section 18.0310N)
  11. Large Solar Energy System (per Section 18.0311G)
  12. Large Developments (per Section 18.0821)
  13. Group Developments (per Section 18.0821)
- D. Accessory Uses Permitted by Right.
1. On-Site Parking (per Section 18.0315 18.0315L)
  2. Exterior Communication Device (per Section 18.0315R)
  3. Lawn Care (per Section 18.0315S)
  4. Stormwater Facilities (per Section 18.0315T)
  5. Small Solar Energy System (per Section 18.0315V)
  6. Concession Stands and Equipment Rental (per Section 18.0315W)
- E. Accessory Uses Allowed by Conditional Use Permit (see Section 18.1207).
1. Filling (per Section 18.0315Y)
- F. Allowable Temporary Uses.
1. Temporary Outdoor Assembly (per Section 18.0316C)
  2. Temporary Shelter Structure (per Section 18.0316D)
  3. Temporary Portable Storage Unit (per Section 18.0316E)
  4. Temporary Construction Storage (per Section 18.0316F)
  5. Temporary Relocatable Building (per Section 18.0316G)
  6. Temporary Garage or Estate Sale (Auction) (per Section 18.0316H)
  7. Farmers Market (per Section 18.0316I)
- G. Overlay District Requirements. All lots, uses, structures, and site features within one or more overlay zoning districts (see Section 18.0700) shall be subject to the regulations of the applicable overlay zoning district in addition to those of the underlying standard zoning district. Where there are conflicts between the standard zoning district regulations and the overlay zoning district regulations, the more restrictive requirements shall prevail.
- H. Performance Standards. All allowed uses in the P&R zoning district shall comply with applicable performance standards of Section 18.0800, except for any exemptions specifically stated in this Chapter or any other agency with jurisdiction.
- I. Landscaping Regulations. All land uses in the P&R zoning district shall adhere to the applicable landscaping requirements in Section 18.0900.
-

- J. Signage Regulations. All signs in the P&R zoning district shall comply with applicable provisions of Section 18.1000.
- K. Nonconforming Situations. Any nonconforming lot, use, structure and/or site shall adhere to the provisions of Section 18.0600.
- L. Density, Intensity, and Bulk Regulations. Density, intensity, and bulk regulations specific to the P&R zoning district are detailed in Figure 18.0224. See Sections 18.0400 and 18.0500 for additional requirements applicable to all zoning districts.

**Figure 18.0224:**

**Density, Intensity, and Bulk Regulations in the Parks and Recreation Zoning District**

Minimum Lot Area	n/a
Maximum Building Coverage of Lot	30 percent
Minimum Landscape Surface Ratio (LSR)	40 percent
Minimum Lot Width	n/a
Minimum Front and Street Side Yard Setback	40 feet 100 feet from the following streets: Geneva St. west of Dartmouth Rd. North Lakeshore Dr. Theater Rd.
Minimum Shore Yard Setback	150 feet
Minimum Interior Side Yard Setback	40 feet
Minimum Rear Yard Setback	40 feet
Maximum Principal Building Height	35 feet 45 feet with conditional use permit
Minimum Principal Building Separation (multi-structure developments on shared lots)	40 feet
Minimum Pavement Setback (lot line to pavement; excludes driveway entrances)	3 feet
Minimum Off-Street Parking Requirement	Per Section 18.0300
Accessory Structure Interior Side Yard Setback	5 feet
Accessory Structure Rear Yard Setback	5 feet
Maximum Accessory Structure Height	35 feet 45 feet with conditional use permit

---

## **SECTION 18.0300: LAND USE REGULATIONS**

### **18.0301 Purpose**

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

### **18.0302 Regulation of Allowable Uses**

The allowable land uses for each zoning district are established in Section 18.0200 of this Chapter. Detailed descriptions and regulations for uses are found in Sections 18.0305 through 18.0316. Even if a land use may be indicated as permitted by right or requiring a conditional use in a particular district, such a land use may not necessarily be permitted or permissible on any or every property in such district. No land use is permitted or permissible on a property unless it can be located on it or implemented in full compliance with all of the applicable standards and regulations of this Chapter or unless an appropriate variance has been granted pursuant to Section 18.1215.

- A. **Principal Land Uses Permitted by Right.** Principal land uses listed as permitted by right (designated by the letter “P” in Section 18.0305) are permitted per the general land use requirements of this Section; per the density, intensity, and bulk regulations of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay districts; per all other applicable requirements of this Chapter; and per any and all other applicable village, county, state, and federal regulations.
- B. **Principal Land Uses Allowed as Conditional Uses.** Principal land uses allowed only with a conditional use permit (designated by the letter “C” in Section 18.0305) may be permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection A, above, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process established in Section 18.1207. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. Except for uses approved under a General Development Plan and Final Development Plan in a Planned Development (see Section 18.0709), all uses requiring a conditional use permit shall comply with the procedural requirements of Section 18.1207.
- C. **Accessory Land Uses.** Accessory land uses are allowed subject to all the requirements and exemptions applicable to principal land uses permitted by right as listed in Subsection A above. Accessory land uses allowed only with a conditional use permit are subject to all the requirements and exemptions applicable to principal land uses requiring a conditional use permit as listed in Subsection B above.
- D. **Temporary Land Uses.** Temporary land uses (designated by the letter “T” in Section 18.0305) are allowed on a temporary basis subject to permitting requirements Section 18.1208 of this Chapter.

### **18.0303 Regulations Applicable to All Land Uses**

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

- A. **Land Use Regulations and Requirements.** All uses of land shall comply with all the regulations and requirements of this Chapter, pertaining to the types of uses allowed within particular zoning districts. Such regulations and requirements address both general and specific regulations that land uses shall adhere to, and that are directly related to the protection of the health, safety, and general welfare of the residents of the Village of Williams Bay.

- 
- B. Accessory Land Uses. Accessory land uses shall comply with the regulations and requirements of this Chapter as well as the following listed regulations.
- (1) No accessory structure or use shall be constructed on any lot prior to establishment of an allowable principal use, unless otherwise stated in this Chapter.
  - (2) Accessory structures and uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except when there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.
  - (3) With the exception of Home Occupations, accessory uses and structures shall not involve the conduct of business, trade, or industry.
  - (4) With the exception of an In-Home Suite (see Section 18.0315D), or Accessory Dwelling Units (see Section 18.0315E), in no instance shall an accessory structure, basement, tent, or recreational trailer be used as a residence.
  - (5) With the exception of farm buildings, accessory buildings located within a residential zoning district shall be constructed or finished in a complementary architectural style and with complementary building materials to the principal residential buildings in the neighborhood.
- C. Density, Intensity, and Bulk Regulations and Requirements. All development and use of land shall comply with all the applicable requirements of Section 18.0400 of this Chapter pertaining to the maximum permitted density, intensity, and bulk regulations.
- D. Overlay Zoning District Requirements. All land use and/or development of land shall comply with all the regulations and requirements of this Chapter pertaining to the protection of sensitive natural resources and open space areas, protection of community character, as established under any applicable Overlay Zoning Districts in Section 18.0700 of this Chapter.
- E. Exterior Site and Building Design Standards. All new, remodeled, and expanded residential and nonresidential development shall comply with the all applicable building and site design guidelines as required in Section 18.0802 of this Chapter.
- F. Performance Standards. All development of land shall comply with all applicable requirements established in Section 18.0800 of this Chapter, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, maximum permitted intensity of lighting, design requirements for exterior equipment such as communication systems; as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare, and smoke.
- G. Landscape and Preservation Regulations. All development of land shall comply with all the regulations and requirements of Section 18.0900 of this Chapter pertaining to the preservation of woodlands and mature trees, and the provision of landscaping and bufferyards. These requirements address issues such as minimum required landscaping of developed land and minimum required provision of bufferyards between adjoining zoning districts, which are directly related to the effective bulk of a structure.
- H. Signage Regulations. All use and/or development of land shall comply with all requirements of Section 18.1000 pertaining to the type and amount of signage permitted on property. These requirements address issues such as the maximum area of permitted signage and the number and permitted types of signage.
- I. Number of Buildings per Lot. In the AH, ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, and TF districts, only one principal building shall be permitted on any one lot. In the MF-12, MF-18, SB, LSB, CB, VC, P&I, P&R, LI, and GI districts, more than one principal building may be permitted on any one lot upon granting of
-

a conditional use permit for group development (Subsection K) or large development regulations in compliance (Subsection L).

- J. Number of Land Uses per Building. No more than one nonresidential land use shall be permitted in any building unless a conditional use permit for a group development (Subsection K) or large development (Subsection L) is obtained. With the exception of “Mixed Use Dwelling Units,” “Home Occupation,” and “In-Home Suite” land uses, and buildings located within an approved Planned Development project (see Section 18.0709), no building containing a nonresidential land use shall contain a residential land use.
- K. Group Development Requirements. All uses and/or development of land within a group development shall comply with the requirements of Section 18.0821.
- L. Large Development Requirements. All uses and/or development of land within a large development shall comply with the requirements of Section 18.0821.
- M. Any development proposed within 500 feet of existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access traffic ways, and/or within 1,500 feet of an existing or proposed interchange or turning lane right-of-way for these classifications of roadways shall be conditional uses.
- N. Planned Development Requirements. All uses and/or development of land within a planned development shall comply with all requirements of Section 18.0709.
- O. Nonconforming Lots, Uses, Structures, and Site Requirements. Land uses not in conformance with the requirements of the applicable zoning district shall be subject to the special limitations and exceptions as established in Section 18.0602. Land uses located on substandard lots or nonconforming lots or in nonconforming structures shall comply with all the regulations and requirements of Sections 18.0604.
- P. Site Plan Review Required. All uses are subject to site plan review and approval in accordance with Section 18.1206 of this Chapter, except for the following:
  - (1) Single-family and two-family residential uses on individual lots in any zoning district.
  - (2) Agricultural land uses that are permitted by right in the AH zoning district.
  - (3) Uses within a Final Development Plan in a Planned Development in accordance with the procedures of Section 18.0709, provided that the Final Development Plan provides a similar level of detail and range of plans as a typical site plan submittal required under this Chapter.
- Q. Procedural Regulations and Requirements. All use and/or development of land shall comply with all requirements of Section 18.1200, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements.

## 18.0304 Detailed Land Use Descriptions and Regulations

The land use categories employed by this Chapter are defined in Section 18.0306 through Section 18.0316. Land use categories that are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 18.1216 empowers the Village Board to make interpretations on matters regarding specific land use proposals that are not addressed by this Chapter.

## 18.0305 Table of Land Uses

The Tables of Land Uses (Figures 18.0305A through 18.0305J) on the following pages is provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text in Sections 18.0306 through 18.0316 or in other sections of this Chapter and Figures 18.0305A through 18.0305J, the text shall prevail.

Figure 18.0305A: Table of Residential Land Uses

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0306 for detailed descriptions of and standards for each land use category.
P/C	P	P	P	P	P	P	P	P	P	P								Single-Family
							P	P	P	P								Two-Flat
							P	P	P	P								Twin House
							P	P	P	P								Duplex
							P	P	P									Townhouse 3-4 du/ building
								C	P									Townhouse 5-8 du/ building
								P	P									Multiplex 3-4 units
								C	P									Multiplex 5-8 units
									C									Multiplex 9-16 units
								P	P									Apartment 3-4 units
								C	P									Apartment 5-8 units
									C									Apartment 9-16 units
									C									Mobile Home Subdivision
									C									Mobile Home Park
										C	C	C	C					Mixed Use Dwelling Unit

**Figure 18.0305B: Table of Agricultural Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0307 for detailed descriptions of and standards for each land use category.
P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Cultivation
C																		Husbandry
P																		On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Selective Cutting
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	Clear Cutting
C																		Intensive Agriculture
C														C				Agricultural Services
C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	Community Garden
C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	Market Garden

**Figure 18.0305C: Table of Institutional Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0308 for detailed descriptions of and standards for each land use category.
	C	C	C	C	C		C	C	C	P	P		P			P	P	Indoor Institutional--General
	C	C	C	C	C		C	C	C		C		C			C	C	Indoor Institutional--Intensive
C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	Outdoor Open Space Institutional
P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	C	Public Services and Utilities
								C	C	C	C	C	C			C		Institutional Residential
P	P	P	P	P	P	P	P	P	P	P	P	P	P			C		Community Living Arrangement 1-8 units.
							P	P	P	C	C	C	C			C		Community Living Arrangement 9-15 units
								C	C	C	C	C	C			C		Community Living Arrangement 16+ units

**Figure 18.0305D: Table of Recreational Land Uses**

Figure 18.0305D: Table of Recreational Land Uses																		
AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0309 for detailed descriptions of and standards for each land use category.
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Passive Outdoor Recreation
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Active Outdoor Recreation.
											C	C	C	C		C	P	Intensive Outdoor Activity
C											C	C	C	C	C	C	C	Lake Related Recreation

Figure 18.0305E: Table of Business Land Uses

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0310 for detailed descriptions of and standards for each land use category.
										P	P	P	P	P	P			Office
										P	P	P	P	P				Personal or Professional Service
										C	C		C	C	C			Artisan Studio
														C	C			Artisan Production Shop
										P	P	P	P					Indoor Sales and Service
										C	C	C	C					Outdoor Display
										C	C	C	C					Indoor Commercial Entertainment
											C	C	C				C	Outdoor Entertainment
										C	C		C					Drive-Through Sales and Service
C	C	C	C	C	C		C	C	C	C	C	C	C					Bed & Breakfast Establishment
											C	C	C					Commercial Indoor Lodging
								C	C	C	C		C					Boarding House
					C		C	C	C	C	C							Tourist Rooming House
C																	C	Campground
							C	C	C	C	C		C	C		C		Group Daycare Center (9+ children)
C													C					Commercial Animal Boarding

**Figure 18.0305E: Table of Business Land Uses**

Figure 18.0305E: Table of Business Land Uses																		
AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0310 for detailed descriptions of and standards for each land use category.
										P	P	P	P	P	P			Indoor Maintenance Service
													C	C	C			Outdoor Maintenance Service
													P					Vehicle Sales
										C			C					Commercial Greenhouse/Garden Center
														C	C			Sexually-Oriented Land Use

**Figure 18.0305F: Table of Industrial Land Uses**

Figure 18.0305F: Table of Industrial Land Uses																		
AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0311 for detailed descriptions of and standards for each land use category.
														P	P			Light Industrial
															C			Heavy Industrial
C														C	C			Production Greenhouse
C														C	C			Indoor Aquaculture
														C	C			Communication Tower
C																		Large Wind Energy System
C																		Large Solar Energy System

**Figure 18.0305G: Table of Storage Land Uses**

Figure 18.0305G: Table of Storage Land Uses																			
AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	<b>Land Uses Permitted:</b> Refer to Section 18.0312 for detailed descriptions of and standards for each land use category.	
														P	P				Indoor Storage & Wholesaling
														C	C				Outdoor Storage & Wholesaling
													C	C				Personal Storage Facility	

**Figure 18.0305H: Table of Transportation Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0313 for detailed descriptions of and standards for each land use category.
											C	C	C	C				Transit Center
														C	C			Distribution Center
															C			Freight Terminal
C														C	C			Airport
									C	C	P	P	P					Off-Site Parking

**Figure 18.0305I: Table of Extraction and Disposal Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0314 for detailed descriptions of and standards for each land use category.
C																		Extraction
C															C			Composting
C															C			Recycling and Waste Disposal
C															C			Junk or Salvage Yard

**Figure 18.0305J: Table of Accessory Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0315 for detailed descriptions of and standards for each land use category.
P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		Home Occupation
P	P	P	P	P	P	P	P	P	P	P								Family Daycare Home 4-8 Children
C	C	C	C	C	C		C	C	C	C								Intermediate Daycare Home 9-15 Children
P	P	P	P	P	P	P	P	P	P	P								In-Home Suite
	C																	Accessory Dwelling Unit
	P																	Caretaker House or Guest House
P																		Farm Residence
C																		Migrant Employee Housing
P	P	P	P	P	P	P	P	P	P	P	P	P	P			P		Residential Garage or Shed
P	P	P	P	P	P	C	P	P	P	P	P	P	P			P		Residential Recreational Facility
C																		Residential Kennel or Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	On-Site Parking
											P	P	P	P	P	P		Company Cafeteria
											P	P	P	P	P	P		Company On-Site Recreation
C										P	P	P	P					Incidental Outdoor Display
														P	P			Incidental Indoor Sales

**Figure 18.0305J: Table of Accessory Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0315 for detailed descriptions of and standards for each land use category.
										C	C	C	C					Incidental Light Industrial
P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P	Exterior Communications Device
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Lawn Care
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Stormwater Facilities
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Small Solar Energy System
										C	C	C	C	C	C			Drive-Through Sales and Service Incidental to On-Site Principal Land Use
																	P	Concession Stands and Equipment Rental
																	P	Bathhouses
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	€	C	Filling

**Figure 18.0305K: Table of Temporary Land Uses**

AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF-Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	VC Village Center	LSB Lakeshore Business	CB Community Business	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation	Land Uses Permitted: Refer to Section 18.0316 for detailed descriptions of and standards for each land use category.
T										T	T		T					Temporary Farm Product Sales
										T	T	T	T					Temporary Outdoor Sales
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Temporary Outdoor Assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Temporary Shelter Structure
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Temporary Portable Storage Unit
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Temporary Construction Storage
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	Temporary Relocatable Building
T	T	T	T	T	T	T	T	T	T	T	T	T	T			T	T	Temporary Garage or Estate Sale (Auction)
T										T	T	T	T			T	T	Farmer's Market

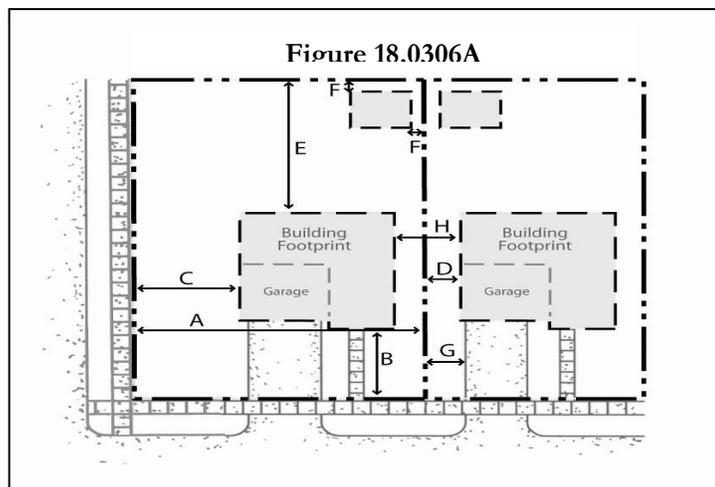
### 18.0306 Residential Land Uses

A. Single-Family: A fully detached Single-Family residence located on an individual lot having no roof, wall, or floor in common with any other dwelling unit.

Single-Family land uses shall adhere to the following standards:

- (1) The dwelling unit must be a site-built structure constructed in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.
- (2) The dwelling unit must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
- (3) The dwelling unit roof shall have a pitch of at least 3 feet in rise for every 12 feet in run, except by conditional use permit.
- (4) Dwelling units may not be split into two or more dwelling units, except for permitted accessory dwellings meeting the requirements of this Chapter.
- (5) Figure 18.0306A is intended to provide a graphic depiction of the setback and dimensional requirements for Single-Family land uses. Specific requirements for Single-Family uses can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) *Minimum required off-street parking: Two spaces.*

Key to Figure 18.0306A	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage)
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
H	Minimum principal building separation (multi-structure developments on shared lots)

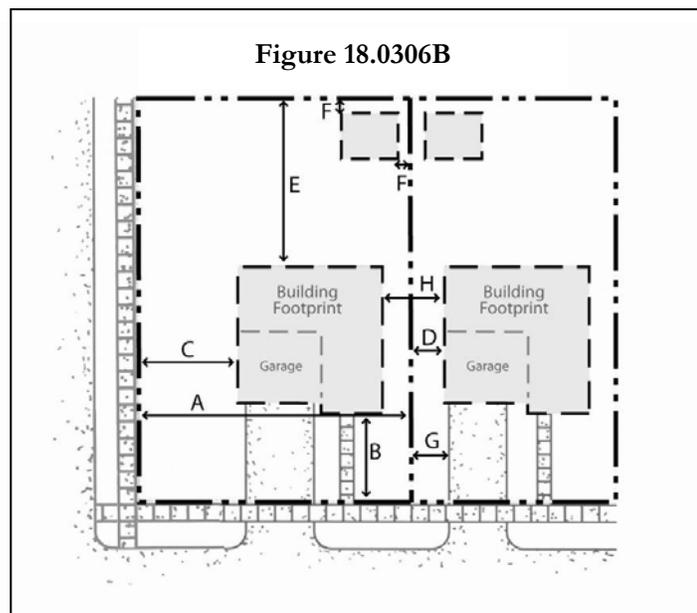


- B. **Two-Flat:** A single structure with two separate dwelling units, with each unit having a private individual access and no shared internal access. Two-Flats are attached dwelling units within a two-story structure, with one unit above the other.

Two-Flats shall adhere to the following standards:

- (1) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (2) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (3) Dwelling units may not be split into additional dwelling units.
- (4) Figure 18.0306B is intended to provide a graphic depiction of the setback and dimensional requirements for Two-Flat land uses. Specific requirements for Two-Flats can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (5) *Minimum required off-street parking: Two spaces per dwelling unit.*

Key to Figure 18.0306B	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
H	Minimum principal building separation (multi-structure developments on shared lots)

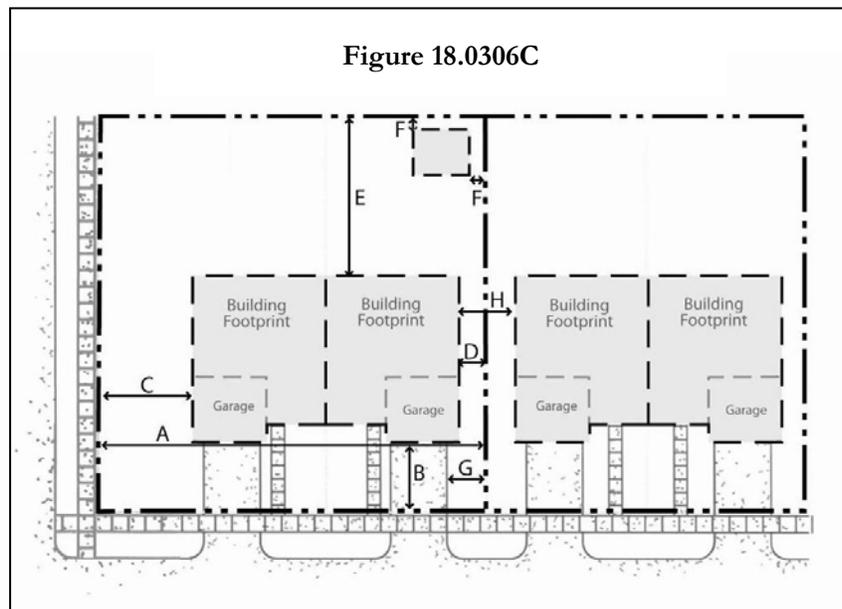


- C. **Twin-House:** A single structure with two separate dwelling units, each having a private individual access, and no shared internal access. Similar to duplexes, Twin-Houses are attached side-by-side units, each with a shared ground floor and roof. Unlike duplexes, Twin-Houses are located on shared, single lots.

Twin-Houses shall adhere to the following standards:

- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
- (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 18.0306C is intended to provide a graphic depiction of the setback and dimensional requirements for Twin-House land uses. Specific requirements Twin-Houses can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) *Minimum required off-street parking: Two spaces per dwelling unit.*

Key to Figure 18.0306C	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
H	Minimum principal building separation (multi-structure developments on shared lots)

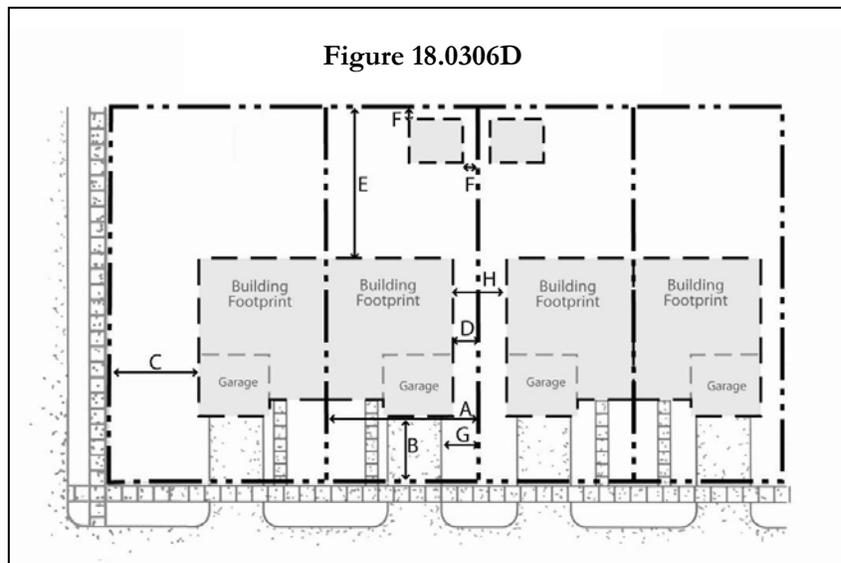


D. **Duplex:** A single structure with two separate dwelling units, each having a private individual access and no shared internal access. Duplexes are attached side-by-side units, each with a shared ground floor and roof. Each dwelling unit in a Duplex is located on its own lot.

Duplexes shall adhere to the following standards:

- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
- (2) Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
- (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 18.0306D is intended to provide a graphic depiction of the setback and dimensional requirements for Duplex land uses. Specific requirements for Duplexes can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) *Minimum required off-street parking: Two spaces per dwelling unit.*

Key to Figure 18.0306D	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
H	Minimum principal building separation (multi-structure developments on shared lots)

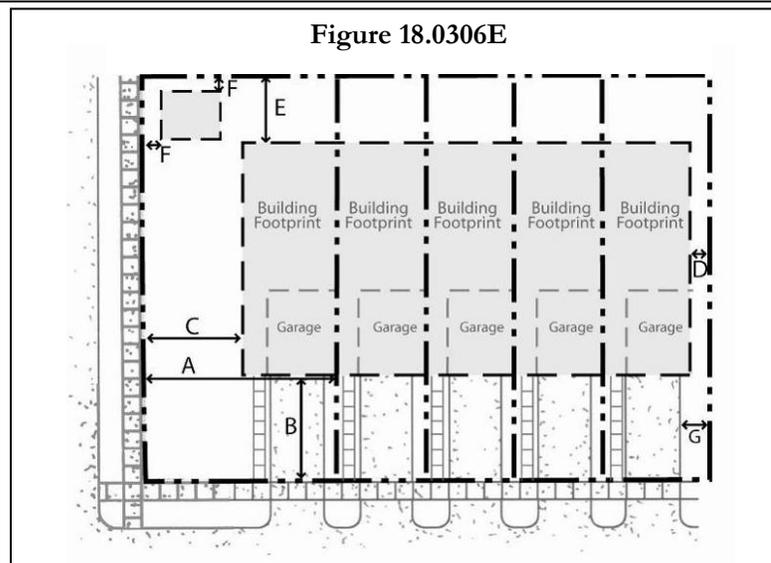


- E. **Townhouse:** Attached, two-story dwelling units, each having a private, individual access. Each dwelling unit may be located on its own lot or on a single lot within a group development (see Section 18.0821). Each dwelling unit shares at least one common wall with an adjacent dwelling unit.

Townhouses shall adhere to the following standards.

- (1) A Uniform Dwelling Code required fire rated wall must separate the two dwelling units from the lowest level of the structure to flush against the underside of the roof.
- (2) No more than six and no less than three Townhouse dwelling units may be attached per group.
- (3) All Townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development site.
- (4) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (5) Dwelling units may not be split into additional dwelling units.
- (6) Figure 18.0306E is intended to provide a graphic depiction of the setback and dimensional requirements for Townhouse land uses. Specific requirements for Townhouses can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (7) *Minimum required off-street parking: Two spaces per dwelling unit.*

Key to Figure 18.0306E	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)
H	Minimum principal building separation (multi-structure developments on shared lots)

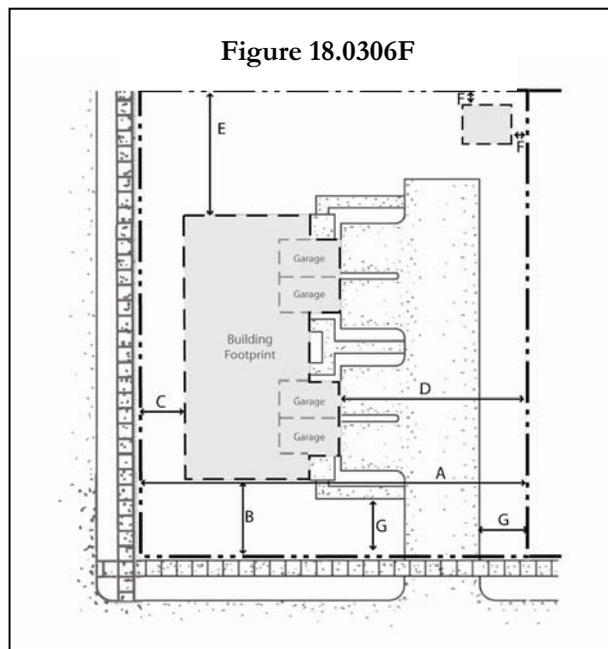


- F. **Multiplex:** A single structure with three or more individual attached dwelling units, each with private, individual exterior entrances.

Multiplexes shall adhere to the following standards.

- (1) A building code required fire rated wall separating living areas from the lowest level of the structure through the roof is required between each dwelling unit.
- (2) All Multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development site.
- (3) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 18.0306F is intended to provide a graphic depiction of the setback and dimensional requirements for Multiplex land uses. Specific requirements for Multiplexes can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) *Minimum required off-street parking: 1.25 spaces per studio apartment, 1.5 spaces per one-bedroom apartment, and 2 spaces per two-bedroom and larger apartments.*

Key to Figure 18.0306F	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)

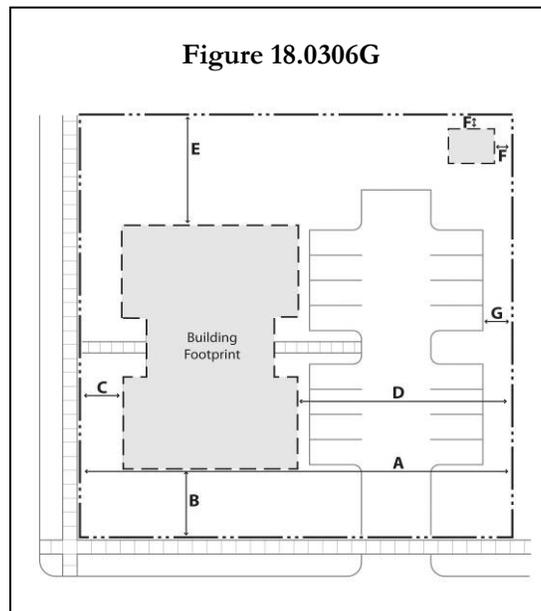


G. **Apartment:** A single structure with three or more individual attached dwelling units, each taking access from a shared entrance or hallway.

Apartments shall adhere to the following standards.

- (1) A building code required fire rated wall separating living areas from the lowest level of the structure to the underside of the roof is required between each dwelling unit.
- (2) Must provide evidence of covenants specifying the obligations for each dwelling unit with respect to any common structures, such as the shared wall, roof, and other inseparable improvements.
- (3) As part of the conditional use requirement for group developments (see Section 18.0821), any development comprised of one or more buildings that contain 6 or more dwelling units shall provide additional site design features such as underground parking, architectural elements, landscaping, and/or on-site recreational facilities.
- (4) Dwelling units may not be split into additional dwelling units.
- (5) Figure 18.0306G is intended to provide a graphic depiction of the setback and dimensional requirements for Apartment land uses. Specific requirements for Apartments can be found in Section 18.0200 under the density, intensity, and bulk requirements for each residential zoning district.
- (6) *Minimum required off-street parking: 1.25 spaces per studio apartment, 1.5 spaces per one-bedroom apartment, and 2 spaces per two-bedroom and larger apartments.*

Key to Figure 18.0306G	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)

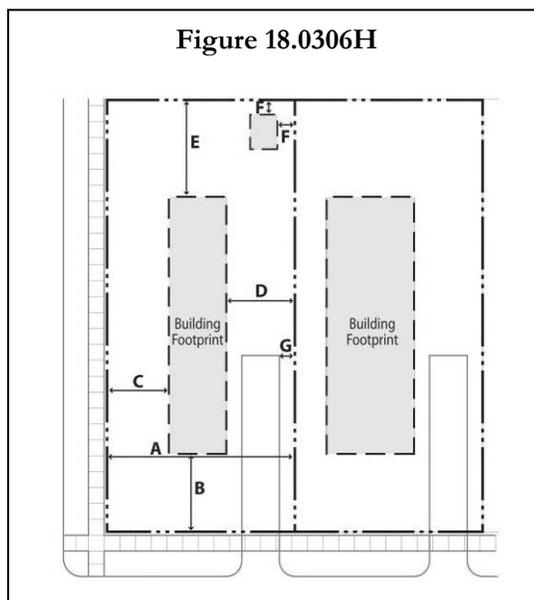


H. **Mobile Home:** A fully detached, single-family dwelling unit that has not received a Federal Manufactured Housing Certificate.

Mobile Homes shall adhere to the following standards.

- (1) No Mobile Home may be split into two or more dwelling units.
- (2) Each Mobile Home shall be located on an individually defined lot of at least 5,000 square feet in area and at least 50 feet in average width.
- (3) Each Mobile Home site shall be serviced with public sewer, water, and electric service connections and shall be placed on a permanent slab or solid foundation with appropriate skirting on all sides.
- (4) Each Mobile Home site shall be appropriately landscaped following a plan prepared by a qualified professional.
- (5) Each Mobile Home site shall provide an adequate, visually screened area for trash and garbage containers.
- (6) Figure 18.0306H is intended to provide a graphic depiction of the setback and dimensional requirements for Mobile Home land uses. Specific requirements for Mobile Homes can be found in Section 18.0200, under the density, intensity, and bulk requirements for each residential zoning district.
- (7) *Minimum required off-street parking: Two spaces per Mobile Home.*

Key to Figure 18.0306H	
A	Minimum lot width (at building minimum setback line)
B	Front setback (lot line to principal building or attached garage):
C	Street side (corner lot) setback (lot line to principal building or attached garage)
D	Interior side setback (lot line to principal building or attached garage)
E	Rear setback (lot line to principal building or attached garage)
F	Accessory building side and rear setback (lot line to accessory building)
G	Minimum pavement setbacks (lot line to pavement excluding driveways entrances, etc)



- I. Mobile Home Subdivision: A form of residential development that is exclusively reserved for individually sold lots containing Mobile Home units. Each lot and Mobile Home unit must meet the requirements for Mobile Homes listed in Section 18.0306H above.

Mobile Home Subdivisions shall adhere to the following standards.

- (1) Each lot and Mobile Home unit must meet the requirements for Mobile Homes listed in Section 18.0306H above.
- (2) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- (3) All electric, telephone, or cable television service cables or wires within a Mobile Home park shall be located underground.

- J. Mobile Home Park: A form of residential development that is exclusively reserved for individually sold or rented air right pads containing Mobile Home units.

Mobile Home Parks shall adhere to the following standards.

- (1) Each air right pad and Mobile Home unit shall meet the requirements for Mobile Homes listed in Section 18.0306H above.
- (2) Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
- (3) All electric, telephone, or cable television service cables or wires within a Mobile Home Park shall be located underground.

- K. Mixed Use Dwelling Unit: A residential dwelling unit located within the same structure as another land use type (i.e. a mixed-use building), such as directly above the ground floor of a building used for an office, business, or institutional land use.

Mixed Use Dwelling Units shall adhere to the following standards.

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

---

## 18.0307 Agricultural Land Uses

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

Cultivation land uses shall adhere to the following standards.

- (1) On buildable lots, which are platted in final form and served by improved streets and utilities, Cultivation is not permitted within non-agricultural zoning districts except as a legal non-conforming use, or as legally re-established per (2)a) below.
- (2) Re-establishment or new establishment of Cultivation shall be subject to the following additional requirements:
  - a) Except in the AH district, Cultivation uses, once discontinued for a period of 12 months shall not be reestablished or newly established except with the granting of a conditional use permit and shall be limited to hay crops.
  - b) The applicant shall provide a site plan that clearly depicts the area proposed for Cultivation and all structures and land uses on all adjoining properties. A current air photo may be used as a base map for this site plan. The distances from the area to be cultivated to all property lines and structures on adjoining properties shall be measured and labeled on said site plan.
  - c) The applicant shall provide a written plan of operation describing the proposed general timing and frequency of any and all farming activities involving mechanized equipment. The plan of operation shall list the times of operation of mechanized equipment, including earliest and latest times during the day and likely months of mechanized activity. Said plan of operation shall also list any and all chemicals to be used.
  - d) *Minimum required off-site parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18.0805F(2)).*

- B. **Husbandry:** Operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (defined in Section 18.0114) per acre. This includes horses, cattle, sheep, goats, llamas (and related species), deer, antelope, swine, fowl (including chickens, turkeys, ducks, geese, peacocks, guinea hens, game birds), aquatic species (including fish, shellfish, crustaceans, echinoderms, plants, and algae), and any animals typically hunted or trapped. Apiaries are also considered Husbandry land uses. The Husbandry land use category excludes animals typically kept as pets and commonly available at commercial pet stores (e.g., domestic dogs and cats, fish, small rodents, reptiles, amphibians, tropical/exotic birds). “Indoor Aquaculture” operations, as defined in Section 18.0311D below shall be regulated as a separate land use.

Husbandry land uses shall adhere to the following standards:

- (1) Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, 150 feet from any non-residentially zoned property (other than the AH district), and 100 feet from all other lot lines.
- (2) The keeping and raising of hogs or fur-bearing animals shall be prohibited
- (3) Not more than one head of livestock or 20 head of poultry shall be permitted for each two and one-half acres.
- (4) All outdoor animal containment areas (pastures, pens, and similar areas) shall be located a minimum of 10 feet from any residentially zoned property.

- (5) Any building housing animals and any outdoor animal containment area shall be located outside of lands mapped in the floodplain overlay districts and shall be located a minimum of 150 feet from any navigable waterway.
  - (6) Husbandry uses, once discontinued for a period of 12 months, shall not be re-established or newly established except with the granting of a conditional use permit, and shall only be allowed in the AH district.
  - (7) *Minimum required off-street parking: One space per employee on the largest work shift. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 18.0805F(2)).*
- C. On-Site Agricultural Retail: Land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within On-Site Agricultural Retail operations; such activity constitutes an “Indoor Sales of Service” use (see Section 18.0310E), except that packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site. This land use category does not include Market Gardens, as described in Section 18.0307I.

On-Site Agricultural Retail land uses shall adhere to the following standards:

- (1) No structure or group of structures shall exceed 500 square feet in gross floor area.
  - (2) No structure shall exceed 12 feet in height.
  - (3) All structures shall meet all required setbacks for nonresidential land uses.
  - (4) All structures and fencing shall be located a minimum of 300 feet from any residentially zoned property.
  - (5) Signage shall be limited to one on-site sign that shall not exceed 30 square feet in area.
  - (6) Such land use shall be served by no more than one driveway. Said driveway shall require a valid permit (per Chapter 7 of the Village of Williams Bay Code of Ordinances).
  - (7) The sale of products that are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
  - (8) On-Site Agricultural Retail uses, once discontinued for a period of 12 months, shall not be re-established or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH district.
  - (9) *Minimum required off-street parking: One parking space shall be required for every 200 square feet of product display area. (Note: agricultural land uses are hereby made exempt from the surfacing requirements of Section 18.0805F(2)).*
- D. Selective Cutting: Any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30 percent of the woodlands on the property (or up to 100 percent for developments approved prior to the effective date of this Chapter). Selective Cutting shall be limited to areas located within development pads that are designated on recorded plats or certified survey maps. The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting, (see Subsection E below).
- E. Clear Cutting: The one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30 percent of the woodlands on a property (or up to 100 percent for developments approved prior to the effective date of this Chapter).

Clear Cutting shall adhere to the following standards:

- (1) Clear Cutting is allowed only as a conditional use. Any owner of property who intentionally clear cuts any area of his or her property or who intentionally solicits or causes another to intentionally clear cut any area of his or her property without first having secured a conditional use permit for such activity shall be subject to a forfeiture for such wrongful conduct and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas having been clear cut unintentionally as a result of fire shall not subject the owner of the property to forfeiture for such non-approved Clear Cutting activity, but shall require the satisfaction of mitigation requirements at the owner's expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements.
  - (2) The applicant shall demonstrate that Clear Cutting will improve the level of environmental protection on the subject property.
  - (3) Areas of the subject property that are clear cut beyond the limitations established above shall be replanted per the requirements of Section 18.0900. (Referenced section requires the replanting of trees in other portions of the subject property; thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant).
- F. Intensive Agriculture: Operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit (as defined in Section 18.0114) per acre and/or agricultural activities requiring large investments in structures. This includes those animals listed under "Husbandry". Examples of such land uses include feed lots, hog farms, poultry operations, outdoor commercial aquaculture (but not including "Indoor Aquaculture" land uses, defined in Section 18.0311D), and certain other operations meeting these criteria.

Intensive Agriculture land uses shall adhere to the following standards:

- (1) Intensive Agriculture uses shall not be located in or adjacent to an existing or platted residential subdivision.
- (2) Intensive Agriculture uses shall be completely surrounded by a bufferyard with a minimum opacity of 1.0 (see Section 18.0900).
- (3) All buildings, structures, outdoor storage areas, and outdoor animal containment areas (pastures, pens, and similar areas) shall be located a minimum of 300 feet from all residentially zoned property, 150 feet from any non-residentially zoned property (other than the AH district), and 100 feet from all other lot lines.
- (4) Any building housing animals and any outdoor animal containment area shall be located outside of lands mapped in the floodplain overlay districts and shall be located a minimum of 150 feet from any navigable waterway.
- (5) Intensive Agriculture uses shall be located in an area that is planned to remain commercially viable for agricultural land uses.
- (6) Once discontinued for a period of 12 months, Intensive Agriculture uses shall not be re-established or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH district.
- (7) *Minimum required off-street parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18.0805F(2)).*

- G. Agricultural Services: Operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used or produced by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see Section 18.0314B).

Agricultural Service land uses shall adhere to the following standards:

- (1) Agricultural Service uses shall not be located in, or adjacent to, an existing or platted residential subdivision.
- (2) All buildings, structures, outdoor storage areas, and outdoor animal containment areas (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
- (3) If within the AH district, Agricultural Service uses shall be located in an area that is planned to remain commercially viable for agricultural land uses.
- (4) Once discontinued for a period of 12 months, Agricultural Service uses shall not be re-established or newly established except with the granting of a conditional use permit, and shall only be permitted in the AH or GI districts.
- (5) *Minimum required off-street parking: One space per employee on the largest work shift. (Notes: customer parking shall be provided based on land use; agricultural land uses are hereby made exempt from the surfacing requirements of Section 18.0805F(2)).*

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

Community Gardens shall adhere to the following standards:

- (1) All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
  - (2) Prior to the establishment of a Community Garden, the applicant shall submit a site plan that includes the following information:
    - a) Name of the property owner, established sponsoring organization and garden manager.
    - b) Indicates the locations of all structures; materials storage; trash, waste, and compost areas; equipment storage; access for deliveries and pick-ups; water availability; shaded rest area; and availability of public parking.
  - (3) The following structures are permitted in Community Gardens: tool sheds, shade pavilions, hoop houses, barns, rest-room facilities with composting toilets, planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, fences, garden art, rain barrel systems, beehives, and children's play areas.
  - (4) Signs shall not exceed a total aggregate area of 48 square feet.
  - (5) Fences shall comply with the regulations in Section 18.0809. Chicken wire, woven wire, and related garden fencing shall be permitted only around and within active garden areas.
- I. Market Garden: Land uses that meet the definition of a Community Garden per Section 18.0307H, but that also involve the on-site sales of food or plants grown on-site.

Market Gardens shall adhere to the following standards:

- (1) All activity areas and structures shall comply with the required setbacks and height regulations for principal structures within the zoning district.
- (2) Prior to the establishment of a Market Garden, the applicant shall submit a site plan that includes the following information:
  - a) Name of the property owner, established sponsoring organization and garden manager.
  - b) Indicates the locations of all structures; materials storage; trash, waste, and compost areas; equipment storage; access for deliveries and pick-ups; water availability; shaded rest area; and availability of public parking.
- (3) The following structures are permitted within Market Gardens: tool sheds, shade pavilions, hoop houses, barns, rest-room facilities with composting toilets, and planting preparation houses, benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, beehives, and children's play areas.
- (4) Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.
- (5) Signs shall not exceed a total aggregate area of 48 square feet.
- (6) Fences shall comply with the regulations in Section 18.0809.

### 18.0308 Institutional Land Uses

- A. Indoor Institutional--General: Indoor public and not-for-profit community facilities that are 20,000 gross square feet or less, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, and similar land uses.

Indoor Institutional--General land uses shall adhere to the following standards.

- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (2) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (3) *Minimum required off-street parking: Generally, one space per three expected patrons at maximum capacity; however, the following specific requirements shall apply:*
  - a) *Church: One space per four seats at the maximum capacity.*
  - b) *Community or recreation center: One space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.*
  - c) *Funeral home: One space per four patron seats at the maximum capacity, or 35 spaces per chapel unit, whichever is greater. Plus, one space per employee on the largest work shift.*
  - d) *Library or museum: One space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.*
  - e) *Nursery or pre-schools: One space per each employee on the largest work shift, plus one space per each six students at maximum capacity.*
  - f) *Elementary and junior high: One space per each employee.*
  - g) *Senior high: One space per each employee, plus one space per each 10 students age 16 and older (based on maximum school capacity).*

- b) College or trade school: One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.*
- i) Fraternal organizations: one space per bed.*

- B. **Indoor Institutional—Intensive:** Indoor public and not-for-profit community facilities that are over 20,000 gross square feet, including gyms, public or commercial swimming pools, libraries, museums, community centers, schools, churches, non-profit clubs, non-profit fraternal organizations, and all arenas, convention centers, hospitals, jails, prisons, and similar uses of a size and character that typically serve the needs of the whole community and region.

Indoor Institutional--Intensive land uses shall adhere to the following standards.

- (1) An off-street passenger loading area shall be provided if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
- (2) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (3) *Minimum required off-street parking: Generally, one space per three expected patrons at maximum capacity; however, the following specific requirements shall apply:*
  - a) Church: One space per four seats at the maximum capacity.*
  - b) Community or recreation center: One space per 300 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.*
  - c) Funeral home: One space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.*
  - d) Library or museum: One space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.*
  - e) Nursery or pre-schools: One space per each employee on the largest work shift, plus one space per each six students at maximum capacity.*
  - f) Elementary and junior high: One space for each employee.*
  - g) Senior high: One space per each employee, plus one space per each 10 students age 16 and older (based on maximum school capacity).*
  - b) College or trade school: One space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.*
  - i) Fraternal organizations: One space per bed.*
  - j) Hospitals: Two spaces per three patient beds, plus one space per staff doctor, and one space for each other employee on the largest work shift.*

- C. **Outdoor Open Space Institutional:** Privately held permanently protected green space areas, cemeteries, open grassed areas not associated with any particular active recreational use, and similar land uses.

Outdoor Open Space Institutional land uses shall adhere to the following standards.

- (1) All structures shall be located a minimum of 50 feet from any residentially zoned property.
- (2) *Minimum required off-street parking: No parking is required for Outdoor Open Space Institutional land uses; however, for uses accessory to cemeteries (e.g., mausoleums), parking may be required per the recommendation of the Plan Commission or Zoning Administrator.*

- D. Public Services and Utilities: All village, county, state, and federally-owned facilities (except those defined in other land use categories in this Chapter), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

Public Service and Utilities land uses shall adhere to the following standards:

- (1) All structures shall be located a minimum of 20 feet from any residentially zoned property.
- (2) Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
- (3) The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.
- (4) All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 18.0900). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (5) Wastewater treatment plants shall require a conditional use permit in all districts in which Public Services and Utilities land uses are allowed.
- (6) *Minimum required off-street parking: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises.*

- E. Institutional Residential: A form of residential development designed to accommodate institutional residential land uses, such as senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes, convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23 (see Sections 18.0308H, 18.0308I, and 18.0308J).

Institutional Residential land uses shall adhere to the following standards.

- (1) No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
- (2) Project shall provide an off-street passenger loading area at a minimum of one location within the development.
- (3) A minimum of 30 percent of the development's gross site area shall be held as permanently protected green space.
- (4) *Minimum required off-street parking: The following specific parking requirements shall apply:*
  - a) *Senior housing or retirement housing: One space per dwelling unit.*
  - b) *Assisted living or limited care facility: One space per dwelling unit.*
  - c) *Monastery, convent, or dormitory: One space per three residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.*
  - d) *Nursing home or hospice: One space per three patient beds, plus one space per each employee on the largest work shift.*

- F. Community Living Arrangement (1-8 Residents): Facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities. Community living arrangements do not include group daycare centers (see Section 18.0310O); nursing homes (an Institutional Residential land use); hospitals, prisons, or jails (all Indoor Institutional--Intensive land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

Community Living Arrangements housing up to eight residents shall adhere to the following standards:

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

G. Community Living Arrangement (9-15 Residents): See description under Section H above.

Community Living Arrangements housing 9 to 15 residents shall adhere to the following standards:

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

H. Community Living Arrangement (16+ Residents): See description under Section H, above.

Community Living Arrangements housing 16 or more residents shall adhere to the following standards:

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

## 18.0309 Recreational Land Uses

A. Passive Outdoor Recreation: Recreational land uses located on public property that involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, picnic areas, picnic shelters, botanical gardens, fishing areas, and similar land uses.

Passive Outdoor Recreation land uses shall adhere to the following standards

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

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

Active Outdoor Public Recreation land uses shall adhere to the following standards:

- (1) Facilities that adjoin residentially zoned property and use recreational facility night lighting shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 18.0900). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (2) All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
- (3) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (4) *Minimum required off-street parking: Generally, one space per four expected patrons at maximum capacity for any use requiring over five spaces, however, the following specific requirements shall apply:*
  - a) *Golf course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).*
  - b) *Tennis court: Two spaces per court.*

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

Intensive Outdoor Activity land uses shall adhere to the following standards:

- (1) Facilities that adjoin residentially zoned property and use night lighting shall install and continually maintain a bufferyard with a minimum opacity of 1.0 (see Section 18.0900). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (2) Facilities that serve a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
- (3) A minimum setback of 100 feet shall be required to any activity area other than parking.
- (4) *Minimum required off-street parking: One space per four expected patrons at maximum capacity.*

- D. **Lake Related Recreation:** Facilities include marinas, yacht clubs, bait shops, boat launching ramps, boat slips, boat storage, docking facilities, liveries, and boat repair and maintenance facilities, including fuel pumps and dump stations for marine use.

Lake Related Recreation land uses shall adhere to the following standards:

- (1) Outdoor lighting installations shall be located and shielded (see Section 18.0807).
- (2) *Parking requirements shall be specific to the proposed development.*

## 18.0310 Business Land Uses

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

Office land uses shall adhere to the following standards:

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

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

---

Personal or Professional Service land uses shall adhere to the following standards:

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

a) *Hospital. One space per two patient beds shall be provided, plus one space per staff doctor and one space per two employees on the largest work shift.*

- C. Artisan Studio: A building or portion thereof used by no more than three artists or artisans for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use. For similar uses used by more than three artists or artisans see Artisan Production Shop in Section 18.0310D.

Artisan Studios shall adhere to the following standards:

(1) A bufferyard with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).

(2) *Minimum required off-street parking: One space per 300 square feet of gross floor area plus adequate on-site parking is required for all customer and employee vehicles.*

- D. Artisan Production Shop: An artisan studio used by more than three artists or artisans (see Section 18.0310C, above).

Artisan Production Shops shall adhere to the following standards:

(1) A bufferyard with a minimum opacity of .60 shall be provided along all property borders abutting residentially zoned property (Section 18.0900).

(2) *Minimum required off-street parking: One space per 300 square feet of gross floor area. Adequate off-street parking is required for all customer and employee vehicles.*

- E. Indoor Sales or Service: Land uses that conduct sales or display merchandise or equipment, provide non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated Laundromats.

Indoor Sales or Service land uses shall adhere to the following standards:

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

- F. Outdoor Display: Land uses that conduct sales and display merchandise or equipment outside of an enclosed building. Examples of such land uses include outdoor vehicle rental, outdoor garden centers, outdoor recreation equipment sales, monument sales, and manufactured and mobile housing sales. Such land uses do not include the storage or display of inoperable equipment, or other materials typically associated with a Junk or Salvage Yard (see Section 18.0314D). If a land use displays for sale or rent only a limited amount of product outside of an enclosed building, such use may instead be considered an Incidental Outdoor Display accessory use under Section 18.0315O.

Outdoor Display land uses shall adhere to the following standards:

(1) The area of outdoor sales shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner that completely encloses all materials displayed outdoors.

(2) The display of items shall not be permitted in required setback areas, landscape areas, bufferyards, or permanently protected green space areas.

(3) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this Section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.

- (4) Display areas shall be separated from any traffic circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians or bicyclists.
- (6) A bufferyard with a minimum opacity of 0.60 shall be provided along all borders of the display area abutting residentially zoned property, except per paragraph 5, above. (see Section 18.0900).
- (7) The display of merchandise or equipment outdoors shall be permitted during the entire calendar year. However, if and when goods are removed from any display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
- (8) Inoperable vehicles or equipment, or other items typically stored or displayed in a Junk or Salvage Yard, shall not be displayed for this land use.
- (9) *Minimum required off-street parking: One space per 300 square feet of gross floor area.*

G. Indoor Commercial Entertainment: Land uses that provide entertainment services entirely within an enclosed building. Such activities often have operating hours that extend beyond most other commercial land uses. Examples include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

Indoor Commercial Entertainment land uses shall adhere to the following standards:

- (1) If located on the same side of the building that abuts residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of the residentially zoned property.
- (2) A bufferyard with a minimum opacity of 0.60 shall be provided along all borders of the property abutting residentially zoned property (see Section 18.0900).
- (3) *Minimum required off-street parking: One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).*

H. Outdoor Entertainment: Land uses where entertainment services are provided partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of such land uses include outdoor eating and drinking areas, outdoor assembly areas, outdoor public or commercial swimming pools.

Outdoor Entertainment land uses shall adhere to the following standards:

- (1) Activity areas shall not be located closer than 300 feet to a residentially zoned property.
- (2) Where the use involved amplified sound, a bufferyard with a minimum opacity of 0.80 shall be provided along all borders of the property abutting residentially zoned property (see Section 18.0900). Where the use does not involve amplified sound, a bufferyard with a minimum opacity of 0.50 shall be provided along all borders of the property abutting residential zoned property.
- (3) Activity areas (including drive-in movie screens) shall not be visible from any residentially-zoned property.
- (4) Activities proposed in a public right-of-way or on Village-owned property must receive Village Board approval for such use, in addition to any required conditional use permit.
- (5) *Minimum required off-street parking: One space for every three persons at the maximum capacity of the establishment..*

- I. Drive-Through Sales and/or Service: Land uses that involve sales and/or services to persons in vehicles, or to vehicles that may or may not be occupied at the time of such activity. Such land uses often have traffic volumes that exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (e.g., a convenience store, restaurant, or bank), Drive-Through Sales and Service land uses shall be considered an accessory use (see Section 18.0316U). This land use category does not include vehicle repair or maintenance services, which are handled as a separate land use (see Section 18.0310S).

Drive-Through Sales or Service land uses shall adhere to the following standards:

- (1) Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
  - (2) The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
  - (3) In no instance shall a Drive-Through Sales or Service land use be permitted to operate if it endangers public safety, even if such land use has been permitted under the provisions of this Section.
  - (4) The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet per the measurement of roof height.
  - (5) Gasoline pumps associated with vehicular fuel stations shall be setback a minimum of 20 feet from all street rights-of-way.
  - (6) All vehicular areas of the site shall provide a surface paved with concrete or bituminous material that is designed to meet the requirements of a minimum 4 ton axle load.
  - (7) A bufferyard with a minimum opacity of 0.50 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
  - (8) Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports, and landscape islands. Said curbs shall be a minimum of 6 inches high and shall be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
  - (9) Any text or logo larger than one square foot per side on an overhead canopy or other accessory structure shall be considered a freestanding sign subject to regulation under Section 18.1000 of this Chapter.
  - (10) Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window. This requirement may be adjusted by the Plan Commission through the conditional use process (see Section 18.1207).
  - (11) *Minimum required off-street parking: Refer to the parking requirements of the other land use activities on the site, such as indoor sales and service land uses for a gas station/ convenience store, or office land uses for a bank.*
- J. Bed and Breakfast Establishment: Exclusively indoor lodging facilities that provide breakfast only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

Bed and Breakfast Establishments shall adhere to the following standards:

- (1) Bed and Breakfast Establishments shall provide no more than eight rooms for rent, and shall not rent rooms to more than 20 persons at one time.

- (2) Bed and Breakfast Establishments may only be located in structures that were formerly occupied as a single-family residence.
- (3) If alcoholic beverages of any kind are to be served on the premises, the owner of the establishment shall first obtain the appropriate license in accordance with Village of Williams Bay and state regulations.
- (4) Each such establishment shall be inspected annually by the Building Inspector to verify that the land use continues to meet all applicable regulations. A fee for such annual inspection shall be imposed by the Village.
- (5) One wall or monument sign, with a maximum area of 10 square feet, and maximum height of eight feet shall be permitted on the property. Backlit signage shall be prohibited. Signage shall be constructed of materials compatible with a residential character, such as stone, brick, and/or wood, as determined by the Plan Commission.
- (6) The Bed and Breakfast Establishment shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Section 18.0900).
- (7) The dwelling unit in which the Bed and Breakfast Establishment takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the Bed and Breakfast Establishment is in operation.
- (8) Breakfast shall be the only meal served to overnight guests.
- (9) Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by Village officials at any time.
- (10) All Bed and Breakfast Establishments shall have completed all structural additions to the dimensions of the original structure before the effective date of this paragraph, May 11, 1990. After May 11, 1990, a renovation to the structure may be made only within the dimensions of the original structure.
- (11) Additional Requirements.
  - a) Application Requirements. Applicants for a license to operate a Bed and Breakfast Establishment shall submit a floor plan of the Single-Family dwelling unit illustrating that the proposed operation will comply with the requirements of this Chapter and other applicable Village codes and ordinances.
  - b) Consideration of Issuance. After the application has been filed with the Village Clerk, the Plan Commission shall review and provide a recommendation to the Village Board for a conditional use permit. The Plan Commission shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the Village. In the Village's determination of the number of Bed and Breakfast Establishments required to provide for such public convenience and necessity, the Village Board shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of issuance of additional licenses for public service.
  - c) Public Nuisance Violations. Bed and Breakfast Establishments shall not be permitted whenever the operation endangers, offends, or interferes with the safety or rights of others so as to constitute a nuisance.
  - d) Suspension, Revocation, and Renewal. Any license issued under the provisions of this Chapter may be revoked by the Village Board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or non-compliance with the state law and local ordinances, the conduct of the

licensee in regard to the public, and other consideration shall be weighed in determination of such issue.

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

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

Commercial Indoor Lodging land uses shall adhere to the following standards.

- (1) If located on the same side of the building that abuts residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of such residentially zoned property.
- (2) The lodging facility shall be surrounded by a bufferyard with a minimum opacity of 0.60 along all property borders abutting residentially zoned property (see Section 18.0900).
- (3) Each and every room in the facility must take primary access via an individual interior door, and may not be accessed via an external balcony, porch, or deck, except for emergency purposes.
- (4) *Minimum required off-street parking: One space per bedroom, plus one space for each employee on the largest work shift, plus, where applicable, one space per every three persons at maximum occupancy of any public meeting or banquet spaces.*

- L. **Boarding House:** Any residential use that rents rooms that do not contain private bathroom facilities.

Boarding Houses shall adhere to the following standards.

- (1) A bufferyard with a minimum opacity of 0.60 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
- (2) Boarding Houses may only be located in an area of transition from residential land uses to nonresidential land uses, as determined by the Zoning Administrator.
- (3) *Minimum required off-street parking: One space per each bedroom for rent, in addition to requirements for principal residents.*

- M. **Tourist rooming house:** A dwelling unit available for overnight, weekend, or weekly stays by paying guests, which may or may not be owner-occupied for parts of the year. These uses are often referred to as vacation rentals and include timeshare units. Where such units are available for lease for periods of time longer than 30 consecutive days, such uses shall not be considered tourist rooming houses, but shall instead be considered “Single-Family” dwellings, separately described and regulated under this Chapter. Also not included within this land use category are “bed and breakfast establishments,” “Commercial Indoor Lodging,” or “Boarding Houses.”

Tourist Rooming Houses shall adhere to the following standards:

- (1) Occupancy shall be limited to two persons per bedroom, plus an additional two persons. At no time may the number of guests exceed eight regardless of the number bedrooms in the dwelling unit.
- (2) The maximum stay for any party other than the owner of the premises shall be 14 consecutive days.
- (3) The number of guest vehicles allowed on site is limited to the number of bedrooms in the unit. On-street parking is prohibited. No recreational vehicle or tent may be used for living or sleeping purposes.

- (4) The appearance or use of the dwelling shall not be altered in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust or vibrations that carry beyond the premises.
- (5) The availability of the Tourist Rooming House to the public shall not be advertised on site.
- (6) The Tourist Rooming House must be licensed by the State of Wisconsin.
- (7) *Minimum required off-street parking: One space per each bedroom.*

- N. Campground: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or recreational vehicles.

Campgrounds shall adhere to the following standards:

- (1) Campgrounds shall be surrounded by a bufferyard with a minimum opacity of 0.70 along all property borders abutting residentially zoned property (see Section 18.0900).
- (2) Minimum required off-street parking: One and one-half (1.5) spaces per campsite.

- O. Group Daycare Center (9+ Children): Centers where qualified persons provide childcare services for nine or more children. Examples of such land uses include daycare centers and nursery schools. Such land uses may be operated on a for-profit or a not-for-profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered accessory uses and therefore require review as a separate land use. For in-home daycares, see Section 18.0315B.

Group Daycare Centers shall adhere to the following standards:

- (1) Group Daycare Centers shall not be located within a residential dwelling unit.
- (2) A bufferyard with a minimum opacity of 0.50 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
- (3) The property owner's permission and signature is required as part of the conditional use permit application.
- (4) *Minimum required off-street parking: One space per five students, plus one space for each employee on the largest work shift.*

- P. Commercial Animal Boarding: Facilities that provide short-term and/or long-term boarding for animals, commercial kennels, and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to the principal use and do not require separate consideration.

Commercial Animal Boarding facilities shall adhere to the following standards.

- (1) Each animal shall be provided with an indoor containment area.
- (2) The minimum permitted size of a horse or similar animal stall shall be 100 square feet.
- (3) Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.
- (4) *Minimum required off-street parking: One space per every 1,000 square feet of gross floor area.*

- Q. Indoor Maintenance Service: Land uses that involve maintenance and repair services and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered an Outdoor Maintenance Service land use, (see Section 18.0310R).

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

- R. Outdoor Maintenance Service: Land uses that perform maintenance and repair services and have all, or any portion, of their operations located outside of an enclosed building.

Outdoor Maintenance Services shall adhere to the following standards:

- (1) All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of 0.60 (see Section 18.0900).
- (2) Outdoor storage of abandoned or inoperable vehicles is prohibited.
- (3) *Minimum required off-street parking: One space per 300 square feet of gross floor area, or one space per each employee on the largest shift, whichever is less.*

- S. Vehicle Sales: The sale and display of vehicles for sale or rent outside of an enclosed building. Such land uses may also include a repair shop associated with the vehicle display lot and sales building. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a Junk or Salvage Yard (see Section 18.0314D).

Vehicles Sales land uses shall adhere to the following standards:

- (1) The outdoor display and sales area shall be calculated as the area that would be enclosed by a required physical separation installed and continually maintained in the most efficient manner that completely encloses all vehicles displayed outdoors.
- (2) The display of vehicles shall not be permitted within required setback areas for the principal structure.
- (3) The display of vehicles shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
- (4) In no event shall the display of vehicles reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this Section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (5) Display areas shall be separated from any traffic circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (6) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles or visibility between vehicles and pedestrians or bicyclists.
- (7) A bufferyard with a minimum opacity of 0.60 shall be provided along all borders of the display area abutting residentially zoned property, except per paragraph 6, above (see Section 18.0900).
- (8) Vehicle sales shall be permitted during the entire calendar year. However, if and when vehicles are removed from the display area all support fixtures used to display the vehicles shall be removed within 10 calendar days of the vehicles' removal.
- (9) Inoperable vehicles or equipment, or other items typically stored or displayed in a Junk or Salvage Yard, shall be prohibited.
- (10) *Minimum required off-street parking: One space per 300 square feet of gross floor area.*

- T. Commercial Greenhouse/Garden Center: Any business whose principal activity is the retail selling of plants or plant byproducts (including fruits and vegetables) that are either grown or stored within an enclosed building and/or structure constructed chiefly of glass or glasslike material, cloth, or other

transparent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Commercial Greenhouses shall adhere to the following standards:

- (1) The display of items shall not be permitted in required landscaped areas or bufferyards (Section 18.0900).
- (2) The outdoor display of items shall not be permitted within required setback areas for the principal structure.
- (3) In no event shall the outdoor display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this Chapter. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (4) Outdoor display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (5) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
- (6) The business shall provide a bufferyard with a minimum opacity of .60 along all borders of outdoor display areas abutting residentially zoned property, (See Section 18.0900).
- (7) *Minimum required off-street parking: One space per 300 square feet of gross floor area*

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

Sexually-Oriented Land Uses shall adhere to the following standards:

- (1) Facilities shall be located a minimum of 1,000 feet from any commercially zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- (2) Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
- (3) *Minimum required off-street parking: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment, whichever is greater.*

---

## 18.0311 Industrial Land Uses

- A. Light Industrial: Industrial facilities at which all operations (with the exception of loading operations) are conducted entirely within an enclosed building; are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation that are detectable at the property line; do not pose a significant safety hazard (such as danger of explosion); and comply with the performance standards listed in Section 18.0800. Light Industrial land uses may conduct indoor sales as an accessory use provided they are in compliance with the requirements of Section 18.0315Q.

Light Industrial land uses shall adhere to the following standards:

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

- B. Heavy Industrial: Land uses that may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances that are detectable at the property line; and may involve materials that pose a significant safety hazard. Examples of heavy industrial land uses include meat product producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay, or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; recycling facilities not involving the on-site storage of salvage materials; and large-scale alcoholic beverage producers exceeding the production limits in Chapter 125, Wisconsin Statutes.

Heavy industrial land uses shall adhere to the following standards:

- (1) A bufferyard with a minimum opacity of 1.00 shall be provided along all borders of the property other than those abutting permanent open space areas are not zoned General Industrial (see Section 18.0900).
  - (2) All buildings and outdoor activity areas shall be located a minimum of 600 feet from all property zoned in a residential zoning district or the P&I zoning district. This distance may be increased at the discretion of the Plan Commission and/or Village Board for certain heavy industrial uses where it is determined, by the Plan Commission and/or Village Board, that additional distance is needed to adequately mitigate the potential negative impacts of the specific land use being proposed.
  - (3) No equipment or materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
  - (4) In no instance shall a Heavy Industrial land use exceed the performance standards listed in Section 18.0800.
  - (5) *Minimum required off-street parking: One space per each employee on the largest work shift.*
- C. Production Greenhouse: Any business whose principal activity is the growing and wholesaling of plants or plant byproducts (including fruits and vegetables) that are either grown or stored within an enclosed building or structure constructed chiefly of glass or glasslike material, cloth, or other transparent material. Such uses also often involve the seasonal display of plants and related products outdoors.

Production Greenhouses shall adhere to the following standards:

- (1) The outdoor display of items shall not be permitted in required setbacks, bufferyards, or landscaped areas.

- (2) In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this Section. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
- (3) Storage and/or outdoor display areas shall be separated from any vehicular parking or traffic circulation area by a minimum of 10 feet. This separation shall be clearly distinguished by a physical feature or barrier such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
- (4) Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians or bicyclists.
- (5) A bufferyard with a minimum opacity of 0.60 shall be provided along all borders of outdoor display areas abutting residentially zoned property (see Section 18.0900).
- (6) *Minimum required off-street parking: One space per 300 square feet of gross floor area.*

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

Indoor Aquaculture land uses shall adhere to the following standards:

- (1) Indoor Aquaculture operations shall be connected to the municipal water and sanitary sewer system and all wastewater shall be discharged to the municipal sanitary sewer system.
- (2) Prior to the issuance of a conditional use permit, applicants wishing to establish Indoor Aquaculture operations shall prepare a report outlining the estimated average daily water usage and quantity of wastewater discharge. Such report shall be reviewed and approved by the Director of Public Works.
- (3) On-site processing of seafood is permitted provided the activity is conducted entirely within an enclosed building and no odors are detectable from the property line.
- (4) The on-site retail sale of seafood or vegetables shall be considered an Incidental Indoor Sales accessory use subject to the provisions of Section 18.0315P, provided the area devoted to sales does not exceed 25 percent of the total area of the building(s) within which the operation is located. Retail areas that exceed 25 percent of the total area of the building(s) within which the operation is located shall be considered an Indoor Sales and Service principal land use and shall be considered separately from the Indoor Aquaculture use.
- (5) Site plans shall be provided that indicate the location of any and all outdoor activity areas, including areas for composting.
- (6) On-site composting shall be permitted, subject to the following regulations:
  - a) Compost areas shall be fully screened on all four sides.
  - b) Composting shall comply with all county, state, and federal rules, regulations, and permitting requirements.
- (7) No outdoor activity areas (including composting) shall be located in bufferyard areas. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
- (8) *Minimum required off-street parking: one space for each 500 square feet of principal building area.*

- E. Communication Tower: All free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio, or other land uses directly related to the function of the Communication Tower.

Communication Towers shall adhere to the following standards.

- (1) Communication Towers shall be erected and installed in accordance with the state electrical code adopted by reference in Section 10-31 et seq., National Electrical Safety Code, Federal Communications Commission, and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (2) Communication Towers shall adhere to performance standards and requirements included in Section 18.0811.
- (3) *Minimum required off-street parking: One space per employee on the largest work shift.*

- F. Large Wind Energy System: Unless otherwise defined PSC 128, Wis. Admin. Code, consists of a wind turbine(s), a supporting tower(s), and associated control or conversion electronics that generate electrical power primarily for off-site consumption and that has an installed nameplate capacity of greater than 100 kilowatts per turbine and a total installed nameplate capacity of greater than 300 kilowatts. This use does not include wind energy systems subject to Public Services Commission review under Wisconsin Statutes, where Village review does not apply.

Large Wind Energy Systems shall adhere to the following standards:

- (1) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all Large Wind Energy Systems.
- (2) The applicant shall meet all the application and procedural requirements of PSC 128, Wis. Admin. Code and the application and procedural requirements for a conditional use in Section 18.1207.
- (3) After receiving an application for approval of a Large Wind Energy System, the Zoning Administrator shall:
  - a) Determine the completeness of the application, and notify the applicant in writing whether the application is complete or incomplete no later than 45 days after the day the application is filed.
  - b) Publish a Class I notice per Wisconsin Statutes 66.0401(4)(a)1 include a brief description of the proposed Large Wind Energy System and its proposed location, the locations where the application is available for public review, the method and time period for the submission of public comments, and the approximate schedule for review of the application by the Village.
  - c) Make the application available for public review at the local library and at Village Hall.
  - d) Accept written public comments on the application for 30 days after the Class I notice is published.
  - e) Adhere to other requirements in Section 18.1207 for the processing of conditional use permit.
- (4) The Village shall use all other the technical and procedural requirements of PSC 128, Wis. Admin. Code and this Chapter in its review of conditional use permit requests for such uses.
- (5) In the AH zoning district the Large Wind Energy System shall be subject to the following standards:
  - a) The use and its location are consistent with the purpose of the Agricultural Holding zoning district.
  - b) The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

- c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
  - d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- G. Large Solar Energy System: An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is a principal use of the land and designed primarily to generate energy for commercial sale off-site.
- Large Solar Energy Systems shall adhere to the following standards:
- (1) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.

## 18.0312 Storage Land Uses

- A. Indoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with these uses shall be considered accessory uses per Section 18.0315P.
- (1) *Minimum required off-street parking: one space per 2,000 square feet of gross floor area.*
- B. Outdoor Storage and Wholesaling: Land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such land uses are not entirely contained within an enclosed building. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperable vehicles or equipment, or other materials typically associated with a Junk or Salvage Yard (see Section 18.0314D).

Outdoor Storage and Wholesaling land uses shall adhere to the following standards:

- (1) All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view of non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of 0.80 (see Section 18.0900).
- (2) The storage of items shall not be permitted in required frontage landscaping areas, bufferyard areas, or permanently protected green space areas.
- (3) In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of this Section. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
- (4) Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

- (5) Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including visibility between vehicles and visibility between vehicles and pedestrians and bicyclists.
- (6) Inoperable vehicles or equipment, or other items typically stored in a Junk or Salvage Yard, shall not be stored under the provisions of this land use.
- (7) *Minimum required off-street parking: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.*

- C. **Personal Storage Facility:** Land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned storage area (also known as “mini-warehouses”). Storage areas may be available on either a condominium or rental basis.

Personal Storage Facilities shall adhere to the following standards:

- (1) The facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
- (2) A bufferyard with a minimum opacity of 0.80 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
- (3) No electrical power shall be run to the storage facilities, except for exterior lighting.
- (4) *Minimum required off-street parking: One space for each employee on the largest work shift, plus one space for each ten storage units.*

## 18.0313 Transportation Land Uses

- A. **Transit Center:** A building, structure, and/or area designed and used for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation to another. Examples include bus stations, train stations, and park and ride stations.

Transit Centers shall adhere to the following standards:

- (1) A bufferyard with a minimum opacity of 1.0 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas, except employee and passenger parking, shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) *Minimum required off-street parking: As sufficient to accommodate parking needs.*

- B. **Distribution Center:** Facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Section 18.0315P.

Distribution Centers shall adhere to the following standards:

- (1) A bufferyard with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any bufferyard areas.
- (4) *Minimum required off-street parking: One space per each employee on the largest work shift.*

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

Freight Terminals shall adhere to the following standards:

- (1) A bufferyard with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).
- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any bufferyard areas.
- (4) *Minimum required off-street parking: One space per each employee on the largest work shift.*

- D. **Airport:** Transportation facilities providing takeoff, landing, servicing, storage, and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport.

Airports shall adhere to the following standards:

- (1) All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
- (2) A bufferyard with a minimum opacity of 1.00 shall be provided along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Section 18.0900).
- (3) *Minimum required off-street parking: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.*

- E. **Off-Site Parking:** Areas used for the temporary parking of vehicles that are fully registered, licensed, and operable. See also Section 18.0805 for additional parking regulations.

Off-Site Parking facilities shall adhere to the following standards:

- (1) Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

## 18.0314 Extraction and Disposal Land Uses

- A. **Extraction:** Land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

Extraction land uses shall adhere to the following standards:

- (1) No Extraction use shall be permitted without approval from the county prior to action by the Village of Williams Bay. The Extraction use shall comply with all county, state, and federal regulations.
- (2) A bufferyard with a minimum opacity of 1.00 shall be provided along all borders of the property other than permanent open space (see Section 18.0900).
- (3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
- (4) Required site plans shall include detailed site restoration plans, which shall include at minimum detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Zoning Administrator), and shall

be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for publicly-owned waste disposal facilities).

(5) *Minimum required off-street parking: One space per each employee on the largest work shift.*

B. **Composting:** Land uses devoted to the collection, storage, processing, and/or disposal of vegetation.

Composting land uses shall adhere to the following standards:

(1) Composting operations shall comply with all county, state, and federal regulations.

(2) A bufferyard with a minimum opacity of 1.00 shall be provided along all borders of the property occupied by non-agricultural land uses (see Section 18.0900).

(3) All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.

(4) No food scraps or other vermin-attracting materials shall be processed, stored, or disposed of on-site.

(5) Operations shall not involve the on-site holding, storage, or disposal of hazardous wastes as defined by State Statutes in any manner.

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

C. **Recycling and Waste Disposal:** Includes any recycling facilities not involving the on-site storage of salvage materials and waste disposal facilities used for the disposal of solid wastes including those defined by Wisconsin Statutes 289.01(33), but not including composting operations (see Section 18.0313B).

Recycling and Waste Disposal facilities shall adhere to the following standards:

(1) Facilities shall comply with all county, state, and federal regulations.

(2) A bufferyard with a minimum opacity of 1.00 shall be provided along all borders of the property (see Section 18.0900).

(3) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.

(4) Operations shall not involve the on-site holding, storage, or disposal of hazardous materials as defined by State Statutes in any manner.

(5) Required site plans shall include detailed site restoration plans, which shall include at minimum detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110 percent of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), shall be filed with the Village by the petitioner (subject to approval by the Village Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for recycling and waste disposal facilities owned by public agencies).

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

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

Junk or Salvage Yard land uses shall adhere to the following standards:

(1) A bufferyard with a minimum opacity of 1.00 shall be provided along all property borders abutting residentially zoned property (see Section 18.0900).

- (2) All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 50 feet from all roads and 100 feet from all lot lines.
- (3) In no instance shall activity areas be located within a required front or street side yard landscaping area or any bufferyard areas.
- (4) The facility shall not involve the storage, handling, or collection of hazardous materials as defined by State Statutes.
- (5) *Minimum required off-street parking: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.*

### 18.0315 Accessory Land Uses

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

Home Occupations shall adhere to the following standards:

- (1) The Home Occupation must be clearly incidental and secondary to the principal use as a residence and shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
  - (2) The Home Occupation may not constitute more than 25 percent of the area of any floor in the dwelling unit.
  - (3) The appearance of the dwelling unit or attached garage that contains the Home Occupation shall not be altered or the occupation conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, odors, dust, or vibrations that carry beyond the premises.
  - (4) Such use shall not include the operation of any machinery, tools, or other appliances in a manner that would create noise or other nuisance factors in excess of those typical to residential uses.
  - (5) Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed three square feet.
  - (6) No storage or display of materials, goods, supplies, or equipment related to the operation of the Home Occupation shall be visible outside any structure located on the premises.
  - (7) Home Occupations shall not involve the use of commercial vehicles for more than the occasional delivery of materials to or from the premises.
  - (8) No person other than a permanent resident of the dwelling unit shall be employed on the premises by the Home Occupation.
  - (9) Any off-street parking area shall be limited to that which is compatible with the residential character of the neighborhood and shall conform to the standards set forth in Section 18.0805.
  - (10) No Home Occupation may involve the on-site sale, resale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
  - (11) Sale or transfer of the dwelling unit for which the conditional use permit was issued shall cause the conditional use permit to be null and void.
- B. Family Daycare Home (4-8 Children): Occupied residential dwelling units in which a qualified person or persons provide childcare for 4 to 8 children (including any children who live in the home). The care of less than four children is not subject to the regulations of this Chapter.

- 
- C. Intermediate Daycare Home (9-15 Children): Occupied residential dwelling units in which a qualified person or persons provide childcare for 9 to 15 children (including any children who live in the home).
- D. In-Home Suite: The area within a dwelling unit that may contain a dining, bathroom, laundry, living, sleeping, and recreation areas, including exterior porches, patios, and decks. In-Home Suites shall maintain at all times an interior physical connection with the remainder of the dwelling unit; however, separate outdoor access or separate access to the garage may also be provided. External stairs serving as the primary access to the In-Home Suite are prohibited.

In-Home Suites shall adhere to the following standards:

- (1) In-Home Suites may not be occupied by a non-family member.
  - (2) In-Home Suites should be considered and regulated as part of the Single-Family dwelling unit.
  - (3) The principal dwelling unit and the In-Home suite shall together appear as a Single-Family dwelling.
  - (4) A separate walled garage area or driveway serving the In-Home Suite are not permitted.
  - (5) A separate kitchen within the In-Home Suite is not permitted.
  - (6) A separate address for the In-Home Suite is not permitted.
  - (7) A separate utility connection or meters for the In-Home Suite are not permitted.
  - (8) A physical all-weather connection between the main living area of the dwelling and the In-Home Suite must be present. This required connection may not occur through an unfinished attic, basement, garage, porch, or other non-living area. A door may be used to separate the In-Home Suite from the principal dwelling, but may not be locking, except that a locking door may be used for the bedroom and bathroom doors of the In-Home Suite.
  - (9) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Home Suite, the building plan shall be marked as “not a separate dwelling unit or apartment,” and a signed letter from the applicant stating agreement with this condition shall be filed.
- E. Accessory Dwelling Unit: Residential dwelling unit located on the same lot as a Single-Family dwelling unit, either as part of the same building as the Single-Family dwelling unit or in a detached building. Accessory Dwelling Units are different from In-Home Suites in that a interior physical connection between the Accessory Dwelling Unit and primary Single-Family dwelling unit is not required.

Accessory Dwelling Units shall adhere to the following standards:

- (1) The Single-Family dwelling must be owner-occupied.
- (2) The floor area of the Accessory Dwelling Unit shall not exceed 50 percent of the principal dwelling’s floor area, or 1,500 square feet, whichever is less.
- (3) The appearance or character of the Single-Family dwelling must not be significantly altered so that its appearance is no longer that of a Single-Family dwelling.
- (4) The Accessory Dwelling Unit shall not be sold separately from the Single-Family dwelling.
- (5) Accessory Dwelling Units shall not be located in the shore yard of a shoreland lot.
- (6) For Accessory Dwelling Units attached to the principal structure, such units shall adhere to the setback requirements and standards applicable to principal structures in the applicable zoning district. For Accessory Dwelling Units detached from the principal structure, such units shall adhere to the setback requirements and standards applicable to accessory structures in the applicable zoning district.

- (7) The occupants of the Accessory Dwelling Unit shall not exceed one family plus one unrelated person or two unrelated individuals.
- (8) Additional entrances shall not be added to the front elevation of an existing dwelling, but may be added to interior side, rear, or street side elevations.
- (9) Accessory Dwelling Unit entryways located off of a rear or interior side yard shall be connected to a street frontage by a paved walkway or driveway.

F. Caretaker House or Guest House: A Caretaker House or Guest House is a separate residential dwelling unit located on the same lot as a Single-Family dwelling unit that is designed for or occupied exclusively by non-paying guests of the owner of the Single-Family dwelling unit. A Caretaker house is a separate residential dwelling unit located on the same lot as a Single-Family dwelling unit that is designed for or occupied exclusively by a non-paying person or family at least one member of which is employed by the owner of the Single-Family dwelling unit as a caretaker or domestic assistant working on the same premises. No rent or other consideration shall be charged to or paid by any occupant

Caretaker House or Guest House land uses shall adhere to the following standards:

- (1) Either one Guest House or one Caretaker House, but not both, may be located on residential lots in zoning districts in which such uses are allowed. Lots must be a minimum of 130,000 square feet.
- (2) Caretaker Houses or Guest Houses shall not be located in the shore yard of a shoreland lot.
- (3) The Single-Family dwelling must be owner-occupied.
- (4) The floor area of the Caretaker House or Guest House shall not exceed 50 percent of the principal dwelling's floor area, or 2,100 square feet, whichever is less.
- (5) The Caretaker House or Guest House shall not be sold separately from the Single-Family dwelling.
- (6) The Caretaker House or Guest House shall adhere to the setback requirements and standards for the applicable zoning district.
- (7) The occupants of a Caretaker House shall not exceed one family or two unrelated individuals.

G. Farm Residence: A single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 18.0307.

Farm Residences shall adhere to the following standards:

- (1) No Farm Residence shall be less than 900 square feet in area.

H. Migrant Employee Housing: Any facility subject to the regulation of Wisconsin Statutes, Section 103.90(3)(a).

Migrant Employee Housing shall adhere to the following standards:

- (1) A bufferyard with a minimum opacity of 0.60 (see Section 18.0900) shall be provided along all property lines adjacent to all properties in residential, office, or business zoning districts.
- (2) Migrant Employee Housing shall be an accessory use to an active principal land use and shall be maintained under the same ownership as said principal use.

I. Residential Garage or Shed: A portion of a principal residential building or a detached accessory building, including carports, that are used primarily for storing passenger vehicles, trailers, or one truck of a rated capacity not in excess of 10,000 pounds. Residential Garages do not include temporary enclosures.

A Residential Shed is a structure used primarily to store residential maintenance equipment for the subject property. Residential Sheds do not include temporary enclosures.

Residential Garages or Sheds shall adhere to the following standards.

- (1) One attached or detached garage and one shed shall be permitted by right.
  - (2) Within the SF-CPP district, no more than one attached or detached garage shall be allowed, and no garage shall have a capacity greater than three cars. See Section 18.0213 for additional standards in the SF-CPP district.
  - (3) To minimize the visual impact of garage doors as seen from the public street, attached residential garages should be side- or rear-loaded whenever practical.
  - (4) Except in the SF-CPP district, for garage doors facing a public street, the following shall apply:
    - a) The first two garage bays shall be set back a minimum of two feet behind the front or street side facade of the house, except through the issuance of a conditional use permit.
    - b) Additional garage bays (beyond two) shall be set back a minimum of two additional feet behind the first two garage bays, except through the issuance of a conditional use permit.
    - c) In no instance shall the combined total of the garage face, measured as the interior width of all garage bays that are along the front or street side wall, exceed 50 percent of the overall width of the principal structure.
  - (5) The combined area of all detached garages and sheds on a lot shall not occupy more than 20 percent of the rear yard area (or shore yard where applicable).
  - (6) Garages shall conform to the most restrictive of the following standards:
    - a) No detached garage shall have a floor area that exceeds 60 percent of the gross floor area of the principal building on the lot.
    - b) No detached garage shall have a floor area that exceeds 10 percent of the total lot area.
    - c) No detached garage shall exceed 1,000 square feet.
  - (7) No detached garage shall exceed 15 feet in height.
  - (8) Residential sheds shall adhere to the following standards:
    - a) Sheds shall not exceed 160 square feet in area on a lot that also has a detached garage.
    - b) Sheds shall not exceed 240 square feet in area if the lot has an attached garage or does not have any garage.
    - c) Shed shall not exceed 12 feet in height.
- J. Residential Recreational Facility: All active outdoor recreational facilities located on a private residential lot that are not otherwise listed in the Tables of Land Uses in Section 18.0305. Common examples include swing sets, tree houses, basketball courts, tennis courts, private residential swimming pools, and recreation-type equipment. This use category also includes private snowmobile trails.

Residential Recreational Facilities shall adhere to the following standards.

- (1) All Residential Recreation Facilities and their attendant structures shall comply with the bulk requirements for accessory structures (see Section 18.0200).
- (2) Materials and lighting at said property line are to be equal to or less than 0.5 footcandles (see Section 18.0807).
- (3) Swimming pools shall be regulated by the performance standards provided in Section 18.0810.
- (4) Tennis courts shall adhere to the following standards:
  - a) All tennis courts shall be surrounded by a fence not less than 10 feet in height.

- 
- b) All exterior lighting installed on or around a tennis court shall meet the exterior lighting requirements of Section 18.0807.
- (5) Tree houses and similar platforms shall not exceed a platform height of 8 feet and shall be setback a distance equal to twice their elevation from any property line.
- (6) Private snowmobile trails may be designated for use by the property owner following specific approval from the Zoning Administrator and subject to the procedural requirements for the issuance of a zoning permit in Section 18.1209. Private snowmobile trails may only be located on lands zoned AH and ER, must be limited to marked, designated areas, and may only be used for the period between December 1 and March 1, annually. All terrain vehicle use is prohibited.
- K. Residential Kennel or Stable: A residential kennel is the housing of any combination of more than three dogs and/or cats over six months of age within a residential dwelling unit. A residential stable is an accessory structure that is designed for the keeping of equines for the private use of the occupants of the principal dwelling and their guests, but in no event for hire.
- Residential Kennels and Stables shall adhere to the following standards:
- (1) Outdoor containment areas for animals shall be located a minimum of 25 feet from any residentially zoned property.
  - (2) A minimum lot area of 175,000 square feet (four acres) is required for a Residential Stable.
  - (3) A maximum of one horse per two acres of fully enclosed (by fencing and/or structures) area is permitted.
  - (4) The minimum permitted size of horse or similar animal stall shall be 100 square feet.
- L. On-Site Parking: Any area used for the temporary parking of vehicles that are fully registered, licensed, and operable, and located on the same site as the principal land use for which the parking is dedicated. An area designed and designated for the storage of boats, or for the storage or motor vehicles that are for sale is not considered On-Site Parking.
- On-Site Parking areas shall adhere to the following standards:
- (1) Access and vehicular circulation shall be designed to discourage cut-through traffic.
  - (2) On-Site Parking located within in a structure that is either part or detached from the principal structure(s) it serves (i.e., a parking garage), shall adhere to all setback and yard requirements applicable to the principal structure.
- M. Company Cafeteria: A company cafeteria is a food service operation that provides food only to company employees and their guests.
- Company Cafeterias shall adhere to the following standards:
- (1) Company Cafeterias shall meet state food service requirements.
  - (2) Company Cafeterias shall be located on the same property as a principal land use that is engaged in an operation other than food service.
- N. Company On-Site Recreation: Any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.
- Company On-Site recreational facilities shall adhere to the following standards:
- (1) All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
-

- 
- (2) Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 18.0900). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- (3) Facilities using night lighting shall require a conditional use permit.
- O. **Incidental Outdoor Display**: The sales and display of merchandise or equipment outside of an enclosed building and incidental to an indoor principal business or industrial land use. Incidental Outdoor Display land uses shall comply with all regulations of Section 18.0310F and the display area shall not exceed 25 percent of gross floor area of principal building on the site.
- P. **Incidental Indoor Sales**: Any retail sales activity conducted exclusively indoors that is incidental to a principal land use such as warehousing, wholesaling, or any light industrial land use on the same site. Incidental Indoor Sales shall adhere to the following standards:
- (1) The total area devoted to sales activity shall not exceed 25 percent of the total area of the buildings on the property. Areas devoted to artisan studio uses such as custom ceramics, glass, wood, paper, fabric, and similar crafts may exceed 5,000 square feet with the granting of a conditional use permit for such use.
  - (2) Restroom facilities shall be directly accessible from retail sales area.
  - (3) The retail sales area shall be physically separated by a wall from all other activity areas.
  - (4) *Minimum required off-street parking: Adequate parking, per the requirements of Section 18.0805, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.*
- Q. **Incidental Light Industrial**: Any light industrial activity conducted exclusively indoors and that is incidental to a principal land use, such as indoor sales or service, on the same site as such principal use. Incidental Light Industrial uses shall adhere to the following standards:
- (1) The total area devoted to light industrial activity shall not exceed 15 percent of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
  - (2) The production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 18.0819 for all adjacent properties.
  - (3) Minimum required off-street parking: Per Section 18.0311A.
- R. **Exterior Communication Device**: This land use includes any antennas used for communication reception, such as satellite dishes and antennas used by amateur radio operators licensed by the Federal Communications Commission (i.e. ham radios). This does not include “Communication Towers,” which are considered principal land uses and described in Section 18.0311E. Exterior Communication Devices shall adhere to the following standards:
- (1) Exterior Communications Devices located in *non-residential* zoning districts, excluding ham/shortwave radio antennas (see subsection (3), below), the following standards shall apply:
    - a) No Exterior Communication Device shall be erected or installed within a front, street side, or interior side yard.
    - b) Devices mounted to a principal structure shall adhere to all setback requirements applicable to principal buildings in the respective zoning district.
    - c) Ground-mounted Devices or Devices mounted to an accessory structure shall adhere to all applicable accessory structure setback and rear yard requirements of the respective zoning district.
-

- 
- d) No Device shall exceed a height of 20 feet above the roofline of the principal building on the property upon which the antenna is located, or 60 feet above the ground measured at grade level, whichever is less.
  - e) Devices shall be constructed and anchored in such a manner to withstand winds of 80 miles per hour; shall be constructed of noncombustible and corrosive-resistant materials; shall be black, grey, or earhtone in color; and should be shielded and/or filtered to prevent the emission and/or reflection or electro-magnetic radiation that would interfere with radio and television reception on adjacent properties.
  - f) No advertising shall be displayed on an Exterior Communication Device, except for a nameplate not to exceed one square foot in area displaying the name and address of the manufacturer, distributor, and/or retailer of the Device.
  - g) Exterior Communication Devices shall be erected and installed in accordance with the state electrical code adopted by reference in Section 10-31 et seq., National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.
- (2) Exterior Communication Devices, excluding ham/shortwave antennas, located in all residential zoning districts shall adhere to the following standards:
- a) Residential properties shall be limited to not more than one satellite dish antenna.
  - b) Antennas mounted to a principal structure shall not exceed a height of 10 feet above the roofline of the principal structure.
  - c) Ground-mounted antennas or antennas mounted to an accessory structure shall not exceed 15 feet in height (includes height of the accessory structure to which the antenna is attached).
  - d) The area of ground-mounted antennas or antennas mounted to an accessory structure shall not exceed 20 percent of the rear yard area, in combination with any and all “Private Residential Garages or Sheds” located on the premises.
- (3) Ham/shortwave antennas and towers in all zoning districts shall adhere to the following standards:
- a) Regulations under this subsection only apply to towers and antennas used for communication reception by an amateur radio operator licensed by the Federal Communications Commission.
  - b) Installations may not be located in a front or street side yard. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
  - c) Height requirements:
    - i. Installations of 45 feet or less must meet the setback requirements for an accessory structure.
    - ii. Installations with heights between 45 feet and 75 feet must meet the setback requirements for a principal structure and will require a written notice to the abutting property owners.
    - iii. Installations of 75 feet or higher must have a setback of at least 1/3 of the total height of the structure.

- 
- iv. Installations of 75 feet or higher that do not meet all of the requirements for installations less than 75 feet will require a conditional use permit.
  - d) Installation Requirements. Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
    - i. Setbacks. Any signal receiving antenna and its mounting post shall be located a minimum of 10 feet from any property line.
    - ii. Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
    - iii. Wind Pressure. All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of 80 MPH.
    - iv. Electrical Installations. Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
    - v. Temporary Placement. No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding 5 days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
    - vi. Advertising. No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
    - vii. Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
    - viii. Compliance with Federal Regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
    - ix. Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
  - e) All installations will require the proper building permits.

- 
- S. Lawn Care: Lawn care includes any activity involving the preparation of the ground and/or installation and maintenance of vegetative ground cover (including gardens). Lawn care is not permitted in certain permanently protected green space areas.
- T. Stormwater Facilities: All improvements including, but not limited to, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate, and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within, and/or away from a site. Stormwater Facilities shall also adhere to applicable state regulations and regulations in the Village of Williams Bay Municipal Code.
- U. Drive-Through Sales and Service Incidental to On-Site Principal Land Use: See Section 18.0310I.
- V. Small Solar Energy System: An energy system that converts solar energy to usable thermal, mechanical, chemical, or electrical energy, where such solar energy system is accessory to the principal use of the land (e.g., solar panels providing energy for a dwelling on the same lot). Small solar energy systems are permitted uses in all zoning districts.

Small Solar Energy Systems shall adhere to the following standards:

- (1) Rooftop, ground-mounted, and building-mounted solar energy systems shall comply with the height limits and minimum required yards for principal structures.
  - (2) The requirements of Wisconsin Statutes, including but not limited to Sections 66.0401 and 66.0403, shall apply to all solar energy systems.
- W. Concession Stands and Equipment Rental: Structures located on public property devoted to the sale of confections, snacks, or other light meals, but providing no indoor seating or drive-through services. This does not include mobile, temporary vendor carts, which are instead regulated as “Temporary Outdoor Sales” uses. Also included in this use are structures devoted to the rental of recreation equipment associated with the principal use, such as kayaks, umbrellas, beach chairs, and other similar items.
- X. Bathhouses: Structures located on public property that include public restroom facilities and/or indoor or outdoor showers typically associated with recreation areas, parks with waterfront access.
- Y. Filing: Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.

Filling uses shall adhere to the following standards:

- (1) Shall comply with Section 18.0900 regarding filling activities in permanently protected green space areas and regarding protection measures for natural resources.
- (2) Shall not create drainage onto other properties.
- (3) Shall not impede on-site drainage.

## 18.0316 Temporary Land Uses

- A. Temporary Farm Product Sales: The temporary outdoor display and sales of farm products, typically from a roadside stand.

Temporary Farm Product sales shall adhere to the following standards:

- (1) Shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) The display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (3) If the subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
- (4) Adequate parking shall be provided.

- B. Temporary Outdoor Sales: The display of any items outside the confines of a building that is not otherwise allowed as a permitted or conditional use, or a special event otherwise regulated by the Municipal Code. Examples of this land use include, but are not limited to, sidewalk sales, seasonal garden shops, tent sales, Christmas tree sales, and bratwurst stands.

Temporary Outdoor Sales shall adhere to the following standards.

- (1) Shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) The user shall provide a layout of the area to be used for the Temporary Outdoor Sales activities to the Zoning Administrator for approval prior to any event or sales activity.

- C. Temporary Outdoor Assembly: Any organized outdoor assembly of more than 100 persons, such as an outdoor wedding or tent meetings.

Temporary Outdoor Assembly uses shall adhere to the following standards:

- (1) Shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- (3) If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.
- (4) Adequate provisions for crowd control shall be made, and shall be described within the temporary use application.
- (5) Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the temporary use application.

- D. Temporary Shelter Structure: These shelters are typically supported by poles, have a fabric roof and/or sides, and are usually used to cover automobiles, boats, recreational vehicles, or fire wood on a temporary basis. These structures are not designed for the snow loading that can occur during the winter months.

Temporary Shelter Structures shall adhere to the following standards:

- (1) Shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) Temporary Shelter Structures shall conform to the building and height requirements of the district in which it is located except as may otherwise be provide.

- E. Temporary Portable Storage Unit: Structures designed and used primarily for the temporary storage of household goods and other such materials for use on a limited basis on residential property.

Temporary Portable Storage Unit shall adhere to the following standards:

- (1) Shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) The unit shall not exceed outside dimensions of sixteen 16 feet in length, 8 feet in width, and 9 feet in height.
- (3) The unit shall be permitted on the property for up to 14 days in association with each change in the occupancy of the dwelling unit, as documented by a recorded change in property ownership or valid lease.
- (4) The unit shall not be placed in a location in which it encroaches on the public right-of-way (including the sidewalk and street), or on neighboring property.
- (5) The unit must be placed on asphalt, concrete, gravel, or other hard-paved surface.
- (6) For all multi-family residential uses, including multiplexes, apartments, and townhouses, use of temporary portable storage units shall require review and approval by the Zoning Administrator. The

---

applicant shall provide written permission from the land owner to place the Temporary Portable Storage Unit on the property in accordance with the regulations listed in this Section.

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

Temporary Construction Storage shall adhere to the following standards:

- (1) The structure or storage area shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) The structure or storage area shall be removed within 10 days of issuance of occupancy permit for the property that was under construction.
- (3) Projects requiring the structure or storage area to be in place for more than 365 consecutive days shall require a conditional use permit. Said time limit may be extended with Village Board approval.
- (4) The structure or storage area shall be limited to a maximum area not exceeding 10 percent of the property's gross site area.

- G. Temporary Relocatable Building: Any manufactured building that serves as a temporary building for less than 6 months.

Temporary Relocatable Buildings shall adhere to the following standards:

- (1) The building shall comply with Section 18.1208, standards and procedures applicable to all temporary uses.
- (2) Buildings serving for more than 6 months shall require a conditional use permit and are subject to the general standards and procedures presented in Section 18.1208.
- (3) The building must be placed on asphalt, concrete, gravel, or other hard-paved surface.

- H. Temporary Garage or Estate Sale (Auction): The sale or offering for sale of miscellaneous used items commonly associated with residential use.

Temporary garage or estate sales shall adhere to the following standards:

- (1) Sales shall be limited to a period of no more than three consecutive days.
- (2) Sales shall occur only during daylight hours.

- I. Farmer's Market: The temporary or occasional outdoor retail sales of farm produce, plants and flowers, bakery goods, and/or crafts from vehicles or temporary stands located within a parking lot or public right-of-way.

Farmer's Markets shall adhere to the following standards:

- (1) The market shall have vehicular access to a collector or arterial street.
- (2) *Minimum required off-street parking: One space per vendor, plus adequate parking to accommodate customer traffic.*

---

## **SECTION 18.0400: DENSITY AND INTENSITY STANDARDS**

### **18.0401. Purpose**

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

### **18.0402. Intent**

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

### **18.0403. Approach**

The approach to regulating density and intensity that is employed by this Section addressed both the development potential of a given lot as well as the goal of preserving sensitive natural resources located on the site. The following methods are applied to ensure a high degree of site design flexibility and the protection of community character and natural resources:

- A. Maximum gross densities (MGD).
- B. Minimum green space ratios (GSR).
- C. Minimum landscape surface ratios (LSR).

The development potential of any site is determined by a variety of factors, including but not limited to:

- A. Area of the site.
- B. Proportion of the site not containing sensitive natural resources.
- C. Zoning district(s) in which the site is located.
- D. Development option(s) for the site.
- E. Use(s) being considered for development.

### **18.0404. Natural Resources Site Evaluation**

- A. Purpose: An important goal of the Village of Williams Bay is to protect natural resources that are sensitive to disruption caused by development and/or other land use activities. These resources include floodways, floodplain areas, floodfringe, shorelands, wetlands, lakeshores, steep slopes, and woodlands. These resources serve important functions that may be lost in the absence of correct mitigation approaches when these areas are subject to development and/or other land use activities. In many instances, these functions cannot be provided as well by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of air, surface water, ground water, and soil quality; habitat provisions and diversification; aesthetic diversification; and buffering effects.

- B. Natural Resources Site Evaluation Worksheet: This worksheet is intended to determine which areas of a site may be considered natural areas requiring protection and preservation, and which areas are most suited for development.

<b>Figure 18.0404: Natural Resources Site Evaluation Worksheet</b>	
<b>Step 1: Determine the Gross Site Area (GSA) of the Site</b>	
A. Total site area as determined by site survey.	___ acres
B. Sum up areas located within proposed street rights-of-way and within the proposed boundaries of public facilities designated in the Village’s Comprehensive Plan and/or required for dedication per subdivision regulations.	___ acres
C. Sum up land that, although part of the same parcel, is not contiguous to or is not accessible from the road network proposed to serve the project	___ acres
D. Sum up land that is proposed for a different development option or a different zoning district	___ acres
E. Sum up areas covered by navigable waters (lakes & streams)	___ acres
F. Add up Rows B through E	___ acres
G. Subtract Row F from Row A (Row F – Row A) = <u>Gross Site Area (GSA)</u>	___ acres
<b>Step 2: Determine the Required Resource Protection Area (RPA) of the Site:</b>	
H. Portion of gross site area containing floodways	___ acres
I. Portion of gross site area containing floodplain areas	___ acres
J. Portion of gross site area containing floodfringes	___ acres
K. Portion of gross site area containing wetlands	___ acres
L. Portion of gross site area containing lakeshores	___ acres
M. Portion of gross site area containing woodlands	___ acres
N. Portion of gross site area containing steep slopes	___ acres
O. Add up Rows H through N = <u>Required Resource Protection Area (RPA)</u>	___ acres
<b>Step 3: Determine the Net Developable Area (NDA) of the Site:</b>	
P. Subtract Row O from Row G (Row G [GSA] – Row O [RPA]) = <u>Net Developable Area (NDA)</u>	___ acres
Q. Multiply Row P by the Maximum Gross Intensity or Density allowable in the zoning district to calculate Maximum development potential for the site.	___ acres

### 18.0405. Instructions for Determining Density and Intensity

This Section, in conjunction with the density and intensity regulations included in Section 18.0200, contains the standards that determine the maximum amount of development permitted on any given site. There are inherent differences between residential and nonresidential land uses. Therefore residential and nonresidential development is regulated differently in this Section.

- A. The following instructions apply to both residential and nonresidential development.
- (1) Consult the Village's Comprehensive Plan for policies applicable to the subject property, particularly the Future Land Use and Transportation maps.
  - (2) Consult the Village's Official Map for planned capital facilities and dedication requirements that may affect the subject property, including schools, parks, stormwater management facilities, and street improvements.
  - (3) The amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The current zoning designation as depicted on the Village's Official Zoning Map should be compared with the description of that district provided in Section 18.0200.
  - (4) The effect of protected natural resources on the development potential of the subject property should be evaluated. A Natural Resources Site Evaluation worksheet (see Figure 18.0404 above) should be completed for the site. All resources listed should be identified on the subject property, and the total area of the property (in acres) covered by those resources, (resource protection areas (RPA)) should be determined, as should the gross site area (GSA) and the net developable area (NDA) of the subject property.
- B. The following instructions apply only to residential development.
- (1) Determine the types of dwelling units allowed on the subject property by checking the zoning district in Section 18.0200. Section 18.0306 provides detailed descriptions and regulations for each dwelling unit (land use) type.
  - (2) Determine the maximum gross density allowed on the site. The maximum gross density, per the zoning district of the subject property (see Section 18.0200), should be noted and used in step (4), below.
  - (3) Determine the maximum number of units allowed on the site. The maximum gross density, identified in step (3), above, multiplied by the gross site area calculated in step (2), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the zoning district of the subject property. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this Section. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.
  - (4) Check the minimum lot area (MLA) requirement of the subject property (refer to Section 18.0114 for a definition). The MLA must be greater than or equal to than the lot size requirement for the type of dwelling unit proposed for the project in step (1), above. If the proposed MLA is smaller than the lot size requirement given in step (1) then a larger lot size must be proposed or a different dwelling unit type with a smaller lot size requirement must be selected (in which case, it may be advantageous to repeat steps (1) through (5) using a different dwelling unit type).
- C. The following instructions apply only to nonresidential development.

- 
- (1) Determine the types of land uses permitted on the subject property by checking the zoning district in Section 18.0200. Sections 18.0306 through 18.0316 provide detailed descriptions and regulations for each land use type.
  - (2) Check the minimum lot area requirement against the gross site area present on the subject property as determined under the natural resources site evaluation in Section 18.0405A(4), above. If the GSA is less than the MLA required by the zoning district, then additional property must be acquired. In other words, the GSA must be greater than or equal to the MLA.
  - (3) Check the minimum landscape surface ratio (LSR) requirement (refer to Section 18.0900) against the required resource protection area (RPA) present on the subject property. The LSR should be multiplied by the GSA used in step (2), above. The resulting product is the area of the site that must be permanently protected as green space. This area should be compared with the required RPA on the subject property as determined under the natural resource site evaluation in Section 18.0405A(4), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required, then more floors could be added to the proposed building in order to approach maximum development potential on the site. In other words, if the RPA is greater than the LSR, the use of more floors may permit the development of more floor area on the subject property.
  - (4) Check the maximum building size (MBS) requirement indicated in Section 18.0200. If the MBS given is smaller than the proposed building size calculated in step (5) above then a smaller building must be proposed, or the use of additional buildings may be considered.

## **SECTION 18.0500: BULK STANDARDS**

### **18.0501. Purpose**

This Section regulates the location and bulk of buildings in both residential and nonresidential developments in order to protect and enhance the desired community character of the Village of Williams Bay. The provisions of this Section interact closely with the density and intensity provisions described in Section 18.0400.

### **18.0502. Residential Bulk Standards**

All residential lots shall comply with the standards prescribed by this Section, Section 18.0400, and the bulk requirements listed for each residential zoning district in Section 18.0500. The following tables are provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this Chapter and these tables, the text shall prevail.

**Figure 18.0502: Summary of Residential Bulk Standards**

	Zoning Districts										
	AH	ER	SF-1	SF-2	SF-3	SF-6	SF-CPP	TF	MF-12	MF-18	SB
Min. Lot Area	<u>Res:</u> 35 ac or 40,000 sf (w/CUP)	<u>Res:</u> 65,000 sf  <u>NonRes:</u> 2 ac	<u>Res:</u> 1 ac  <u>NonRes:</u> 2 ac	<u>Res:</u> 20,000 sf  <u>NonRes:</u> 20,000 sf	<u>Res:</u> 12,000 sf  <u>NonRes:</u> 20,000 sf	<u>Res:</u> 7,200 sf  <u>NonRes:</u> 12,000 sf	See Section 18.0213	<u>Res:</u> SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du  <u>NonRes:</u> 12,000 sf	<u>Res:</u> SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sf  <u>NonRes:</u> 12,000 sf	<u>Res:</u> SF: 6,000 sf TF: 6,000 sf/du Townhouse: 3,000 sf/du MF: 12,000 sf  <u>NonRes:</u> 12,000 sf	12,000 sf
Max. Lot Area	5 acres	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Gross Density	1 du/35 ac	0.7 du/ac	1 du/ac	2 du ac	3.5 du/ac	6 du/ac	See Section 18.0213	10 du/ac	12 du/ac	18 du/ac	3.5 du/ac
Max. Building Coverage	30%	30%	30%	30%	30%	30%	See Section 18.0213	40%	40%	40%	30%
Min. Landscape Surface Ratio	50%	50%	50%	50%	50%	50%	See Section 18.0213	50%	50%	50%	50%
Min. Lot Width	200 ft	200 ft	200 ft	120 ft	90 ft	60 ft	See Section 18.0213	<u>Res:</u> SF: 60 ft TF: 55 ft/du Townhouse: 30 ft/du  <u>NonRes:</u> 100 ft	<u>Res:</u> SF: 60 ft TF: 55 ft/du Townhouse: 30 ft/du MF: 100 ft  <u>NonRes:</u> 100 ft	<u>Res:</u> SF: 60 ft TF: 55 ft/du Townhouse: 30 ft/du MF: 100 ft  <u>NonRes:</u> 100 ft	90 ft
Min. Front and Street Side Yard Setback	30 ft	30 ft 100 ft. from Cedar Point Dr.	30 ft	30 ft	30 ft	30 ft	See Section 18.0213	30 ft	30 ft	30 ft	30 ft
Min. Shore Yard Setback	150 ft	150 ft	150 ft	150 ft	150 ft	150 ft	150 ft	150 ft	150 ft	150 ft	150 ft

**Figure 18.0502: Summary of Residential Bulk Standards**

	Zoning Districts										
	AH	ER	SF-1	SF-2	SF-3	SF-6	SF-CPP	TF	MF-12	MF-18	SB
Min. Interior Side Yard Setback	30 ft	30 ft	30 ft	20 ft	15 ft	10 ft	See Section 18.0213	8 ft	<u>Res:</u> SF: 8 ft TF: 8 ft Townhouse: 8 ft MF: 25  <u>NonRes:</u> 25 ft	<u>Res:</u> SF: 8 ft TF: 8 ft Townhouse: 8 ft MF: 25 ft  <u>NonRes:</u> 25 ft	15 ft
Min. Rear Yard Setback	30 ft	30 ft	30 ft	30 ft	30 ft	30 ft	See Section 18.0213	30 ft	30 ft	30 ft	30 ft
Max. Principal Building Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	See Section 18.0213	35 ft	35 ft	35 ft	35 ft
Min. Building Separation	30 ft	30 ft	30 ft	30 ft	30 ft	20 ft	See Section 18.0213	16 ft	16 ft	16 ft	30 ft
Accessory Structure Interior Side Yard Setback*	5/10 ft	5/10 ft	5/10 ft	5/10 ft	5/10 ft	5/10 ft	See Section 18.0213	5/10 ft	5/10 ft	5/10 ft	5 ft
Accessory Structure Rear Yard Setback*	5/10 ft	5/10 ft	5/10 ft	5/10 ft	5/10 ft	5/10 ft	See Section 18.0213	5/10 ft	5/10 ft	5/10 ft	5 ft
Max. Accessory Structure Height	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	See Section 18.0213	15 ft	15 ft	15 ft	15 ft

\* < 200 sf structure / > 200 sf structure

**18.0503. Nonresidential Bulk Standards**

All nonresidential lots created under the provisions of this Chapter shall comply with the standards of this Section and the bulk requirements related to the specific zoning district used as listed in Section 18.0200. The following tables are provided as a convenience for the Zoning Administrator and the general public. Where there are conflicts between the text of this Chapter and these tables, the text shall prevail.

**Figure 18.0503: Summary of Nonresidential Bulk Standards**

	Zoning District								
	AH	SB	VC	LSB	CB	LI	GI	P&I	P&R
Min. Lot Area	35 acres	12,000 sf	n/a	20,000 sf	20,000 sf	40,000 sf	40,000 sf	12,000 sf	n/a
Max. Lot Area	5 acres	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Max. Building Coverage	30%	30%	75%	50%	50%	30%	30%	30%	30%
Min. Landscape Surface Ratio	50%	40%	0%	20%	20%	15%	15%	40%	40%
Max. Building Size	n/a	5,000 sf (1-story) 10,000 sf (2-story)	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Min. Lot Width	200 ft	90 ft	n/a	100 ft	100 ft	100 ft	100 ft	90 ft	n/a
Min. Front and Street Side Yard Setback	30 ft	30 ft	0 ft	30 ft	20 ft	30 ft	30 ft	30 ft	40 ft
Max. Front and Street Side Yard Setback	n/a	n/a	5 ft (more w/ CUP)	n/a	n/a	n/a	n/a	n/a	n/a
Min. Shore Yard Setback	150 ft	150 ft	150 ft	75 ft	75 ft	150 ft	150 ft	150 ft	150 ft
Min. Interior Side Yard Setback	30 ft	15 ft	0/10 ft	15 ft	15 ft	15 ft	15 ft	15 ft	40 ft
Min. Rear Yard Setback	30 ft	30 ft	20 ft	30 ft	25 ft	30 ft	30 ft	30 ft	40 ft
Max. Principal Building Height	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft 45 ft w/ CUP
Min. Principal Building Separation	30 ft	30 ft	0/10 ft	30 ft	30 ft	30 ft	30 ft	30 ft	40 ft

**Figure 18.0503: Summary of Nonresidential Bulk Standards**

	<b>Zoning District</b>								
	<b>AH</b>	<b>SB</b>	<b>VC</b>	<b>LSB</b>	<b>CB</b>	<b>LI</b>	<b>GI</b>	<b>P&amp;I</b>	<b>P&amp;R</b>
Accessory Structure Interior Side Yard Setback	5/10 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Accessory Structure Rear Yard Setback	5/10 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Max. Accessory Structure Height	35 ft	15 ft	15 ft	15 ft	15 ft	35 ft	35 ft	15 ft	35 ft 45 ft w/ CUP

---

### **18.0504. Yard Setback Adjustments**

- A. Front and Street Side Setback Adjustment. Front and street side yard setbacks shall be adjusted as follows when the described conditions or circumstances exist:
- (1) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, a minimum 40-foot setback shall be required to address anticipated future conditions associated with noise and air quality.
  - (2) The required front or street side setback for any use may be reduced for a principal structure on any lot where existing buildings within 150 feet on either side of the subject lot do not meet the required front or street side setback. In such instances, the front or street side setback on the subject site shall be no less than the average of those buildings within 150 feet on either side of the subject site.
  - (3) In order to preserve and maintain the character of established neighborhoods that are typified by front or street side setbacks substantially in excess of the minimum required front or street side setback, the following shall apply: new development or redevelopment occurring on blocks on which the average front or street side setback is more than five feet over the minimum required front or street side setback shall be required to have a minimum front or street side setback equal to the average setback of all the same-type principal structures on said block or street.

### **18.0505. Intrusions into Required Yards**

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

- A. No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- B. Essential Services such as utilities, electric power, and communication transmission lines are exempt from the yard requirement of this Chapter.
- C. Piers and docks shall be exempt from the yard requirements of this Chapter, but shall be in full compliance with the requirements of Section 12.01(8) of the Municipal Code of the Village of Williams Bay.
- D. No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- E. In instances where the required bufferyard width (per Section 18.0900) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.
- F. Permitted Intrusions Into Required Front, Street Side Yards.
  - (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than three feet into the required yard.
  - (2) Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with the illumination requirements of Section 18.0807 and provided they do not locate closer than five feet from the front or street property line.
  - (3) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than five feet from any street right-of-way.

- 
- (4) Fences, hedges, and walls, in accordance with paragraphs a) through d) below on residential lots that do not exceed three feet in height, subject to 18.0809E(1), and provided they do not locate closer than five feet to any street right-of-way. Fences permitted to intrude into the front or street side yards include the following:
    - a) Split rail fences
    - b) Open picket fences
    - c) All other fence types shall require a conditional use permit.
    - d) Permitted fence types shall comply with all other provisions of Section 18.0809.
  - (5) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.

G. Permitted Intrusions Into Required Interior Side Yards.

- (1) Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than three feet into the required yard.
- (2) Fences, hedges, and walls in accordance with paragraphs a) through e) below on residential lots that do not exceed four feet in height may be located subject to 18.0809E(1), provided they do not locate closer than two feet to any alley line.
  - a) Split rail fences
  - b) Open picket fences
  - c) Decorative fences not more than three feet in height surrounding patios and gardens.
  - d) All other fence types shall require a conditional use permit
  - e) Permitted fence types shall comply with all other provisions of Section 18.0809.
- (3) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.
- (4) Air Conditioning Condensers, Heat Exchangers and Emergency Generators, provided they do not extend more than five feet into the required yard.

H. Permitted Intrusions Into Required Rear Yards.

- (1) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend more than one foot above grade; provided they do not locate closer than 20 feet to the rear lot line.
- (2) Fences, hedges, and walls in accordance with paragraphs a) through e) below on residential lots that do not exceed four feet in height may be located subject to 18.0809E(1), provided they do not locate closer than two feet to any alley line.
  - a) Split rail fences
  - b) Open picket fences
  - c) Decorative fences not more than three feet in height surrounding patios and gardens.
  - d) All other fence types shall require a conditional use permit
  - e) Permitted fence types shall comply with all other provisions of Section 18.0809.
- (3) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.
- (4) Air Conditioning Condensers, Heat Exchangers and Emergency Generators, provided they do not extend more than five feet into the required yard.

(5) Satellite dish antennas.

I. Permitted Intrusions into Required Shore Yards.

- (1) Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than three feet into the required yard.
- (2) Yard lights, ornamental lights, and nameplate signs for residential lots, provided they comply with the illumination requirements of Section 18.0807.
- (3) Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings that do not extend above the floor level of the adjacent building entrance, provided they do not extend more than 25 feet into the required yard.
- (4) Fences, hedges, and walls in accordance with paragraphs a) through e) below on residential lots that do not exceed four feet in height may be located subject to 18.0809E(1).
  - a) Split rail fences
  - b) Open picket fences
  - c) Decorative fences not more than three feet in height surrounding patios and gardens.
  - d) All other fence types shall require a conditional use permit
  - e) Permitted fence types shall comply with all other provisions of Section 18.0809.
- (5) Fire escapes (on residential buildings) that do not extend more than three feet into the required yard.

J. Accessory Structures.

- (1) Attached accessory structures shall be considered part of the principal building for all regulatory purposes.
- (2) Any permanent accessory structure classified as a building per Section 18.0114 shall adhere to the location and height requirements of the district in which it is located except as otherwise allowed by this Chapter.
- (3) Accessory structures shall not be located within any required front yard or street side yard, except when there is a shore yard. In instances where there is a shore yard, shore yards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

## 18.0506. Exceptions to Maximum Height Regulations

The maximum height regulations listed for residential and nonresidential uses and accessory structures in each zoning district in Section 18.0200 are the maximum allowable heights for all buildings and structures, except those exempted by this Section.

- A. The following are permitted to exceed the maximum height regulations within any district where allowed: church spires, belfries, parapet walls, cupolas, domes that do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, flues, chimneys, smoke stacks, grain elevators, elevator penthouses, radio and television receiving antennas, satellite dish antennas when mounted on the roof of a principal structure, manufacturing equipment and necessary mechanical appurtenances, cooling towers, substations, utilities, and electric power and communication transmission lines.
- B. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three times their distance from the nearest lot line. If building mounted, height shall include the height of the building to which the structure is mounted.

- C. Agricultural structures such as barns and silos, shall not exceed in height twice their distance from the nearest lot line.
- D. Any building or structure not otherwise accounted for by paragraph A, above, may exceed maximum height regulations with the granting of a conditional use permit that specifically states the maximum permitted height of the proposed building or structure.

---

## SECTION 18.0600: NONCONFORMING SITUATIONS

### 18.0601 Purpose

The purpose of this Section is to establish regulations for the following nonconforming situations: nonconforming uses, substandard lots, nonconforming structures, and nonconforming sites created legally prior to the effective date of this Chapter (NOVEMBER 7, 2011). Nonconforming signs are addressed further in Section 18.1011n

### 18.0602 Nonconforming Uses

- A. Definition. A nonconforming use is any active and actual use of land, buildings, or structures that lawfully existed prior to the enactment of this Chapter, which has continued as the same use to the present, and that does not comply with all the applicable regulations of this Chapter.
- B. Continuance of a Nonconforming Use.
- (1) Any nonconforming use lawfully existing upon the effective date of this Chapter, or any amendment to it, may be continued as a legal, nonconforming use at the size and in a manner of operation existing upon such date, except as specified in this Section.
  - (2) A use now regulated as a conditional use that was legally approved as either a permitted-by-right or as a conditional use prior to the effective date of this Chapter, shall be considered a legal, conforming land use so long as any previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under the requirements of Sections 18.1206 or 18.1207.
  - (3) Any prior legal use made nonconforming by this Chapter, or by an amendment to it, may be granted legal conforming status and allowed to be extended, enlarged, reestablished within 12 months of discontinuance, or substituted by the issuance of a conditional use permit, subject to the standards and procedures prescribed by Section 18.1207. Any prior legal use made nonconforming by a modification to the Official Zoning Map after the effective date of this Chapter may be granted legal conforming use status only by changing the zoning district of the affected property to an appropriate district through an amendment to the Official Zoning Map. Such requested amendment shall be subject to the standards and procedures prescribed by Section 18.1205.
- C. Modification of a Nonconforming Use.
- (1) Except as permitted in Section B(3), above, a nonconforming use shall not be expanded, enlarged, extended, or reestablished, unless the use is changed to a use allowed in the district in which the use is located.
  - (2) Substitution of new equipment specific and unique to the legal, nonconforming use may be allowed through approval of the Village Board.
  - (3) A nonconforming nonresidential use not served by public sanitary sewer and/or public water may be permitted to expand without being served by public sanitary sewer and/or public water if the infrastructure for either or both utilities are not available within 1,000 feet of the subject property and a conditional use permit per Section 18.1207 above is granted for such expansion.
  - (4) Discontinuance of a Nonconforming Use. When any nonconforming use of any structure or land is discontinued for a period of 12 consecutive months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

- 
- (5) For nonconforming use provisions applicable within the floodplain overlay districts (FWO and FFO), see Section 18.0707. For nonconforming use provisions applicable within the Shoreland-Wetland overlay district, see Section 18.0706.
- D. Alterations to Conforming Buildings Containing Legal, Nonconforming Residential Units. Structural alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building. Notwithstanding the foregoing, a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such buildings shall not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of the Chapter unless a variance is granted under Section 18.1215 and except as permitted under this Section.

### 18.0603 Nonconforming Structures

- A. Definition. A nonconforming structure is any building or other structure that lawfully existed under ordinances or regulations preceding this Chapter, but that does not conform to all the density, building coverage, and bulk requirements of this Chapter.
- B. Blanket Conforming Status. Blanket conforming status for any and all requirements of this Chapter is hereby granted to any principal structure lawfully existing upon the effective date of this Chapter. However, after the effective date of this Chapter, such structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter, or unless a variance is granted by the Zoning Board of Appeals under Section 18.1215.
- (1) This Subsection is intended to eliminate nonconforming principal structures subject to the requirements of this Chapter. This provision addresses two different situations.
    - a) Many principal structures in the community were erected prior to the adoption of this zoning ordinance and do not meet some or all of the density, building coverage, or bulk requirements of this Chapter.
    - b) In some instances, this Chapter establishes new density, building coverage, and bulk requirements that existing legal structures under the previous zoning ordinance do not meet.
  - (2) This section therefore ensures that owners of such structures legally established prior to the adoption of this Chapter do not encounter difficulty because the structures would otherwise be considered nonconforming.
  - (3) Blanket conforming status is not applicable to accessory structures.
- C. Restoration. A damaged or destroyed nonconforming structure may be restored to the size, location, and use (including density, building coverage, and bulk measurements) that it had immediately before the damage or destruction occurred without any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
- (1) The nonconforming structure was damaged or destroyed on or after the effective date of this ordinance.
  - (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- D. Unsafe Structures. Nothing in this Chapter shall preclude the building inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger the public health, safety, or welfare.
- E. Future Modification. When any lawful nonconforming structure in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this Chapter.

- 
- F. **Ordinary Maintenance.** Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a legal, nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations that do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other non-structural components.
  - G. **Timing of Building Permit.** Any structure for which a building permit has been lawfully granted prior to the effective date of this Chapter, or an amendment to it, that will become nonconforming under the provisions of this Chapter or that amendment thereto, may be completed in accordance with the approved plans, provided construction is started within 365 calendar days after issuance of the permit and construction is completed within 730 calendar days (2 years) after the start of construction. If all such conditions are met, the structure shall thereafter be a legal nonconforming structure.
  - H. For nonconforming structure provisions applicable within the floodplain overlay district, see Section 18.0707. For nonconforming structure provisions applicable within the Shoreland-Wetland overlay district, see Section 18.0706.
  - I. For regulations regarding alterations to conforming buildings containing legal, nonconforming residential units, see Section 18.0602, above.

#### **18.0604 Nonconforming and Substandard Lots**

- A. **Definition.** A nonconforming or substandard lot is a lot that lawfully existed prior to the enactment of this Chapter, but that does not meet the dimensional (e.g., minimum lot size or width) requirements of the zoning district in which it is located.
- B. **Blanket Conforming Status.** Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to all nonconforming or substandard lots in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, no lot shall be created that does not meet the dimensional requirements of each zoning district, per Section 18.2000. This Section ensures that lots approved and created prior to the adoption of this Chapter do not encounter difficulty because the lots would otherwise be considered nonconforming or substandard.
- C. A lot of record existing upon the effective date of this Chapter in a residential zoning district that does not meet the minimum lot dimensional requirements for the zoning district may be utilized for a detached single-family dwelling unit, provided such lot is a minimum of 60 feet wide and 7,200 square feet in area, and provided such lot is of record in the County Register of Deeds office prior to September 23, 1986. Said lot shall not be more intensively developed (with residential or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.
- D. Any development occurring on substandard lots shall be required to meet the setback and other bulk requirements of this Chapter, unless a variance is granted per Section 18.1215.
- E. If two or more substandard lots are adjacent to one another, have continuous street frontage, and have had the same owner since December 2, 1991, such lots shall be considered to be one lot for the purposes of this Chapter.
- F. A lot of record existing upon the effective date of this Chapter in the AH zoning district that is less than 35 acres in area and that has no existing dwelling units (neither farm residence nor single-family residence) may be utilized, or one detached single-family dwelling unit may be constructed, provided the measurements of such lot area and dimensions are equal to or greater than 80 percent of the minimum requirements of the AH zoning district, and adequate access to a public right-of-way is provided.

---

## 18.0605 Nonconforming Site and Building Design

- A. Definition. Nonconforming site and building design includes any development in which a principal use has been established prior to the effective date of this Chapter and in which one or more site or building design standards such as landscaped surface ratios, minimum landscape area (such as width of foundation planting, paved area islands, and street frontage landscaped areas), bufferyards, minimum parking, and lighting have not been met or cannot be met.
- B. Blanket Conforming Status. Blanket conforming status for any and all requirements of this Chapter is hereby automatically granted to the site and building design components of all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to modify, enlarge, expand, or extend without bringing the development into compliance with the site and/or building design provisions of this Chapter, or to the extent practical without removal of lawful structures in accordance with the following Sections C through E, below.
- (1) This Section is intended to prevent the creation of certain nonconforming sites related to building and site design subject to the requirements of this Chapter. These building and site design components may include one or more of the following:
    - a) Build-to design requirements (e.g., minimum number of floors, maximum setbacks). See Section 18.0200.
    - b) Exterior building materials requirements. See Sections 18.0802 and 18.0807.
    - c) Exterior building design requirements. See Sections 18.0802 and 18.0807.
    - d) Parking, loading, access drive and other paved area design requirements. See Sections 18.05 and 18.0806.
    - e) Landscaping design requirements. See Section 18.0900.
    - f) Bufferyard design requirements. See Section 18.0900.
    - g) Fencing design requirements. See Section 18.0809.
    - h) Lighting design requirements. See Section 18.0807.
  - (2) This Section ensures that sites approved prior to the adoption of this Chapter do not encounter difficulty because they would otherwise be considered nonconforming.
- C. On lots where the site configuration and undeveloped area can sufficiently enable compliance with nonconformities in site design, no enlargement, expansion, or extension of a use or structure shall be permitted if it makes compliance with site regulations of the Chapter impossible, even if said enlargement, expansion, or extension of the use or structure would otherwise be permissible.
- D. Enlargements, expansions, or extensions that would result in creation of one or more nonconformities, render a nonconforming site incapable of being brought into full or greater compliance with nonconforming site requirements, or increase the degree of existing nonconformities with the site development standards of this Chapter shall not be permitted, unless a variance is granted by the Zoning Board of Appeals under Section 18.1215.
- E. On lots with adequate configuration and area to bring the site into full or greater compliance with site design standards, said compliance shall be required at the time of any property improvement, modification, enlargement, or expansion requiring site plan review by the Plan Commission. The degree to which the property shall be made to comply with site design standards shall be proportional to the degree of property improvement per the following:

- (1) Total additions or expansions to structures on nonconforming sites shall require correction of existing nonconformities associated with on-site improvements in accordance with the following:
  - a) Renovations that result in expansions to the total gross square footage of the existing structure(s), paved areas, and/or outdoor storage areas of less than 50 percent of the existing structural, paved area, and/or outdoor storage area shall require a corresponding percentage increase in compliance with the site improvements required by this Chapter until the site achieves 100 percent compliance. (Example: A property with a permitted, expandable use currently has only 50 percent of the required landscaping. An addition to the structure equaling 20 percent of the combined area of the existing structures on the site is proposed. Therefore, as a condition of approval, an additional 20 percent of landscaping required for the whole site must be added. In this instance, 70 percent of the landscaping requirement would be met upon completion of the improvements).
  - b) Complete replacement of existing structures or expansions of the existing structures that result in a total of 50 percent or greater increase of total gross square footage to meet all of the site improvement requirements of this Chapter. The same requirements also apply to increased or new paved areas and outdoor areas used for outdoor operations/storage.
- (2) On lots where the configuration and undeveloped area of the nonconforming site provides insufficient space to bring the site into full compliance with all site requirements but nevertheless provides space to reduce the degree of one or more nonconformities, the Plan Commission shall make a determination as to the manner and degree to which each site nonconformities shall be brought into conformance.



## **SECTION 18.0700: OVERLAY ZONING DISTRICTS**

### **18.0701 Purpose**

The purpose of this Section is to establish overlay zoning districts wherein certain additional requirements are superimposed on the underlying standard zoning districts set forth in Section 18.0200 of this Chapter. Each overlay district is intended to address a special land use circumstance beyond those addressed by the underlying zoning district. Special requirements include mandatory protections against natural hazards, mandatory protections of valued natural resources, and special design guidelines. Each overlay district is intended to implement one or more aspects of the Comprehensive Plan and to ensure compliance with federal and state requirements.

### **18.0702 How to Use this Section**

A given property may lie within one or more overlay zoning districts based on its geographic location. The provisions of this Section are intended to be consulted before issuance of any building permit, site plan approval, conditional use permit, zoning permit, zoning change, or land division to ensure the intended use meets all of the requirements of any applicable overlay district, in addition to the underlying standard zoning district (see Section 18.0200). For each overlay district established in this Section, a definition of the resource or geographic area is provided, followed by the specific purposes of the protective regulations governing the resource or geographic location, the method of delineating the boundaries of the overlay district, and the mandatory development regulations.

### **18.0703 Overlay Zoning Districts**

For the purpose of this Chapter, the following overlay zoning districts are hereby established.

VCO	Village Center Design Overlay
SWO	Shoreland-Wetland Overlay
FWO	Floodway Overlay
FFO	Floodfringe Overlay
GFO	General Floodplain Overlay
EC	Environmental Conservation Overlay
PDO	Planned Development Overlay

### **18.0704 Map of Overlay Zoning Districts**

Except where otherwise indicated in this Section, the overlay zoning districts are represented on the Official Overlay Zoning Map, adopted and from time to time amended by the Village of Williams Bay.

### **18.0705 Village Center Design Overlay District**

- A. Purpose. The Village Center Design overlay district is intended to implement the design recommendations of the Village of Williams Bay Comprehensive Plan by preserving and enhancing the appearance, character, and property values of the community.
- B. Overall Village Center Design Theme. The design theme for the Village Center Design overlay district shall be based on the Village's historic, pedestrian-oriented development pattern in its village center, which incorporates a mixture of retail, service, residential, and institutional uses. Building orientation and

character shall include minimal setbacks; one-, two-, and three-story structures; a mix of on-street and other off-site parking; and a focus on pedestrian-scaled design.

- C. Design Standards. All construction, including new structures, building additions, building alterations, and restorations or rehabilitations shall meet the following design requirements. These requirements shall apply to all land uses located within the Village Center Design overlay district except single-family homes.

(1) Site Design Standards:

a) Lighting.

1. Appropriate lighting shall be provided at all building entries, along all walkways, and around all parking areas subject to the exterior lighting standards in Section 18.0807.
2. Light fixtures located along all private walkways and public sidewalks and streets shall be pedestrian-scaled, and shall generally conform to the Village's preferred design theme for fixtures in the Village Center, as described in its Comprehensive Plan. Building-mounted light fixtures shall complement the building's architecture and exterior materials.

b) Pedestrian and Bicycle Site Access.

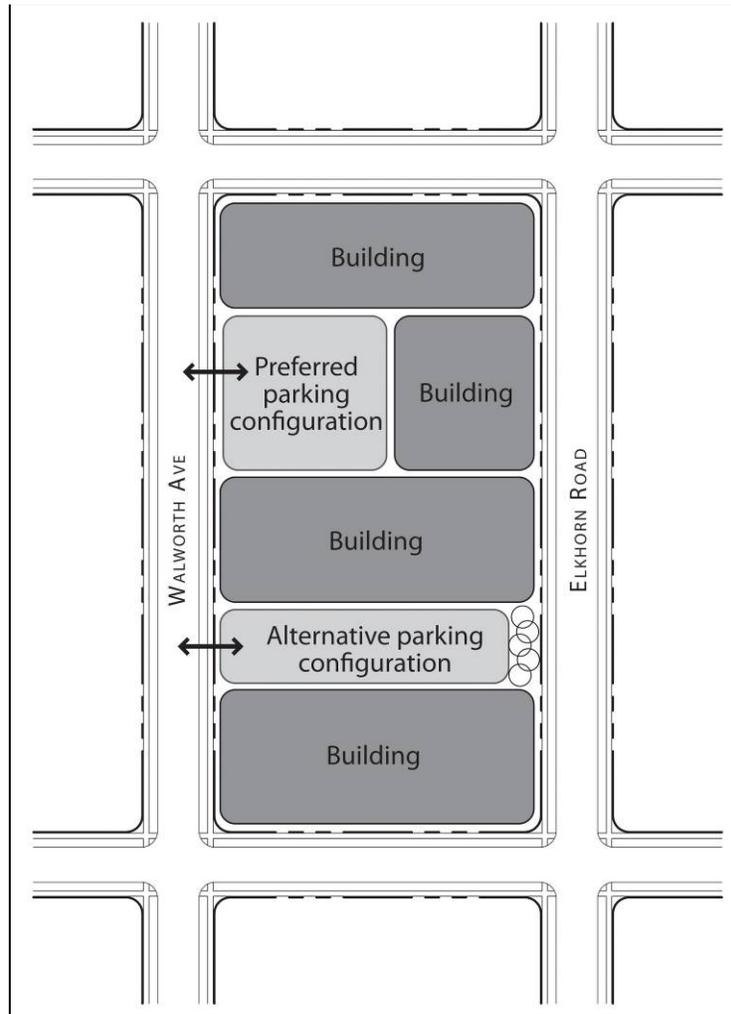
1. Whenever practical, paved walkways shall be installed between public building entries, adjoining public sidewalks, any on-site parking areas, and adjoining properties. All such walkways shall be a minimum of five feet wide unless otherwise constrained by topography or existing site improvements.
2. Protective barriers or markings shall be installed to separate walkways from vehicular circulation and parking areas.
3. Bicycle parking shall be provided at the rate of one bike rack per 1,000 of gross floor area.

c) Vehicular Site Access and Parking

1. Shared driveways and the establishment of cross access easements shall be encouraged to minimize the number of access points.
2. In the case of double frontage lots located between Elkhorn Road and Walworth Avenue, access to parking areas shall be located on Walworth Avenue.
3. Surface parking lots, where allowed through issuance of a conditional use permit (see Section 18.1207), shall only be located on the interior side or rear of buildings. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, surface parking may be oriented as shown in Figure 18.0705 to minimize the visual impact of such parking lots as viewed from Elkhorn Road.
4. Surface Parking Lot Landscaping and Screening. Surface parking shall be landscaped according to the provisions of Section 18.0805 and the following:
  - a. Parking lot screening shall be required along all public streets. In lieu of landscaping, a wall may be used, subject to the following:
    - i. The wall shall be no shorter than three feet and no taller than four feet.
    - ii. The entire wall and supporting structure/footer shall be located on the property.
    - iii. The material and design of the wall shall be consistent with the building architecture
    - iv. The wall shall be finished on both sides.
    - v. A continuous wall face (i.e. unbroken by a driveway or building) shall be broken up with columns, jogs, and/or landscaping at least once every 25 feet.

- vi. In lieu of required perimeter trees, taller columns, trellises, or similar features may be used to visually extend the wall.
- vii. The wall shall comply with all vision triangle requirements in Section 18.0804.

**Figure 18.0705  
(parking oriented so it is screened from Elkhorn Road;  
access from Walworth Avenue)**



- d) Utilities, Building Mechanicals, and Dumpsters.
  - 1. All utilities; ground-mounted, wall-mounted, and rooftop mechanicals; and refuse containers (dumpsters) shall be fully screened with materials matching the principal building.
  - 2. Whenever possible, utilities shall be located at the rear or interior side of a building. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, utilities shall be located, where possible, in an interior side yard. Where there is no interior side yard, utilities shall be located in the yard fronting on Walworth Avenue and completely screened with materials that match or are complementary to the principal building.
- e) Fencing
  - 1. Chain link and non-decorative wire fencing is prohibited.

- 
2. On-site fencing shall be pedestrian-scaled and shall generally conform to the Village's preferred design theme for the Village Center, as described in its Comprehensive Plan.
- (2) Building Design Standards:
- a) Building Height. In addition to adhering to the height requirements of Section 18.0200 for the standard zoning district, no new or altered buildings shall be more than one story taller or shorter than the height of the immediately adjoining properties.
  - b) Architectural Style and Building Materials.
    1. High-quality exterior building materials shall be used on all exposed sides of the building.
    2. Building additions shall have the same style as the existing building, or shall be complementary to the existing building.
    3. Facades facing a public street shall have a minimum of 40 percent brick coverage. Other acceptable materials include the following:
      - a. Chiseled face CMU or stone
      - b. Local and/or recycled natural materials,
      - c. Other complementary materials approved by the Plan Commission and Village Board.
    4. All building materials shall have a natural/earhtone color palette. Florescent, "day glow," and/or "neon" colors are prohibited. Where such prohibited colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
    5. Color combination schemes shall be limited to no more than four different colors for all structures and appurtenances on a site and building. Varying shades, tints, or intensities of a color shall be considered different colors.
    6. Color schemes shall be used consistently throughout the site and building, including on both the upper and lower portions of buildings, and on all exposed façades of a building or structure.
    7. High gloss paints, lacquers, varnishes, and other shiny non-glazing surfaces shall be prohibited.
    8. Use of the following materials is prohibited on any façade visible from a public street:
      - a. Non-modular stone
      - b. False stone or other false natural materials
      - c. Stucco
      - d. Barn siding or plywood
      - e. Cedar shakes
      - f. Concrete block, panels, or poured concrete
      - g. Corrugated and pre-fabricated metal panels
      - h. Logs/timbers
      - i. Vinyl and aluminum siding
    9. Franchise architecture is prohibited.
  - c) Façade and Articulation
    1. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, the main façade with the primary entryway shall be located on Elkhorn Road.
    2. The ground floor of buildings with more than one story shall be differentiated from upper floors by varying color, building materials, articulation, and/or other architectural details.
-

3. Front building facades shall have a pedestrian scale and shall incorporate the following features:
  - a. Glass doors or doors with windows and/or transom windows.
  - b. Minimum window coverage, subject to the following standards:
    - i. First floor facades facing a public street shall have a minimum of 60 percent window coverage. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, the first floor facade facing Elkhorn Road shall have a minimum 60 percent window coverage and the first floor façade facing Walworth Avenue shall have a minimum of 50 percent window coverage.
    - ii. Upper story facades facing a public street shall have a minimum of 25 percent window coverage. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, the upper story facades facing Elkhorn Road shall have a minimum of 25 percent window coverage and the upper story facades facing Walworth Avenue shall have a minimum of 15 percent window coverage.
    - iii. The use of false (spandrel glass) windows is discouraged and shall only be allowed where the applicant can demonstrate it is necessary to maintain privacy or security, or where the interior layout of the building cannot accommodate a true window.
    - iv. The use of heavily tinted glass on the first floor and reflective/mirrored glass anywhere on the building is prohibited.
4. All facades facing a public street shall incorporate articulated components to create edges, shadows, and/or distinct textures. Such components may include any of the following:
  - a. Pronounced sills and lintels
  - b. Recessed and/or framed windows
  - c. A doorway or articulated door frame
  - d. A canopy or overhang
  - e. A projection or recess deeper than three inches
  - f. An architectural band or column composed of material that is noticeably different than the surrounding wall material and that is a least five inches in height or width.
  - g. A wall or projecting sign, subject to the standards in this Section and in Section 18.1000.
  - h. An articulated cornice
  - i. A balcony railing
  - j. Other design elements approved by the Village that are noticeably different than the surrounding wall and are at least 3 square feet in size. If used repetitively, the combined area of the element must comprise at least one percent of the area of the façade.
5. Public entryways shall be at grade with the front walkway and/or public sidewalk in front of the building.
6. All public entryways shall be sheltered with an awning or shall be recessed into the building.
7. Open air hallways facing a public street are prohibited.
8. External stairs serving upper stories are prohibited on any façade facing a public street.
9. Wall or window unit air conditioners and satellite dishes shall not be located on any façade facing a public street. In the case of double frontage lots between Elkhorn Road and Walworth Avenue, such features shall be located in an interior side yard. Where no interior side yard exists, such features may be located on the Walworth Avenue façade.
10. Flat roofs facing a public street shall have an articulated cornice.

- 
11. Any exposed gutters and downspouts shall be finished in a manner consistent with the architectural style.
- d) Design of Signage
1. Signs shall be constructed of materials consistent with the architecture of the building.
  2. Internally lit signage is prohibited.
  3. Awning signs shall be discouraged.
  4. On buildings with more than one story, wall signage shall not be placed above the ground floor.
  5. Window signage shall not cover more than 30 percent of any ground floor window or more than 10 percent of any upper story window.
  6. Freestanding pole signs shall be prohibited. All freestanding signs shall be monument style signs.
  7. Roof signs are prohibited.
- D. Project Review and Approval Procedures. All applications for development activity within the Village Center Design overlay district are subject to one of two review processes, as determined by the Zoning Administrator. These include “renovation review” and “site and design review,” both described below.
- (1) Renovation Review. Applications for projects involving only a renovation of the exterior appearance of a structure (such as repainting; re-roofing; residing; or replacing with identical colors, finishes, and materials), as determined by the Zoning Administrator, shall require Zoning Administrator review and approval. All necessary permits must be acquired.
  - (2) Site and Design Review. Applications involving any change in the exterior appearance or physical configuration of a property, including painting; roofing; siding; architectural component substitution; fencing; paving; installation of signage with different colors, finishes, or materials; grading; erection of a new building; demolition of an existing building; or the addition or removal of bulk to an existing building shall be subject to site and design review in accordance with the standard procedures applicable to all site plans per Section 18.1206. The Village Board shall serve as the final discretionary review body and shall focus its review of the application on compliance with sound aesthetic, land use, site design, and economic revitalization practices. In part, this effort shall be guided by the Village’s Comprehensive Plan and any other applicable downtown or special area plans.
    - a) Site and design review proposals shall generally follow the procedures for site plan review (see Section 18.1206).
    - b) In addition to the standard application requirements for site plan review, applications shall be accompanied by a building permit application and the following information:
      1. A clear depiction of the existing appearance of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing, or other site components, and/or detailed building elevations indicating the building’s current appearance may be required by the Village.
      2. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
      3. A clear depiction of the proposed appearance of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components

such as windows, doors, railings, fencing, or other site components, and/or detailed building elevations indicated the proposed alterations may be required by the Village.

4. Written justification for the proposed alteration consisting of the following:
  - a. Reasons why the applicant believes the requested alteration is in harmony with the overall purpose and intent of the Village Center Design overlay district;
  - b. Reasons why the applicant believes the requested alteration is consistent with the recommendations and forwards the objectives of the Village's Comprehensive Plan and other applicable Village planning documents;
  - c. Complements the design and layout of nearby buildings and developments in the Village Center Design overlay district; and
  - d. Enhances, rather than detracts from, the desired character of the Village, and the Village Center in particular.
- E. Penalty and Appeals. Penalty for violation of the provisions of this Section shall be per the provisions of Section 18.1218. Appeals from the decisions of the Zoning Administrator, Plan Commission, and Village Board may be made per the provisions of this Chapter and State Statutes.

### **18.0706 SWO Shoreland-Wetland Overlay District**

- A. Statutory Authorization: This Shoreland-Wetland Overlay Zoning District is adopted pursuant to the authorization in sections 62.23 and 62.231 and 87.30 and 144.26, Wis. Stats.
- B. Findings of Fact and Purpose: Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the Village of Williams Bay would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:
  - (1) Promote the public health, safety, convenience and general welfare;
  - (2) Maintain the storm and flood water storage capacity of wetlands;
  - (3) Prevent and control water pollution by preserving wetlands that filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - (4) Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
  - (5) Prohibit certain uses detrimental to the area regulated by this Section; and
  - (6) Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.
- C. Compliance: The use of wetlands and the alteration of wetlands within the shoreland area of the Williams Bay shall be in full compliance with the terms of this Shoreland-Wetland Overlay District and other applicable local, state or federal regulations. (However, see Subsection R for standards applicable to nonconforming uses.)
- D. Municipalities and State Agencies Regulated: Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with the provisions of this Shoreland-Wetland Overlay District and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.2022(1), Wis. Stats. applies.
- E. Abrogation and Greater Restrictions:

- 
- (1) The provisions of this Shoreland-Wetland Overlay District supersede all the provisions of any municipal zoning code provisions enacted under sections 61.35, 62.23 or 87.30, Wis. Stats., that relate to floodplains and shoreland-wetlands, except that where another provision in the Village of Williams Bay Zoning Code is more restrictive than this Shoreland-Wetland Overlay District, that provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (2) This Shoreland-Wetland Overlay District is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants or easements. However, where this Shoreland-Wetland Overlay District imposes greater restrictions, the provisions of this overlay district shall prevail.
- F. Interpretation: In their interpretation and application, the provisions of this Shoreland-Wetland Overlay District shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this overlay district is required by a standard in chapter NR 117, Wis. Adm. Code, and where such provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of the Shoreland-Wetland Overlay District provisions or in effect on the date of the most recent text amendment to this Shoreland-Wetland Overlay District section of this Chapter.
- G. Severability: Should any portion of this Shoreland-Wetland Overlay District be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this overlay district shall not be affected.
- H. Annexed Areas: The County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the Village of Williams Bay for all areas annexed by the Village of Williams Bay after May 7, 1982 unless any of the changes as allowed by s.59.692(7)(a)(1-3), Stats. occur. These annexed lands are described on the Village of Williams Bay's Official Zoning Map. The County shoreland zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Village of Williams Bay clerk.
- I. The following maps are hereby adopted and made part of this Chapter and are on file in the office of the Village of Williams Bay clerk:
- (1) Wisconsin Wetland Inventory maps stamped "FINAL" in November 1, 2007.
  - (2) Flood Boundary and Floodway Map: Village of Williams Bay, Walworth County, WI, dated May 15, 1984.
  - (3) United States Geological Survey map (Walworth County, WI topographic map) dated 1986.
- J. Village of Williams Bay Official Zoning Map dated February 20, 2012.
- K. Areas Regulated.
- (1) The Shoreland-Wetland Overlay Zoning District includes all wetlands in the municipality that are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter and that are:
    - a) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps that have been incorporated by reference and made a part of this Chapter.
    - b) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps

---

that have been incorporated by reference and made a part of this Chapter. Floodplain zoning maps adopted in section 17.08.1100A2 shall be used to determine the extent of floodplain areas.

- (2) The Shoreland-Wetland Overlay Zoning District also includes additional lowland areas and semi-lowland areas that may or may not fit within the technical definition of a wetland but that have been selected by the Village Board for protection.
- L. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or ordinary high-water mark.
- M. When an apparent discrepancy exists between the Shoreland-Wetland Overlay District boundary shown on the Official Zoning Map and actual field conditions at the time the Official Zoning Map was adopted, the zoning administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the Shoreland-Wetland Overlay District boundary, as mapped, is in error. If Department of Natural Resources staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct underlying base zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Subsections M and N, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
- N. Filled Wetlands: Wetlands that are filled prior to the date on which the municipality received final wetland inventory maps, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to the provisions of this Shoreland-Wetland Overlay District.
- O. Wetlands Landward of a Bulkhead Line: Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Stats. are not subject to the provisions of this Shoreland-Wetland Overlay District.
- P. Permitted Uses. The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats. and the provisions of other local, state and federal laws, if applicable:
- (1) Activities and uses that do not require the issuance of a zoning permit, provided that no wetland alteration occurs, including:
    - a) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
    - b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
    - c) The practice of silviculture, including the planting, thinning, and harvesting of timber
    - d) The pasturing of livestock
    - e) The cultivations of agricultural crops
    - f) The construction and maintenance of duck blinds.
  - (2) Uses that do not require the issuance of a zoning permit and that may involve wetland alterations only to the extent specifically provided below:
    - a) The practice of silviculture, including limited temporary water level stabilization measures that are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

- 
- b) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
  - c) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
  - d) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - e) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
  - f) The installation and maintenance of sealed tiles for the purpose of draining lands outside the Shoreland-Wetland Overlay District provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Subsection T(2); and
  - g) The maintenance, repair, replacement, and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- Q. Conditional Uses. The following uses are allowed only upon the issuance of a conditional use permit and may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads that are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Subsection O, provided that:
    - a) The road cannot, as a practical matter, be located outside the wetland;
    - b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Subsection T(2);
    - c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - d) Road construction activities are carried out in the immediate area of the roadbed only; and
    - e) Any wetland alteration must be necessary for the construction or maintenance of the road.
  - (2) The construction and maintenance of nonresidential buildings provided that:
    - a) The building is used solely in conjunction with a use permitted in the Shoreland-Wetland Overlay District or for the raising of waterfowl, minnows or other wetland or aquatic animals;
    - b) The building cannot, as a practical matter, be located outside the wetland;
    - c) The building does not exceed 500 square feet in floor area; and
    - d) Only limited filling and excavating necessary to provide structural support for the building is allowed.
  - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
-

- 
- a) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
  - b) Only limited filling and excavating necessary for the construction of park shelters or similar structures is allowed;
  - c) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection P(1); and
  - d) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
  - e) The use of a boathouse for human habitation and the construction or placement of a boathouse below the ordinary high-water mark of any navigable waters is prohibited.
- (4) The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities, and the construction and maintenance of railroad lines provided that:
- a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
  - c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Subsection T(2).

R. Prohibited Uses.

- (1) Any use not listed in Subsection O of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Subsection T.
- (2) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

S. Nonconforming Structures and Uses.

- (1) The lawful use of a building, structure, or property that existed at the time these Shoreland-Wetland Overlay District provisions, or an applicable amendment to these provisions, took effect and that is not in conformity with the provisions of the Shoreland-Wetland Overlay District, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:
  - a) The Shoreland-Wetland Overlay District provisions of this ordinance authorized by s. 62.231, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling, or expansion of a nonconforming structure in existence on the effective date of the Shoreland-Wetland Overlay District provisions, or of any environmental control facility in existence on May 7, 1982 related to such a structure. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.
  - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure, or property shall conform to the provisions of this Shoreland-Wetland Overlay District.
  - (3) Any legal nonconforming use of property that does not involve the use of a structure and that existed at the time of the adoption or subsequent amendment of these Shoreland-Wetland Overlay

---

District provisions may be continued although such use does not conform with the provisions of this Shoreland-Wetland Overlay District. However, such nonconforming use may not be extended.

- (4) The maintenance and repair of nonconforming boathouses that are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.
- (5) Uses that are nuisances under common law shall not be permitted to continue as nonconforming uses.

T. Administrative Provisions.

(1) Zoning Administrator

- a) The Village of Williams Bay Zoning Administrator is responsible for administering and enforcing this Shoreland-Wetland Overlay zoning ordinance.
- b) The Zoning Administrator shall have the following duties and powers:
  1. Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
  2. Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
  3. Keep records of all permits issued, inspections made, work approved and other official actions.
  4. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
  5. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department of Natural Resources in accordance with Section 18.1200.
  6. Investigate and report violations of this ordinance to the Plan Commission and the district attorney, corporation counsel or municipal attorney.

(2) Zoning Permits

- a) When Required: Unless another subsection of these Shoreland-Wetland Overlay District provisions specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Subsection V(5) or any change in the use of an existing building or structure is initiated.
- b) Application: An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:
  1. General Information:
    - a. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
    - b. Legal description of the property and a general description of the proposed use or development.
    - c. Whether or not a private water supply or sewage system is to be installed.
    - d. A signed Cost Recovery Agreement, per Section 18.1107.

- 
2. Site Development Plan:
    - a. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:
      - i. Dimensions and area of the lot;
      - ii. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
      - iii. Description of any existing or proposed on-site sewage systems or private water supply systems;
      - iv. Location of the ordinary high-water mark of any abutting navigable waterways;
      - v. Boundaries of all wetlands;
      - vi. Existing and proposed topographic and drainage features and vegetative cover;
      - vii. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
      - viii. Location of existing or future access roads; and
      - ix. Specifications and dimensions for areas of proposed wetland alteration.
    - c) Expiration: All permits issued under the authority of this ordinance shall expire six months from the date of issuance.
  - (3) Certificates of Compliance
    - a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building that is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
      1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.
      2. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
      3. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform to all the provisions of this ordinance.
    - b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
    - c) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.
  - (4) Conditional Use Permits: See Sections 18.1207 of this Chapter for regulations and procedures applicable to land uses or structures requiring a conditional use permit.
  - (5) Fees: The Village Board may, by resolution, adopt fees for the following:
    - a) Zoning permits.
-

- b) Certificates of compliance.
  - c) Public hearings.
  - d) Legal notice publications.
  - e) Conditional use permits.
  - f) Rezoning petitions.
- (6) Recording: Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.
- (7) Revocation: Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.
- (8) Board of Appeals: See Section 18.1105.
- a) Public Hearings in front of the Board of Appeals. A copy of public hearing notices for issues involving Shoreland-Wetland overlay zoning shall be mailed to the appropriate district office of the Department of Natural Resources at least 10 days prior to the public hearing.
  - b) Decisions of the Board of Appeals. A copy of the final decision regarding an appeal before the Board of Appeals shall be mailed to the appropriate district office of the Department of Natural Resources within 10 days after the decision is issued.

U. Amendments.

- (1) The Village Board may alter, supplement, or change the overlay district boundaries and the regulations contained in this Chapter in accordance with the requirements of section 62.23(7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the following:
- a) All proposed text and map amendments to the Shoreland-Wetland Overlay District regulations shall first be referred to the Conservation District Commission for review and recommendation per Section 18.0708, above. Following Conservation District Commission review and recommendation, all proposed text and map amendments shall be referred to the Village of Williams Bay Plan Commission and a public hearing shall be held after a class II notice as required by section 62.23(7)(d)2., Wis. Stats.
    - 1. For all text amendments to the Shoreland-Wetland overlay regulations, the appropriate district office of the Department of Natural Resources shall be provided with a copy of the proposed text amendment within five days of the submission of the proposed amendment to the Village of Williams Bay Plan Commission, and written notice of the public hearing at least 10 days prior to such hearing.
    - 2. For map amendments that apply in whole or in part to areas that fall into either or the two categories listed in Section 18.0706J(1) above, the appropriate district office of the Department of Natural Resources shall be provided with a copy of the proposed text amendment within five days of the submission of the proposed amendment to the Village of Williams Bay Plan Commission, and written notice of the public hearing at least 10 days prior to such hearing
- (2) In order to ensure that the provisions of the Shoreland-Wetland Overlay District remain consistent with the shoreland protection objectives of section 281.31, Wis. Stats., the Village of Williams Bay may not rezone a wetland in the Shoreland-Wetland Overlay District, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
- a) Storm and flood water storage capacity;

- 
- b) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
  - c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters;
  - d) Shoreline protection against erosion;
  - e) Fish spawning, breeding, nursery or feeding grounds;
  - f) Wildlife habitat; or
  - g) Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.
- (3) Where the district office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection T(2), the Department of Natural Resources shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.
- (4) For all text amendments to the Shoreland-Wetland overlay district regulations and any map amendments that apply in whole or in part to areas that fall into either or the two categories listed in Section 18.0706J(1) above, the appropriate district office of the Department of Natural Resources shall be provided with the following:
- a) A copy of the recommendation and report, if any, of the Village of Williams Bay Plan Commission on the proposed amendment within 10 days after the submission of those recommendations to the Village Board.
  - b) Written notice of the action on the proposed amendment within 10 days after the action is taken.
- (5) If the Department of Natural Resources notifies the Village of Williams Bay Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection T(2), that proposed amendment, if approved by the Village of Williams Bay, shall not become effective until more than 30 days have elapsed since written notice of the Village's approval was mailed to the Department of Natural Resources, as required by Subsection T(4)b). If within the 30 day period, the Department of Natural Resources notifies the Village of Williams Bay that the Department of Natural Resources intends to adopt a superseding shoreland-wetland zoning ordinance for the Village as provided by sections 62.231(6) and 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.
- (6) Vote required before changes permitted. A three-quarter vote of the Plan Commission in favor of the proposed change and a three-quarter vote of all the members of the Village Board in favor of the proposed change shall be required before any changes may be made to either the text of this Section or SWO Overlay District as shown on the Official Zoning Map.
- V. Enforcement and Penalties. Any development, building, or structure, or accessory building or structure constructed, altered, added to, modified, rebuilt, or replaced or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Plan Commission and the Village Attorney, who shall prosecute such violations. Any person, firm, association, or corporation who violates any of the provisions of this Chapter shall be subject to a forfeiture consistent with Section 18.1106. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public

nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

- W. Definitions. For the purpose of administering and enforcing the provisions of this Shoreland-Wetland Overlay District, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified, shall be measured horizontally.

Where the same or similar term is defined differently in Section 18.0114 of this Chapter, or in any other section of this Chapter, than in this Section 18.0706, the definition provided in this Section shall apply to all Shoreland-Wetland Overlay District provisions and the definition provided in Section 18.0114 shall apply to all other sections of this Chapter.

- (1) "Accessory structure or use" means a detached subordinate structure or a use that is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
- (2) "Boathouse," as defined in section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures that are totally enclosed, have roofs or walls, or any combination of structural parts.
- (3) "Class 2 public notice" means publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven days prior to the hearing.
- (4) "Conditional use" means a use that is allowed by the Shoreland-Wetland Overlay District provisions provided that certain conditions specified in the ordinance are met and that a permit is granted by the Village Board.
- (5) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures, or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation, or drilling operations; and the deposition or extraction of earthen materials.
- (6) "Drainage system" means one or more artificial ditches, tile drains, or similar devices that collect surface runoff or groundwater and convey it to a point of discharge.
- (7) "Environmental control facility" means any facility, temporary or permanent, that is reasonably expected to abate, reduce, or aid in the prevention, measurement, control, or monitoring of noise, air, or water pollutants, solid waste and thermal pollution, radiation, or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or that are to be supplemented or replaced by other pollution control facilities.
- (8) "Fixed houseboat" as defined in section 30.121(1), Wis. Stats., means a structure not actually used for navigation that extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (9) "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of the boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or

62.231, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if any of the following apply:

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

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

- (10) "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 characteristic.
- (11) "Shorelands" means lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (12) "Wetlands" means those areas where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and that have soils indicative of wet conditions.
- (13) "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures, or dike and dam construction in a wetland area.

## 18.0707 Floodplain Overlay Districts

- A. Statutory Authorization. This Section is adopted pursuant to the authorization in ss. 61.35 and 62.23 and the requirements in s. 87.30, Stats.
- B. Finding of Fact. Uncontrolled development and use of the floodplains and rivers of the Village of Williams Bay would impair the public health, safety, convenience, general welfare and tax base.
- C. Statement of Purpose. This Section is intended to regulate floodplain development to accomplish the following goals:
  - (1) Protect life, health, and property.
  - (2) Minimize expenditures of public funds for flood control projects.
  - (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
  - (4) Minimize business interruptions and other economic disruptions.
  - (5) Minimize damage to public facilities in the floodplain.
  - (6) Minimize the occurrence of future flood blight areas in the floodplain.
  - (7) Discourage the victimization of unwary land and homebuyers.
  - (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.

- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

D. General Provisions

- (1) Areas Regulated. This Section regulates all areas that would be covered by the regional flood or base flood. Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS). Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map (FIRM).
- (2) Official Maps and Revisions. The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations in the FIS or on the FIRM must be reviewed and approved by the WisDNR and FEMA before it is effective. No changes to regional flood elevations on non-FEMA maps shall be effective until approved by the WisDNR. These maps and revisions are on file at Village Hall.
  - a) FIRM panel numbers 55127C0305D, 55127C0308D, and 55127C0310D dated October 2, 2009 with corresponding profiles that are based on the FIS, volume 55127CV000A (Community Number 550594) dated October 2, 2009
  - b) Flood Boundary and Floodway Map: Village of Williams Bay, Walworth County, WI, dated May 15, 1984

E. Establishment of Districts. The regional floodplain areas are divided into two overlay districts as follows:

- (1) The Floodway Overlay District (FWO) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (2) The Floodfringe Overlay District (FFO) is that portion of the floodplain between the regional flood limits and the floodway.
- (3) The General Floodplain Overlay District (GFO) is those areas that have been or may be covered by floodwater during the regional flood.

F. Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (1) and (2) below. If a significant difference exists, the map shall be amended according to Subsection V. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Subsection U(6)f)1. and 2., and the criteria in (1) through (3) below.

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the WisDNR.
- (3) Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Subsection V(1)f).

G. Removal of Lands from Floodplain. Compliance with the provisions of this Section shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Subsection V.

---

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

- H. Compliance. Any development or use within the areas regulated by this Section shall be in compliance with the terms of this Section, and other applicable local, state, and federal regulations.
- I. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when §30.2022, Wis. Stats., applies.
- J. Abrogation and Greater Restrictions.
- (1) This Section supersedes all the provisions of any municipal zoning ordinance enacted under §61.35 or §87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this Section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
  - (2) This Section is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this Section imposes greater restrictions, the provisions of this Section shall prevail.
- K. Interpretation. In their interpretation and application, the provisions of this Section are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Section, required by Chapter NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Section or in effect on the date of the most recent text amendment to this Section.
- L. Warning and Disclaimer of Liability. The flood protection standards in this Section are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Section does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Section create liability on the part of, or a cause of action against, the Village of Williams Bay or any officer or employee thereof for any flood damage that may result from reliance on this Section.
- M. Severability. Should any portion of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.
- N. Annexed Areas. The Walworth County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village of Williams Bay for all annexed areas until the Village adopts and enforces an ordinance that meets the requirements of Chapter. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.
- O. General Development Standards. The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All

---

subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Section.

P. General Development Standards Applicable to All Floodplain Overlay Districts.

(1) Hydraulic and Hydrologic Analyses.

- a) Except as allowed in subsection c) below, no floodplain development shall:
  1. Obstruct flow, defined as development that blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
  2. Increase regional flood height due to floodplain storage area lost that equals or exceeds 0.01 foot.
- b) The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of subsection c) are met.
- c) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Section, the official floodplain overlay zoning maps, floodway lines, and water surface profiles, in accordance with Subsection V.
- d) Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the WisDNR.

(2) Watercourse Alterations. No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Village has notified in writing all adjacent municipalities, WisDNR and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Zoning Administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required.

(3) Development Under Chapter 30, 31, Wisconsin Statutes. Development that requires a permit from WisDNR under Chapters. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or this Section are made according to Subsection V.

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

- a) The campground is approved by the Department of Health Services.
- b) A zoning permit for the campground is issued by the Zoning Administrator.
- c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official that specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning

- systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
1. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in d), above to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
  - e) Only camping units are allowed.
  - f) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
  - g) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this Section.
  - h) The municipality shall monitor the limited authorizations issued by the campground operator to ensure compliance with the terms of this Section.
  - i) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Subsection Q or Subsection R for the floodplain district in which the structure is located.
  - j) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
  - k) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Q. Floodway Overlay District (FWO)

- (1) Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Subsection S(4).
- (2) Permitted Uses. The following open space uses are allowed in the Floodway Overlay district and the floodway areas of the General Floodplain Overlay district provided they are not prohibited by any other section of this Chapter; they meet the standards in Subsections Q(3) and Q(3)e); and all permits or certificates have been issued according to Section U(1).
  - a) Agricultural uses such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
  - b) Nonstructural industrial and commercial uses such as loading areas, parking areas, and airport landing strips.
  - c) Nonstructural recreational uses such as golf courses; tennis courts; archery ranges; picnic grounds; boat ramps; swimming areas; parks; wildlife and nature preserves; game farms; fish hatcheries; shooting, trap, and skeet activities; hunting and fishing areas; and hiking and horseback riding trails; subject to the fill limitations of Subsection Q(3)d).
  - d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Subsections Q(3) and Q(3)e).
  - e) Extraction of sand, gravel, or other materials that comply with Subsection Q(3)d).

- 
- f) Functionally water-dependent uses such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids, river crossings of transmission lines, and pipelines that comply with Chapters 30, 31, Wis. Stats.
  - g) Public utilities, streets, and bridges that comply with Subsection Q(3)c).
- (3) Standards for Developments in Floodway Areas.
- a) General.
    - 1. Any development in floodway areas shall comply with Subsection P and have low flood damage potential.
    - 2. Applicants shall provide the following data to determine the effects of the proposal according to Subsection P(1);
      - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      - b. An analysis calculating the effects of this proposal on regional flood height.
    - 3. The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection 2 above.
  - b) Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
    - 1. The structure is not designed for human habitation and does not have a high flood damage potential.
    - 2. The structure is anchored to resist flotation, collapse, and lateral movement;
    - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - 4. It must not obstruct the flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - c) Public Utilities, Streets, and Bridges. Public utilities, streets, and bridges may be allowed by permit, if:
    - 1. Adequate floodproofing measures are provided to the flood protection elevation; and
    - 2. Construction meets the development standards of P(1).
  - d) Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:
    - 1. The requirements of P(1) are met;
    - 2. No material is deposited in the navigable channel unless a permit is issued by the WisDNR pursuant to Chapter 30, Wis. Stats., and a permit pursuant to §404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Section are met;
    - 3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling, or bulkheading; and
    - 4. The fill is not classified as a solid or hazardous material.
  - e) Prohibited Uses. All uses not listed as permitted uses in Subsection (2) are prohibited, including the following uses:

1. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.
2. Storing materials that are buoyant, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
3. Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
4. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and WisDNR-approved campgrounds that meet the applicable provisions of local ordinances and Chapter COMM 83, Wis. Adm. Code.
5. Any public or private wells that are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code.
6. Any solid or hazardous waste disposal sites.
7. Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b), Wis. Adm. Code.
8. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway, that comply with the regulations for the floodplain area occupied.

R. Floodfringe Overlay District (FFO)

- (1) Applicability. This Section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Subsection S(4).
- (2) Permitted Uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in Subsection R(3) are met, the use is allowed by this and all other applicable sections of this Chapter, and regulation and all permits or certificates specified in Subsection U have been issued.
- (3) Standards for Development in Floodfringe Areas. Subsection P(1) shall apply in addition to the following requirements according to the use requested.
  - a) Residential Uses. Any habitable structure, including a manufactured home, that is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards:
    1. The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The WisDNR may authorize other floodproofing measures if the elevations of existing streets or sewer lines make compliance impractical.
    2. The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
    3. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in d., below.
    4. In developments where existing street or sewer line elevations make compliance with c., above, impractical, the Village may allow new development and substantial improvements where access roads are at or below the regional flood elevation, if:

- 
- a. The Village has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  - b. The Village has a natural disaster plan approved by Wisconsin Emergency Management and the WisDNR.
- b) Accessory Structures or Uses.
1. Except as provided in subsection 2. below, an accessory structure that is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
  2. An accessory structure that is not connected to the principal structure and that is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Subsections Q(3)b) and R(3)e).
- c) Commercial Uses. Any commercial structure that is erected, altered, or moved into the floodfringe area shall meet the requirements of Subsection R(3)a). Subject to the requirements of R(3)e), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- d) Industrial Uses. Any industrial structure that is erected, altered, or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Subsection U(7). Subject to the requirements of R(3)e), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- e) Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property; water quality; or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with Subsection U(7). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- f) Public Utilities, Streets, and Bridges.
1. All utilities, streets, and bridges shall be designed to be compatible with comprehensive floodplain development plans.
  2. When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be allowed if they are floodproofed in compliance with Section U(7) to the flood protection elevation.
  3. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- g) Sewage Systems. All on-site sewage disposal systems shall be floodproofed, pursuant to Section U(7), to the flood protection elevation and shall meet the provisions of all local ordinances and Chapter COMM 83, Wis. Adm. Code.
- h) Wells. All wells shall be floodproofed, pursuant to Subsection U(7), to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wis. Adm. Code.
- i) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- j) Deposition of Materials. Any deposited material must meet all the provisions of this Section.
-

- 
- k) Manufactured Homes.
    - 1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage.
    - 2. Owners or operators of all manufactured home parks and subdivisions shall secure approval and file an evacuation plan indicating vehicular access and escape routes with local emergency management authorities.
    - 3. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
      - a. Have the lowest floor elevated to the flood protection elevation; and
      - b. Be anchored so they do not float, collapse, or move laterally during a flood.
    - 4. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Subsection R(3)a).
  - l) Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Subsections R(3)k)3. and 4. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.
- S. General Floodplain Overlay District (GFO)
- (1) Applicability. The provisions for this overlay district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe overlay districts shall be delineated when adequate data is available.
  - (2) Permitted Uses. Pursuant to Subsection S(4), it shall be determined whether the proposed use is located within a floodway or floodfringe area. Those uses permitted in floodway (Subsection R(2)) and floodfringe areas (Subsection Q(2)) are allowed within the General Floodplain overlay district, according to the standards of Subsection (3), below, provided that all permits or certificates required under Subsection U have been issued.
  - (3) Standards for Development in the General Floodplain District. Subsection Q applies to floodway areas and Subsection R applies to floodfringe areas. The rest of this ordinance applies to either district.
  - (4) Determining Floodway and Floodfringe Limits. Upon receiving an application for development within the General Floodplain overlay district, the zoning administrator shall:
    - a) Require the applicant to submit two copies of an aerial photograph or a plan that shows the proposed development with respect to the General Floodplain overlay district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and flood proofing measures;
    - b) Require the applicant to furnish any of the following information deemed necessary by the WisDNR to evaluate the effects of the proposal upon flood height and flood flows and regional flood elevation, and to determine floodway boundaries:
      - 1. A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
-

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types; and other pertinent information;
  3. Profile showing the slope of the bottom of the channel or flow line of the stream;
  4. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- c) Transmit one copy of the information described in paragraphs a) and b) to the WisDNR Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Subsection U(2) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

#### T. Nonconforming Uses and Structures

##### (1) General.

- a) **Applicability.** If these standards conform with §62.23(7)(h), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises that was lawful before the passage of this Section or any amendment thereto.
- b) The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this Section may continue subject to the following conditions:
  1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include, but are not limited to, any alteration; addition; modification; structural repair; rebuilding or replacement of any such existing use, structure, or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification, or addition. Ordinary maintenance repairs include painting; decorating; paneling; and the replacement of doors, windows, and other nonstructural components; and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
  2. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the principal structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
  3. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer allowed and any future use of the property, and any structure or building thereon shall conform to the applicable requirements of this Section.
  4. The municipality shall keep a record that lists all nonconforming uses and nonconforming structures, their equalized assessed value at the time this ordinance was adopted, the cost of all modifications or additions that have been permitted, and the percentage of the structure’s total current value those modifications represent.
  5. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its equalized assessed value at the time this ordinance was adopted, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Section. Contiguous dry land access

must be provided for residential and commercial uses in compliance with Subsection R(3)a). Costs associated with elevating a nonconforming structure or a structure with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this paragraph.

6. Except as provided in Subsection 7., below if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the requirements of this Chapter. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's equalized assessed value immediately before the damage occurred.
  7. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be allowed in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
  8. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Subsection Q(3)c), flood resistant materials are used, and construction practices and floodproofing methods that comply with Subsection R(3)a) are used.
- (2) Floodway Areas.
- a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
    1. Has been granted a permit or variance that meets all requirements of this Section;
    2. Meets the requirements of Subsection T(1);
    3. Will not increase the obstruction to flood flows or regional flood height;
    4. Any addition to the existing structure shall be floodproofed, pursuant to Subsection U(7), by means other than the use of fill, to the flood protection elevation;
    5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
      - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade.
      - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
      - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation.
      - d. The use must be limited to parking or limited storage.
  - b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Chapter COMM 83, Wis. Adm. Code.

- c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair, or maintenance of an existing well in a floodway area shall meet the applicable requirements of all Village ordinances and Chapters. NR 811 and NR 812, Wis. Adm. Code.

(3) Floodfringe Areas.

- a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Subsections R(3) and U(7), except where Section T(3)b) is applicable.
- b) Where compliance with the provisions of Subsection a), above, would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Subsection U(6), may grant a variance from those provisions of Subsection a), above, for modifications or additions, using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted if:
  - 1. No floor is allowed below the regional flood elevation for residential or commercial structures;
  - 2. Human lives are not endangered;
  - 3. Public facilities such as water or sewer will not be installed;
  - 4. Flood depths will not exceed two feet;
  - 5. Flood velocities will not exceed two feet per second; and
  - 6. The structure will not be used for storage of materials as described in Subsection R(3)e).
- c) If neither the provisions of Subsections a) or b), above, can be met, one addition to an existing room in a nonconforming structure or a structure with a nonconforming use may be allowed in the floodfringe, if the addition:
  - 1. Meets all other regulations and will be granted by permit or variance;
  - 2. Does not exceed 60 square feet in area; and
  - 3. In combination with other previous modifications or additions to the structure, does not equal or exceed 50 percent of the equalized assessed value at the time this ordinance was adopted of the building.
- d) All new private sewage disposal systems or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Chapter COMM 83, Wis. Adm. Code.
- e) All new wells or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this Section and Chapter NR 811 and NR 812, Wis. Adm. Code.

U. Administration.

- (1) Zoning Administrator. The Village of Williams Bay Zoning Administrator is authorized to administer this Section and shall have the following duties and powers:
  - a) Advise applicants of the ordinance provisions.
  - b) Assist in preparing permit applications and appeals.

- 
- c) Ensure that the regional flood elevation for the proposed development is shown on all permit applications.
  - d) Issue permits and inspect properties for compliance with provisions of this Section, and issue Certificates of Compliance where appropriate.
  - e) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
  - f) Keep records of all official actions, such as:
    - 1. All permits issued, inspections made, and work approved.
    - 2. Documentation of certified lowest floor and regional flood elevations for floodplain development.
    - 3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances, and amendments.
    - 4. All substantial damage assessment reports for floodplain structures.
  - g) Submit copies of the following items to the WisDNR regional office:
    - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
    - 2. Copies of any case-by-case analyses, and any other information required by the WisDNR, including an annual summary of the number and types of floodplain zoning actions taken.
    - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
  - h) Investigate, prepare reports, and report violations of this Section to the Village Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the WisDNR regional office.
  - i) Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- (2) Zoning Permit. A zoning permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include the following items in addition to those items listed in Section 18.1209:
- a) A site plan drawn to scale that includes the following information:
    - 1. Location of the ordinary high water mark of any abutting navigable waterways.
    - 2. Location of floodplain and floodway limits as determined from the official floodplain zoning maps.
    - 3. The elevation of the lowest floor of proposed structures and any fill using vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
    - 4. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Subsection Q or Subsection R are met.
    - 5. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Subsection P(1). This may include any of the information noted in Subsection Q(3)a).

- 
- b) Data Required to Analyze Developments.
1. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities, and floodplain storage, for all subdivision proposals, as “subdivision” is defined in Chapter 236, Wis. Stats., and other proposed developments exceeding five acres in area or where the estimated cost exceeds \$125,000. The applicant shall also provide the following:
    - a. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
    - b. A map showing location and details of vehicular access to lands outside the floodplain.
    - c. A surface drainage plan showing how flood damage will be minimized.
    - d. The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.
  - c) Expiration. All permits issued under the authority of this Section shall expire 18 months after issuance.
- (3) Certificate of Compliance. No land shall be occupied or used, and no building that is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a Certificate of Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- a) The Certificate of Compliance shall show that the structure or premises, or part thereof, and the proposed use conform to the provisions of this Section.
  - b) Application for such certificate shall be concurrent with the application for a permit.
  - c) If all ordinance provisions are met, the Certificate of Compliance shall be issued within 10 days after written notification that the permitted work is completed.
  - d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor, and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Section U(7).
- (4) Other Permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.
- (5) The Plan Commission
- a) The Village of Williams Bay Plan Commission shall have the following responsibilities:
    1. Oversee the functions of the office of the Zoning Administrator.
    2. Review and advise the Village Board on all proposed amendments to this Section, maps, and text.
  - b) The Plan Commission shall not:
    1. Grant variances to the terms of this Section in place of action by the Zoning Board of Appeals.
    2. Amend the text or zoning maps in place of official action by the Village Board.
-

- 
- (6) Zoning Board of Appeals.
- a) The Zoning Board of Appeals, created under §62.23(7)(e), Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this Section. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board.
  - b) Powers and Duties. The Zoning Board of Appeals shall have following powers and duties:
    1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Section.
    2. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
    3. Hear and decide, upon appeal, variances from the standards of this Section.
  - c) Appeals to the Board. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
  - d) Notice and Hearing for Appeals Including Variances.
    1. Notice. The Board shall:
      - a. Fix a reasonable time for the hearing.
      - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing.
      - c. Ensure that notice shall be mailed to the parties in interest and the WisDNR regional office at least 10 days in advance of the hearing.
    2. Hearing. Any party may appear in person or by agent. The Board shall:
      - a. Resolve boundary disputes according to Subsection U(6)f).
      - b. Decide variance applications according to Subsection U(6)g).
      - c. Decide appeals of permit denials according to Subsection U(6)h).
  - e) Decision. The final decision regarding the appeal or variance application shall:
    1. Be made within a reasonable time.
    2. Be sent to the WisDNR regional office within 10 days of the decision.
    3. Be a written determination signed by the chairperson or secretary of the Board.
    4. State the specific facts that are the basis for the Board's decision.
    5. Affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction, or grant or deny the variance application.
    6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
-

- 
- f) Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
  2. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
  3. If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the Village for a map amendment according to Subsection V.
- g) Variance.
1. The Board may, upon appeal, grant a variance from the standards of this Section if an applicant convincingly demonstrates that:
    - a. Literal enforcement of the provisions of this Section will cause unnecessary hardship.
    - b. The hardship is due to adoption of the floodplain regulations and unique property conditions, not common to adjacent lots or premises. In such case this Section or the Official Zoning Map must be amended.
    - c. The variance is not contrary to the public interest.
    - d. The variance is consistent with the purpose of this Section as described in Subsection C.
    - e. In addition to the criteria in Subsection a., above, to qualify for a variance under FEMA regulations, the following criteria must be met:
      - i. The variance may not cause any increase in the regional flood elevation.
      - ii. Variances may only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the regional flood elevation.
      - iii. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts, and shall not be contrary to the purpose of the Section.
  2. A variance shall not:
    - a. Grant, extend, or increase any use prohibited in either the underlying base zoning district or any applicable overlay district, including the FWO and FFO overlay districts.
    - b. Be granted for a hardship based solely on an economic gain or loss.
    - c. Be granted for a hardship that is self-created.
    - d. Damage the rights or property values of other persons in the area.
      - i. Allow actions without the amendments to this Section or map(s) required in Subsection V(1).
      - ii. Allow any alteration of a historic structure--including its use--that would preclude its continued designation as an historic structure.
    - e. When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy of such notice shall be maintained with the variance record.
-

- 
- h) To Review Appeals of Permit Denials.
1. The Board shall review all data related to the appeal. This may include:
    - a. Permit application data listed in Subsection U(2).
    - b. Floodway/floodfringe determination data in Subsection S(4).
    - c. Data listed in Subsection Q(3)a)2. where the applicant has not already submitted this information to the Zoning Administrator.
    - d. Other data submitted with the application, or submitted to the Board with the appeal.
  2. For appeals of all denied permits the Board shall:
    - a. Follow the procedures of Subsection U(6).
    - b. Consider Plan Commission recommendations.
    - c. Either uphold the denial or grant the appeal.
  3. For appeals concerning increases in regional flood elevation the Board shall:
    - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
    - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot, provided no other reasons for denial exist.
- (7) Floodproofing.
- a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
  - b) Floodproofing measures shall be designed to:
    1. Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors.
    2. Protect structures to the flood protection elevation.
    3. Anchor structures to foundations to resist flotation and lateral movement.
    4. Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
  - c) Floodproofing measures could include:
    1. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
    2. Adding mass or weight to prevent flotation.
    3. Placing essential utilities above the flood protection elevation.
    4. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
    5. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
-

6. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.
- d) Public Information.
  1. Place marks on structures to show the depth of inundation during the regional flood.
  2. All maps, engineering data, and regulations shall be available and widely distributed.
  3. All real estate transfers should show what floodplain zoning district any real property is in.

#### V. Amendments

- (1) General. The Village Board may change or supplement the floodplain overlay zoning district boundaries and the provisions of this Section in the manner provided by law. Actions that require an amendment include, but are not limited to, the following:
  - a) Any change to the official floodplain overlay zoning map, including the floodway line or boundary of any floodplain area.
  - b) Correction of discrepancies between the water surface profiles and floodplain overlay zoning maps.
  - c) Any fill in the floodplain that raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
  - d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
  - e) Any upgrade to floodplain overlay zoning ordinance text required by NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Williams Bay.
  - f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.
  - g) Note: Consult the FEMA web site for the map change fee schedule.
- (2) Procedures. Ordinance amendments may be made upon petition of any interested party according to the provisions of §62.23, Wis. Stats. Such petitions shall include all necessary data required by Subsections S(4) and U(2).
  - a) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the WisDNR regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of §62.23, Wis. Stats.
  - b) No amendments shall become effective until reviewed and approved by the WisDNR.
  - c) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.
  - d) For amendments in areas with no water surface profiles, the Plan Commission or Village Board shall consider data submitted by the WisDNR, the Zoning Administrator's visual on-site inspections, and other available information.

W. Enforcement and Penalties. Any violation of the provisions of this Section by any person shall be unlawful and shall be referred to the Village attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Williams Bay a penalty of not less than \$25.00 and not more than \$50.00, together with a taxable cost of such action. Each day of continued violation

shall constitute a separate offense. Every violation of this Section is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to §87.30, Wis. Stats.

- X. Definitions. Unless specifically defined, words and phrases in this Section shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

Where the same or similar term is defined differently in Section 18.0114 or in any other section of this Chapter than in this Section 18.0707, the definition provided in this Section shall apply to all Floodplain Overlay District provisions and the definition provided in Section 18.0114 shall apply to all other sections of this Chapter.

- (1) "A Zones": Those areas shown on the Official Floodplain Overlay Zoning Map that would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (2) "Accessory Structure or use": A facility, structure, building or use, which is accessory or incidental to the principal use of a property, structure or building.
- (3) "Base Flood": Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (4) "Basement": Any enclosed area of a building having its floor sub-grade (i.e., below ground level), on all sides.
- (5) "Building": See "Structure."
- (6) "Bulkhead Line": A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and that allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (7) "Campground": Any parcel of land that is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or that is advertised or represented as a camping area.
- (8) "Camping Unit": Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent, or other mobile recreational vehicle.
- (9) "Certificate of Compliance": A certification that the construction and the use of land or a building, the elevation of fill, or the lowest floor of a structure is in compliance with all of the provisions of this Section.
- (10) "Channel": A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (11) "Crawlways" or "Crawl Space": An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- (12) "Deck": An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.
- (13) "Department": The Wisconsin Department of Natural Resources.

- 
- (14) “Development”: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or alterations to buildings, structures, or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation/ or drilling operations; the storage, deposition/ or extraction of materials or equipment; and the installation, repair, or removal of public or private sewage disposal systems or water supply facilities.
- (15) “Dryland Access”: A vehicular access route that is above the regional flood elevation and that connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (16) “Encroachment”: Any fill, structure, equipment, building, use, or development in the floodway.
- (17) “Existing Manufactured Home Park or Subdivision”: A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Section. At a minimum, this would include the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.
- (18) “Expansion to Existing Mobile/Manufactured Home Park”: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.
- (19) “Federal Emergency Management Agency (FEMA)”: The federal agency that administers the National Flood Insurance Program.
- (20) “Flood Insurance Rate Map (FIRM)”: A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (21) “Flood” or “Flooding”: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- a) The overflow or rise of inland waters;
  - b) The rapid accumulation or runoff of surface waters from any source;
  - c) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (22) “Flood Frequency”: The probability of a flood occurrence determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (23) “Floodfringe”: That portion of the floodplain outside of the floodway that is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (24) “Flood Hazard Boundary Map”: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
-

- 
- (25) “Flood Insurance Study”: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (26) “Floodplain”: Land that has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- (27) “Floodplain Island”: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (28) “Floodplain Management”: Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (29) “Flood Profile”: A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (30) “Floodproofing”: Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities, and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.
- (31) “Flood Protection Elevation”: An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: “Freeboard”)
- (32) “Flood Storage”: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (33) “Floodway”: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (34) “Freeboard”: A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.
- (35) “Habitable Structure”: Any structure or portion thereof used or designed for human habitation.
- (36) “Hearing Notice”: Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (37) “High Flood Damage Potential”: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (38) “Historic Structure”: Any structure that is either:
- a) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or
  - d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- (39) “Increase in Regional Flood Height”: A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions that is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.
- (40) “Land Use”: Any nonstructural use made of unimproved or improved real estate. (Also see “Development”)
- (41) “Manufactured Home”: A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term “manufactured home” includes a mobile home but does not include a “mobile recreational vehicle.”
- (42) “Mobile Recreational Vehicle”: A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled, carried, or permanently towable by a licensed, light-duty vehicle; is licensed for highway use if registration is required; and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of “mobile recreational vehicles ”
- (43) “Municipality” or “Municipal”: The Village of Williams Bay, which is enacting, administering, and enforcing this zoning ordinance.
- (44) “NAVD” or “North American Vertical Datum”: Elevations referenced to mean sea level datum, 1988 adjustment.
- (45) “NGVD” or “National Geodetic Vertical Datum”: Elevations referenced to mean sea level datum, 1929 adjustment.
- (46) “New Construction”: For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the Village of Williams Bay and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” (see definition below) commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (47) “Nonconforming Structure”: An existing lawful structure or building that is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

- 
- (48) “Nonconforming Use”: An existing lawful use or accessory use of a structure or building that is not in conformity with the provisions of this ordinance for the area of the floodplain it occupies. (Such as a residence in the floodway.)
- (49) “Obstruction to Flow”: Any development that blocks the conveyance of floodwaters such that this development alone or together with any future development would cause an increase in regional flood height.
- (50) “Official Floodplain Zoning Map”: That map, adopted and made part of this ordinance, as described in Subsection D(2), which has been approved by the Department and FEMA.
- (51) “Open Space Use”: Those uses having a relatively low flood damage potential and not involving structures.
- (52) “Ordinary Highwater Mark”: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (53) “Person”: An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
- (54) “Private Sewage System”: A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same lot as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.
- (55) “Public Utilities”: Those utilities using underground or overhead transmission lines such as electric; telephone and telegraph; and distribution and collection systems such as water, sanitary sewer, and storm sewer.
- (56) “Reasonably Safe from Flooding”: Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (57) “Regional Flood”: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (58) “Start of Construction”: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (59) “Structure”: Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams, and culverts.
-

- 
- (60) “Subdivision”: Has the meaning given in s. 236.02(12), Wis. Stats.
- (61) “Substantial Damage”: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- (62) “Unnecessary Hardship”: Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- (63) “Variance”: An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner that is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (64) “Violation”: The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (65) “Watershed”: The entire regional contributing runoff or surface water to a watercourse or body of water.”
- (66) “Water Surface Profile”: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (67) “Well”: Mean an excavation opening in the ground made by digging, boring, drilling, driving, or other methods to obtain groundwater regardless of its intended use.

## 18.0708 EC Environmental Conservation Overlay District

- (a) Purpose. This district is intended to preserve, protect, and enhance lakes, ponds, wetlands, woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; protect native plant communities; avoid location of structures on soils that are generally not suitable for such use; control erosion and sedimentation; and maintain the natural beauty of the Village of Williams Bay.
- (b) District Boundaries. The boundaries of the EC overlay district shall be depicted on the Official Zoning Map. At the discretion of the Village Conservation District Commission (see Subsection (f), below), the Plan Commission, and Village Board, the EC overlay district may encompass areas delineated as Primary or Secondary Corridors or Isolated Natural Features by the Southeastern Wisconsin Regional Planning Commission. (SEWRPC), as amended from time to time, and/or lands comprised of any of following natural resources:
- (1) 100-year floodplains
  - (2) Wetlands
  - (3) Shorelands
  - (4) Drainageways
  - (5) Steep Slopes (greater than 12 percent)
  - (6) Woodlands
  - (7) Archaeological and historic sites
  - (8) Wildlife habitat

- 
- (c) Land Uses Permitted by Right:
- (1) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
  - (2) The harvesting of wild crops such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, and wild flowers in a manner that is not injurious to the natural reproduction of such crops.
  - (3) The practice of silviculture, including the planting, thinning, and harvesting of timber.
  - (4) Construction and maintenance of fences.
  - (5) Existing agricultural uses provided they do not involve extension of cultivated areas, extension or creation of new drainage systems, and further provided they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
  - (6) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
  - (7) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
  - (8) The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
  - (9) Cultivation of native plants.
  - (10) The construction and maintenance of hiking, bicycling, and cross country ski trails.
  - (11) The construction and maintenance of observation towers not to exceed 35 feet in height.
  - (12) The construction and maintenance of ponds and other suitable conditions for wildlife, wild fowl, and migrating bird habitat.
  - (13) Snowmobile trails may be designated for use by the owner upon specific approval by the Village Board with such use to be limited to marked designated trails only for the period December 1 to March 1, annually. All terrain vehicle use is not permitted.
  - (14) Stream bed and stream bank improvement and restoration projects.
  - (15) The construction and maintenance of official signs such as identification, educational, informational, directional, warning, parking or traffic control or similar type signs with the permission of the Village Board as may be necessary and appropriate for the functioning of the conservancy district.
  - (16) Forest and game management
  - (17) Preservation of scenic, historic, natural area, and critical species habitat sites.
- (d) Land Uses Allowed by Conditional Use Permit (see Section 18.1207).
- (1) The construction of streets necessary for the continuity of the Village street system, necessary for the provision of essential utility and public safety services, or necessary to provide access to permitted open space uses, provided that:
    - a. The road cannot, as a practical matter, be located outside of an EC overlay district; and
    - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the EC overlay district within which is it located, and meets the following standards:

1. The road shall be designed and constructed for the minimum cross-section practical to serve the intended use;
  2. Road construction activities are to be carried out in the immediate area of the roadbed only; and
  3. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the road.
- (2) The construction and maintenance of nonresidential buildings used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose that is compatible with environmental preservation, if such building cannot, as practical matter, be located outside of an EC overlay district, provided that:
- a. Any such building does not exceed 500 square feet in floor area; and
  - b. No filling, flooding, draining, dredging, ditching, tiling, or excavating is to be done.
- (3) The establishment and development of public and private parks and recreation areas, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:
- a. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
  - b. No filling is to be done; and
  - c. Ditching, excavating, dredging, and dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of natural resources.
- (4) The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to members, provided that:
- a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside of an EC overlay district, and
  - b. Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the EC overlay district.
- (5) The construction and maintenance of municipal purpose buildings serving the public, such as nature centers; educational or instructional buildings; natural history museums or display buildings; public equipment storage sheds or buildings; Village assembly buildings to include a Village Hall, Village Police or Fire Station, or other similar structures; together with vehicle parking areas.
- (e) Tree Cutting and Shrubbery Clearing Limited. Lands lying within the EC overlay district shall not be clear cut of trees, shrubbery, or underbrush. No more than 10 percent of the natural vegetation shall be removed from a parcel. Areas not occupied by structures or driveways shall be replanted with other vegetation that is equally effective in retarding runoff, preventing erosion, and preserving natural beauty. Normal pruning, trimming, and shearing of vegetation; removal of dead, diseased, insect-infested vegetation; and silvicultural thinning conducted under the recommendation of a forester shall be exempt from this restriction.
- (f) Conservation District Commission.

- (1) **Creation.** There is hereby created a Conservation District Commission to consist of seven members appointed by the Village President and confirmed by the Village Board. Upon the initial creation of the Commission, the members shall be appointed and confirmed to hold office for a period ending one, two, two terms at three, four, and two terms at five years, respectively, from the preceding first day of May, and thereafter annually, during April, one or two such members, depending upon the number of expiring terms, shall be appointed and confirmed for a term of five years. Members thereof shall be persons of recognized experience and qualifications and shall be either an owner of real estate within the Village or be an elector of the Village.
- (2) **Functions.** It shall be the function of the Conservation District Commission to review, study, and investigate, and thereafter report its findings and recommendations to the Village Plan Commission and Village Board regarding the use and development of EC overlay district lands. In addition, it shall be the function of the Conservation District Commission to review, study, and investigate all proposed improvements, planning, development, rezoning, subdividing, or developing in any sense lands zoned in the EC overlay district within the Village of Williams Bay and thereafter report its findings and recommendations concerning same to the Village Plan Commission and Village Board.
- (3) It shall be a requirement that any proposed or intended changes to the text of the EC Environmental Conservation Overlay District, or any proposed or intended changes to the Official Zoning Map involving EC zoned areas shall first be reviewed by the Commission prior to submission to the Village Plan Commission for its required reports and recommendations to the Village Board.
- (4) Such recommendation and report shall be required before the Village Plan Commission or Village Board can take any action with regard to any proposed changes to the EC Environmental Conservation Overlay District text contained in this section or any proposed changes on the Official Zoning Map related to EC district zoning. Six affirmative votes shall be necessary for such recommendation and report before final action is taken by the Plan Commission and/or Village Board concerning such textual or zoning map changes.
- (5) **Vote required before changes permitted.** A three-quarter vote of the Plan Commission in favor of the proposed change and a three-quarter vote of all the members of the Village Board in favor of the proposed change shall be required before any changes may be made to either the text of this Section, or the EC district as shown on the Official Zoning Map.

### **18.0709 PDO Planned Development Overlay District**

- A. **Description and Purpose.** The Planned Development Overlay Districts is intended to promote improved design and innovative land uses in the Village in accordance with the Village Comprehensive Plan. This overlay district allows variations from the typical base zoning district requirements in developments that are conceived and implemented as cohesive, unified projects. In exchange, these unified projects must be developed in accordance with detailed site plans approved only following a careful review process. Areas that may be deemed appropriate for the Planned Development Overlay District include: land use transitional areas, areas where a mix of land uses already exists, infill or redevelopment areas, and established or planned commercial areas.
- B. **Provision of Flexible Development Standards for Planned Developments**
  - (1) **Permitted Location.** Planned Developments shall only be allowed following the adoption of a Planned Development Overlay Zoning District, specific to the approved Final Development Plan described in Subsection H below.
  - (2) **Flexible Development Standards.** The following exemptions to the development standards of the underlying base zoning district may be provided as part of the approval of a Planned Development:

- 
- a) Land Use Requirements. All residential, institutional, and business land uses listed in Section 18.0200 may be allowed by right or by conditional use within a Planned Development. Uses proposed for a Planned Development are not limited to those allowed within the underlying base zoning district.
  - b) Density and Intensity Requirements. All requirements listed in Sections 18.0200 and 18.0400 for residential density and nonresidential intensity may be varied within a Planned Development.
  - c) Bulk Requirements. All requirements listed in Sections 18.0200 and 18.0500 may be varied within a Planned Development.
  - d) Landscaping Requirements. All requirements listed in Section 18.0900 may be varied within a Planned Development.
  - e) Parking and Loading Requirements. All requirements listed in Section 18.0805 and 18.0806 may be varied within a Planned Development.
- (3) Requirement to Depict All Aspects of Development. Only improvements that are explicitly depicted on the required site plan approved by the Village Board as part of the approved Planned Development shall be allowed, even if such improvement (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading) is otherwise listed as allowable in Subsection B. Requested exemptions from and variations in these standards shall be made explicit by the applicant in the Planned Development application, and shall be recommended by the Plan Commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions or variations shall not be allowed.
- C. Initiation of Request for Approval of a Planned Development. Proceedings for approval of a Planned Development may be initiated by any of the following:
- (1) an application by the owner(s) of the subject property;
  - (2) a recommendation of the Plan Commission; or
  - (3) by action of the Village Board.
- D. Application Requirements. All applications for a proposed Planned Development, regardless of the party of their initiation per C. above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of the Planned Development approval process. The Zoning Administrator shall forward copies of said complete application to the office of the Village Clerk. Said application shall apply to each of the process steps in E through H below.
- E. Step 1: Pre-Application Conference.
- (1) The applicant shall contact the Zoning Administrator to place an informal discussion item for the PDO on the Plan Commission agenda.
  - (2) No details beyond the name of the applicant and the identification of the discussion item as a PDO is required to be given in the agenda.
  - (3) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the potential PDO. Appropriate topics for discussion may include the location of the PDO, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and nonresidential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and the relationship to the Village Comprehensive Plan.
  - (4) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step.
-

- 
- F. Step 2: Concept Plan Review. Upon completion of the pre-application conference, described above, the applicant shall provide the Zoning Administrator with a concept plan submittal, the contents of which are listed under Subsection (4), below. Upon determination of completeness by the Zoning Administrator, the Planned Development concept plan may be placed on the Plan Commission agenda for review.
- (1) At the Plan Commission meeting, the applicant shall engage in an informal discussion with the Plan Commission regarding the planned development concept plan. Appropriate topics for discussion may include the any of the information provided in the concept plan submittal packet, or other items as determined by the Plan Commission. The Plan Commission shall make a recommendation to the Village Board regarding next steps for the applicant.
  - (2) At a subsequent Village Board meeting, the applicant shall engage in an informal discussion with the Village Board regarding the planned development concept plan, addressing topics similar to those discussed under subsection F(1), above. The Village Board shall offer suggested next steps for the applicant.
  - (3) Points of discussion, recommendations, and suggestions conveyed at this stage of the process shall be in no way be binding upon the applicant or the Village, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the concept plan to occur prior to introduction of the formal application for rezoning, which accompanies the General Development Plan application (see Subsection G).
  - (4) The concept plan submittal shall include the following items.
    - a) A location map of the subject property and its vicinity.
    - b) A general written description of the proposed Planned Development, including:
      1. General project themes and images.
      2. The general mix of dwelling unit types and/or land uses.
      3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface ratio, and/or other appropriate measures of density and intensity.
      4. General treatment of natural features.
      5. General relationship to nearby properties and public streets.
      6. General relationship of the project to the Comprehensive Plan.
      7. A written description of potentially requested exemptions or variations from the requirements of the underlying base zoning district. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
      8. A conceptual drawing of the site plan layout, including the general locations of public streets and/or private drives.
- G. Step 3: General Development Plan Review. Upon completion of the concept plan review process described above, the applicant shall submit a General Development Plan (GDP) to the Zoning Administrator for determination of completeness.
- (1) The GDP submittal shall include the following items:
-

- 
- a) A map of the subject site (at a minimum scale of 1" = 800') showing all lands for which the Planned Development is proposed, and all other lands within 300 feet of the boundaries of the subject site, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject site and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject site, a graphic scale, and a north arrow shall be provided.
  - b) A general written description of the proposed Planned Development, including:
    1. General project themes and images.
    2. The general mix of dwelling unit types and/or land uses.
    3. Approximate residential densities and nonresidential intensities as described by dwelling units per acre, landscaping surface area ratio, and/or other appropriate measures of density and intensity.
    4. General treatment of natural features.
    5. General relationship to nearby properties and public streets.
    6. General relationship of the project to the Comprehensive Plan.
    7. A statement of rationale as to why Planned Development Overlay zoning is proposed. This statement shall list the standard base zoning district requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed Planned Development project.
    8. A written description of potentially requested exemptions or variations from the requirements of the underlying base zoning district. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
    9. A GDP map (at a minimum scale of 1"=100') of the proposed project showing at least the following information in sufficient detail to evaluate the project against the criteria for approval listed in Subsection (2), below:
      - a. Location of recreational and open space areas and facilities, specifically indicating those areas that would be reserved or dedicated for public acquisition and use.
      - b. Statistical data on the minimum lot sizes in the development; the approximate areas of all development lots and pads; density/intensity of various parts of the development; building coverage, landscaping surface area ratio of all land uses; expected staging; and any other plans required by the Plan Commission.
      - c. Notations relating the written information provided in Subsection b), above, to specific areas on the GDP map.
      - d. A conceptual landscaping plan, noting approximate locations of foundation, street, yard, and paving landscaping, and comparing the proposed landscaping plan to the standard landscaping requirements in this Chapter.
      - e. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.

- 
- f. Written justification for the proposed Planned Development.
- (2) Approval of a GDP shall involve the same procedures necessary for the adoption of a zoning map amendment, as described under Section 18.1205 D through F of this Chapter.
  - (3) All portions of an approved GDP not fully developed within 5 years of final Village Board approval shall expire, and no additional development shall be allowed. The Village Board may extend this 5 year period and additional 5 years via a majority vote following a public hearing and recommendation by the Plan Commission.
- H. Step 4: Final Development Plan Review. Upon completion of the GDP review process, described above, the applicant shall submit a Final Development Plan (FDP) to the Zoning Administrator for determination of completeness. Upon determination of completeness by the Zoning Administrator, the Planned Development FDP may be placed on the Plan Commission agenda for FDP review.
- (1) The FDP submittal shall include the following items.
    - a) A map of the subject site (at a minimum scale of 1" = 800') showing all lands for which the Planned Development is proposed, and all other lands within 200 feet of the boundaries of the subject site, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject site, a graphic scale, and a north arrow shall be provided.
    - b) A general written description of the proposed FDP including:
      1. Specific project themes and images.
      2. Specific mix of dwelling unit types and/or land uses.
      3. Specific residential densities and nonresidential intensities as described by dwelling units per acre, and landscaping surface area ratio and/or other appropriate measures of density and intensity.
      4. Specific treatment of natural features.
      5. Specific relationship to nearby properties and public streets.
      6. A statement of rationale as to why Planned Development Overlay zoning was proposed. This statement shall list the standard base zoning district requirements that, in the applicant's opinion, would inhibit the development project and the opportunities for community betterment that are available through the proposed Planned Development project.
      7. A complete list of base zoning district standards that would not be met by the proposed FDP and the location(s) in which such violations would occur, and a complete list of zoning standards that would be more than met by the proposed FDP and the location(s) of such occurrences. The purpose of this information shall be to provide the Plan Commission with information necessary to determine the relative merits of the project with respect to private versus public benefit, and to evaluate the potential adverse impacts created by making exemptions to standard zoning district requirements.
      8. A FDP map (at a minimum scale of 1"=100') of the proposed site showing at least the following information in sufficient detail to evaluate the project against the criteria for approval listed in Subsection I, below:
        - a. Recreational and open space areas and facilities, specifically indicating those areas that would be reserved or dedicated for public acquisition and use.

- 
- b. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads; density/intensity of various parts of the development; building coverage, and landscaping surface area ratio of all land uses; proposed staging; and any other plans required by the Plan Commission.
      - c. Notations relating the written information provided in Subsection b), above, to specific areas on the FDP.
    9. A site plan conforming to all the requirements of Section 18.1206. If the proposed Planned Development is a Group Development or a Large Development (per Section 18.0821), a proposed preliminary plat or conceptual plat may be required by the Zoning Administrator in addition to the required site plan.
    10. A detailed landscaping plan for the subject site, specifying the location, species, and installation size of all plantings. This plan shall also include a table that provides a clear summary of all proposed species and locations of plantings that demonstrates how the landscaping plan compares to the landscaping requirements in this Chapter.
    11. A series of building elevations for the entire exterior of all buildings in the proposed FDP, including detailed notes indicating the building materials and colors proposed.
    12. A detailed signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes that are proposed to vary from Village standards or common practices.
    13. An outline of the organizational structure for any proposed property owners associations, deed restrictions, and/or the private provision of common services.
    14. A written description that demonstrates how the FDP is consistent with the approved GDP and any and all variations between the requirements of the approved GDP and the proposed FDP.
    15. The applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
  - (2) The area included in a FDP may be only a portion of the area included in a previously approved GDP.
  - (3) The Plan Commission or Village Board may specify other plans, documents, or schedules that must be submitted prior to consideration or approval of the FDP, as such may be relevant to review.
  - (4) Approval of a FDP shall involve the same procedures necessary for the approval of a site plan, as described under Section 18.1206 of this Chapter.
  - (5) All portions of an approved Planned Development FDP not fully developed within 5 years of final Village Board approval shall expire, and no additional development shall be allowed. The Village Board may extend this 5 year period by an additional 5 years via a majority vote following a public hearing and recommendation by the Plan Commission. Completed portions of the Planned Development FDP shall retain the Planned Development status.
- I. Criteria for Approval: In its review and action an application for a Planned Development Overlay District, the Plan Commission and, subsequently, the Village Board shall make findings with respect to the following criteria:
- (1) The proposed Planned Development project is consistent with the overall purpose and intent of this Chapter.

- 
- (2) The proposed Planned Development project is consistent with the Village's Comprehensive Plan (it is the responsibility of the Village to determine such consistency).
  - (3) The proposed Planned Development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
  - (4) Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the Planned Development project, including but not limited to public sewer and water and public roads.
  - (5) The proposed Planned Development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
  - (6) The proposed Planned Development project design does not detract from areas of natural beauty surrounding the site.
  - (7) The proposed architecture and character of the proposed Planned Development project is compatible with adjacent/nearby development.
  - (8) The proposed Planned Development project will positively contribute to the physical appearance and functional arrangement of development in the area.
  - (9) The proposed Planned Development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this Chapter.
  - (10) For Planned Development projects that are proposed to be developed in phases, the applicant can provide a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.



---

## **SECTION 18.0800: PERFORMANCE STANDARDS**

### **18.0801 Purpose**

The purpose of this Section is to indicate the standards and minimum requirements for exterior site and building design, access, visibility, off-street parking and traffic circulation, off-street loading, exterior lighting, exterior storage, fencing, private residential swimming pools, vibration, noise, air pollution, odor, signal receiving antennas, glare and heat, fire and explosions, toxic or noxious materials, waste materials, exterior construction material, hazardous materials, and group and large developments within the jurisdiction of this Chapter.

### **18.0802 Exterior Site and Building Design Standards**

- A. Purpose. The purpose of this Section is to regulate the design and materials used for the exterior of buildings and structures within the Village so as to attain a degree of uniformity in exterior appearance and quality of materials, and thus maintain and enhance the attractiveness and values of property in the community.
- B. Applicability. The requirements of this Section apply to all structures and buildings within the Village. Beyond the general rules in Sections C through J, below, additional rules may apply to group and large developments, which are provided in Section 18.0821.
- C. Review and Approval. Through the site plan review process, the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed exterior architectural plans for all proposed development, except as exempt under Section 18.1206. Exemptions to exterior site and building design standards may be considered under the site plan review process.
- D. Site Design. In addition to complying with required setbacks, no building, structures, pavement, or improvement shall be placed or oriented in a manner that would unnecessarily reduce the appearance of the subject property in comparison with typical development practices that are fully consistent with the requirements of this Chapter, or would have a substantial negative impact on the value or enjoyment of permitted land uses on nearby properties.
- E. Avoidance of Exteriors Specific to a Particular Occupant. Trademark architecture is prohibited. Specifically, no building, other structures, pavement, or improvement shall have an integral exterior design that is specific to a particular site occupant, including exterior building forms, materials, textures, colors, and patterns. Exterior elements that are specific to a particular site occupant shall be limited to attached signage, awnings and other appurtenances that are easy to remove or modify for subsequent site occupants without causing significant damage and/or restoration expenses.
- F. Exterior Design Compatibility and Avoidance of Monotony. No building, other structures, pavement or improvement shall have an exterior design that is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste. In addition, no building shall be permitted within any residential or business zoning district to have an exterior appearance that is too similar to nearby buildings so as to create unacceptable monotony. Restrictive covenants shall incorporate provisions to prohibit unacceptable monotony of the design, materials and colors for building exteriors for any multi-lot or group development.
- G. Requirements for Exterior Materials. The following requirements shall apply regarding exterior materials for buildings and structures:
  - (1) Building Color. Building facade colors shall be non-reflective, subtle, neutral, or earth tone. The use of high intensity colors, metallic colors, fluorescent colors, or black on facades shall be prohibited.

---

Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on signage, subject to the limitations in Section 18.1000.

- (2) **Building Materials.** Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, wood, stucco, and exterior insulation and finish systems (EIFS) shall be used, as determined appropriate by the Plan Commission. Decorative architectural metal with concealed fasteners or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
- (3) **Prohibited Materials.** No building or structure shall be constructed or faced with any material or texture that is aesthetically incompatible with other building exteriors in the area that are fully consistent with the requirements of this Chapter, or that presents an unattractive appearance to the public or surrounding properties. The following materials are prohibited on the exterior of all buildings and structures:
  - a) Plain faced concrete walls or panels.
  - b) Plain faced cinder block or concrete block.
  - c) Asphaltic siding.
  - d) Plywood, chipboard, or other non-decorative wood or composite material as determined by the Plan Commission.
  - e) Fiberglass or poly-roofing or siding.
  - f) Structures exceeding 100 square feet that are not erected on a permanent foundation and/or do not comply with the Uniform Building Code, except for those temporary structures listed in Section 18.0316.
  - g) Metal siding that does not meet any one or more of the following exceptions:
    1. Is determined by the Plan Commission to be a decorative element of the building or structure that can be readily removed or replaced with a permitted exterior material.
    2. Uses a method of exterior wall fastening that is fully concealed from view by means of an interlocking panel, panel overlap, or other method approved by the Plan Commission that results in full concealment.
    3. Uses visible exterior fasteners that are the same color as the attached wall for any principal or accessory structure within the Agricultural Holding (AH), Community Business (CB), LSB Lakeshore Business, Light Industrial (LI), or General Industrial (GI) zoning districts, in any location on the building or structure that meets all of the following criteria:
      - a. Is located more than 100 feet from any portion of a residential zoning district boundary and more than 100 feet from any portion of a public right-of-way.
      - b. Is located more than 100 feet from any visitor or customer door.
      - c. Transitions to any other exterior material, texture, color, or pattern at a building corner, pier, pilaster, eave, parapet, or other physical change in the wall plane, so as to complement the overall exterior design of the building or structure as determined by the Plan Commission.
- H. **Waste Receptacles.** The development shall contain a sufficient number of waste bins to accommodate all trash and recyclable materials generated by the land uses in a convenient manner and in accordance with the building design and performance standards of this Section.

- 
- I. Pedestrian and Bicycle Access. The entire development shall provide for full and safe pedestrian and bicycle access within the development, which shall include appropriate connections to the existing and any planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods; sidewalk connections to all building entrances from all public streets; secure bicycle parking and pedestrian furniture in appropriate quantities and locations; and a central pedestrian gathering area.
  - J. Exceptions and Appeal. The conditional use process may be used to seek exemptions to the requirements of this Section. An appeal of the Plan Commission's determination may be taken to the Zoning Board of Appeals.

### **18.0803 Access Standards**

- A. Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- B. Applicability. The requirements of this Section shall apply to each access point onto a public street or right-of-way in all new developments.
- C. Review and Approval. Through the site plan review process (see Section 18.1206), the Plan Commission shall review and approve all proposed access drives on the subject property.
- D. Number of Access Points.
  - (1) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Public Works Director.
  - (2) No lot shall be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
  - (3) On arterial streets, and in areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point on an adjacent property or another street frontage.
  - (4) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- E. Residential Uses. Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- F. Nonresidential Uses. Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- G. Access Near Street Intersections.
  - (1) At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
  - (2) Nonconforming driveways may be replaced in their current location, except as part of site-plan review and approval.
  - (3) Temporary access may be granted by the Village Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months

- 
- H. Distance Between Access Drives. The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of 25 feet may be required if existing or projected traffic warrant a greater distance.
  - I. Angle of Intersection with Public Right-of-Way. All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
  - J. Distance from Property Line. The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.
  - K. Width of Driveways. All access drives shall have a minimum width of 10 feet for single and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 24 feet for all residential uses, and 30 feet for all nonresidential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of 5 additional feet. This requirement may be exceeded with explicit Plan Commission approval for uses other than single family.
  - L. Traffic Control. The traffic generated by any use shall be channelized and controlled in a manner that prevents congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading, and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Public Works Director.
  - M. Depiction on Required Site Plan. Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
  - N. Paving of Access. All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Zoning Administrator with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Zoning Administrator.
  - O. Vehicular Entrances and Exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

## 18.0804 Visibility Standards

- A. Purpose. The purpose of this Section is to alleviate or prevent congestion of public and private rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- B. Applicability. The requirements of this Section shall apply to all new development.
- C. Review and Approval. Through the site plan review process (see Section 18.1206), the Plan Commission shall review and approve all developments for conformance with this Section.
- D. Required. To provide a clear view of intersecting streets to motorists, there shall be a triangular area of clear vision formed by the two intersecting streets and a chord connecting the centerlines of said streets. Generally, the following standards listed in Figure 18.0804 shall apply. Within the triangular area, no signs, parking spaces, structures, earthwork, vegetation, fencing, or other obstructions above 30 inches in height or exceeding opacity of 0.2 (see Section 18.0900) shall be permitted above the centerline elevations of said two streets.

- E. Depiction on Required Site Plan. Any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

<b>Figure 18.0804: Vision Clearance Triangle Standards</b>	
<b>Right-of-Way Width</b>	<b>Distance from Right-of Way Intersection</b>
Less than or equal to 66 feet	10 feet
Greater than or equal to 67 feet	20 feet

**18.0805 Off-Street Parking and Traffic Circulation**

- A. Purpose. The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- B. Applicability. The requirements of this Section shall apply to all new development.
- C. Review and Approval. Through the site plan review process (see Section 18.1206), the Plan Commission shall review and approve all development for conformance with this Section.
- D. Depiction on Required Site Plan. Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every on-site parking space designed to serve as required parking shall not be located farther than 400 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection H, below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length shall be clearly indicated on said site plan.
- E. Minimum Required Off-Street Parking Spaces.
  - (1) Off-street parking requirements for each land use (see Section 18.0200) are generally tied to the use’s capacity and gross floor area or the number of employees at the subject property during the largest work shift. The term “capacity” means the maximum number of persons that may be accommodated by the use as determined by its design or by state building code regulations, whichever number is greater. The term “employee(s) on the largest work shift” means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours.
  - (2) Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
  - (3) When the calculation for the number of off-street parking spaces required by this Chapter results in a fraction (e.g., 3.25 spaces), the applicant shall round up to the highest whole number.
- F. Off-Street Parking and Traffic Circulation Standards.
  - (1) Circulation. The site shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and circulating on the site. Circulation patterns shall conform to the general rules of

- the road. All traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (2) Surfacing and Marking. All off-street parking and traffic circulation areas (including all residential driveways except those in the AH district) shall be paved with a hard, all-weather or other surface to the satisfaction of the Director of Public Works. Said surfaces intended for two or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
- G. Curbing. All off-street parking areas designed to have head-in parking within 6.5 feet of any lot line shall provide a tire bumper or curb of adequate height and is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter.
- H. Access.
- (1) Each off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width.
  - (2) All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner that least interferes with traffic movements.
  - (3) No driveway across public property, or requiring a curb cut, shall exceed 40 feet for commercial or industrial uses or 25 feet for residential uses.
  - (4) Off-street parking spaces for residential uses may be stacked or in front of one-another for the same dwelling unit.
  - (5) Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
- I. Snow Storage. Required off-street parking and traffic circulation areas shall not be used for snow storage.
- J. Lighting. All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles is recommended for said areas, and said illumination level shall not exceed the standards of Section 18.0807.
- K. Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Section 18.1000.
- L. Landscaping. Parking lot landscaping shall comply with the requirements of the paved area landscaping requirements in Section 18.0900.
- M. Parking Space Design Standards. Other than handicapped parking, each off-street parking space shall comply with the minimum requirements of Figure 18.0805A. The minimum required length of parking spaces shall be 16 feet. All parking spaces shall have a minimum vertical clearance of at least 7 feet.
- N. Handicapped Parking Spaces. Handicapped parking shall be provided at a size, number, location, and with signage as specified by state and federal regulations.
- O. Parking Lot Design Standards. Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Figure 18.0805A. Additional design standards apply to group developments and large developments (See Section 18.0821).
- P. Partial Development of Required Parking Spaces. At the time of site plan review, any developer may seek permission to not install a portion of its required parking unless and until it is determined jointly by the Village and developer that such parking is needed; however, the site plan shall depict the minimum number of required parking spaces.

- 
- Q. Limit on the Maximum Number of Required Parking Spaces. No site plan may be approved for a multi-family or nonresidential use that proposes more than 120 percent of the development's minimum number of required parking spaces, except as granted through a conditional use permit. As part of the application for a conditional use permit, the applicant shall provide a report demonstrating why additional parking will be needed. The report shall be prepared by a traffic modeling expert recognized by WisDOT.
- R. Joint and Off-Site Parking Facilities.
- (1) Parking facilities that have been approved by the Director of Public Works to provide required parking for two or more uses shall provide a total number of parking spaces that shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses. However, this aggregate requirement may be reduced or expanded by the Plan Commission by explicit motion associated with this site plan review process.
  - (2) Each parking space designed to serve as joint parking shall not be located farther than 400 feet from the access to all of the various uses it is designated to serve, except as allowed by a conditional use permit.
  - (3) The applicant(s) for approval of a joint parking facility shall demonstrate to the satisfaction of the Director of Public Works that there will be no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
  - (4) A legally binding instrument, approved by the Village Attorney, shall be executed by any and all parties to be served by a joint parking facility. This instrument shall be recorded with the Register of Deeds Office and filed with the Village Clerk. A fee shall be required to file this instrument (see Section 18.1106).
- S. Parking within the Village Center. Within the Village Center (VC) district, the parking requirements of this Chapter are hereby waived.
- (1) Private, off-street parking may be allowed within the VC district only with a conditional use permit. Such parking shall be located on the same lot as the principal use(s) it serves, except per paragraph (3) below.
  - (2) When making a determination on whether or not to allow private off-street parking in the VC district, the Plan Commission and Village Board shall consider the following:
    - a) Whether or not the proposed off-street parking is essential to the function of the proposed use;
    - b) Whether the parking can be provided on site and in accordance with the design and layout provisions of this Section;
    - c) Whether the off-street parking area will be disruptive to the desired character of the Village Center District, as articulated in this Chapter and through the Village's Comprehensive Plan.
  - (3) The owner of a principal use in the VC district may volunteer, or the Village Board may require, that off-street parking be provided on a separate lot controlled by the same owner, or within a municipally owned parking lot.
  - (4) If such accessory parking is provided within a municipally owned parking facility, the owner of the principal use shall make payment to the municipality in lieu of on-site parking in the amount of four thousand dollars (\$4,000) per required parking space. The municipality shall be required to provide such parking spaces within four hundred (400') feet of the principal use within three years following receipt of payment or shall return the payment to the owner of the principal use, unless both parties agree to extend the deadline for provision of the required parking spaces.
-

- 
- T. Locational Prohibitions for Off-Street Parking Areas.
- (1) Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan.
  - (2) No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
- U. Minimum Permitted Throat Length. Figure 18.0805B shall be used to determine the minimum permitted throat length of access drives serving parking lots as measured from the right-of-way line along the centerline of the access drive. This regulation may be modified by the Plan Commission by explicit motion associated with this site review process.
- V. Potential Reduction in Parking. The Plan Commission and Village Board may allow a decrease in the required number of off-street parking spaces by up to 25 percent of the normal requirements based upon one or more of the following criteria:
- (1) Technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission and Village Board, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter.
  - (2) Bicycle parking spaces will be provided through racks, lockers, or equivalent structures located convenient to the proposed use.
  - (3) Shared parking, on-site. This strategy works well in projects with a mix of uses that have different peak times. The strategy also may be employed with multi-phase projects where the parking requirements are recalculated with each phase to realize efficiencies as more uses are added.
  - (4) Shared parking, off-site. A shared parking agreement between two or more different project/property owners can be an effective method of reaching larger economies of scale to reduce the overall parking requirements of the individual projects. The agreement shall be prepared in a form acceptable to the Village attorney and recorded prior to the issuance of a building permit for any of the properties involved. The agreement shall be in effect for the life of the project or other time frame as agreed to by the Village and the Village shall be included as an interested party to the agreement such that the agreement cannot be amended or terminated without Village approval.
  - (5) Deed restrictions. Deed restrictions that limit the number of cars occupants may have at a project may be an effective strategy, particularly for residential units. The form of the deed restriction shall be subject to approval by the Village and the Village shall be included as an interested party to the restriction such that the restriction cannot be removed without Village approval.
- W. Installation and Maintenance. All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Sections 18.0310 F., 18.0310 S., 18.0310 T., 18.0311 C., and 18.0315 O.
- X. Use of Off-Street Parking Areas. The use of all required off-street parking areas shall be limited to the parking of licensed operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.

Figure 18.0805A: Parking Layout Dimensions	Parking Angle in Degrees				
	0°	45°	60°	75°	90°
Minimum Permitted Dimensions	0°	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	17'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' <sup>1</sup>	17.5' <sup>1</sup>	19.0' <sup>1</sup>	19.5' <sup>1</sup>	18.5' <sup>1</sup>
Stall Depth to Interlock (DI)	N/A	15.3'	17.5'	18.8'	N/A
Stall Length (SL)	18.0'	18.0'	18.0'	18.0'	18.0'
Aisle Width (AW)	12.0' <sup>2</sup>	12.0' <sup>2</sup>	16.0' <sup>2</sup>	17.20' <sup>2</sup>	24.0'
Throat Length (right-of-way to parking angle) (T)	Refer to requirements in Figure 18.0805B				
Parking Module Width (PMW)					
Wall to Wall (Single-Loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double-Loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double-Loaded) (W3)	N/A	44.8'	52.5'	61.3'	N/A
Interlock to Interlock (Double-Loaded) (W4)	N/A	42.6'	51.0'	60.6'	N/A
Notes:					
<sup>1</sup> Parking spaces located behind an enclosed garage and directly off a thorough aisle shall be at least 30 feet deep.					
<sup>2</sup> This dimension represents (AW) for one-way traffic.					

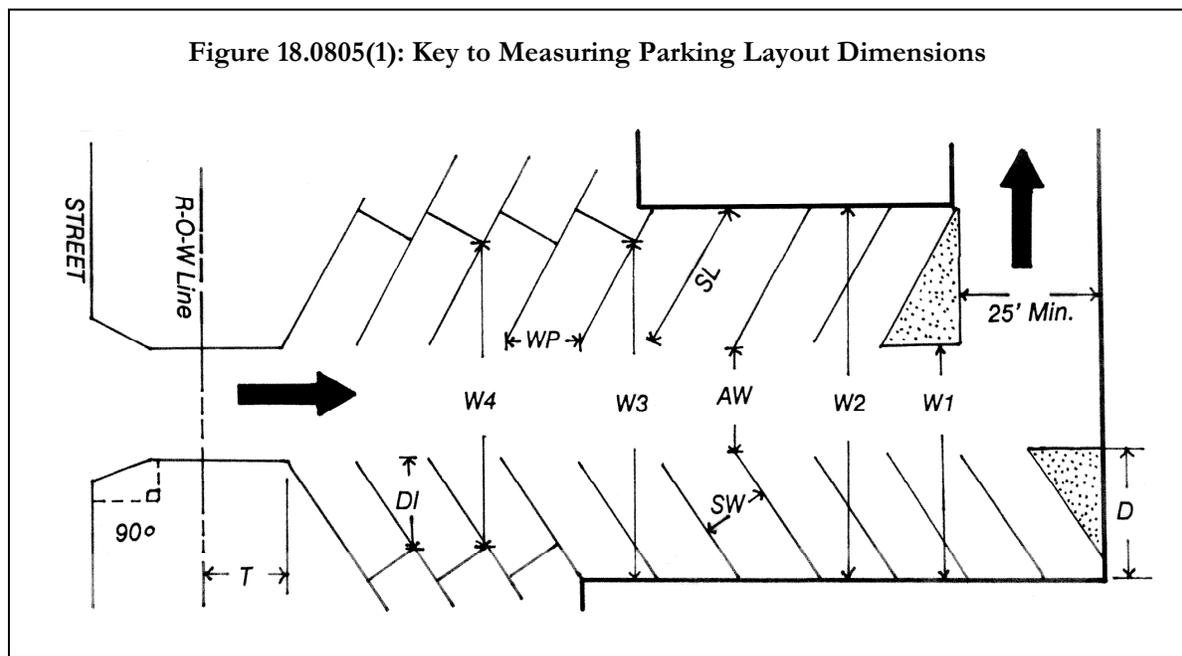


Figure 18.0805B Minimum Permitted Throat Length			Type of Access Street	
Land Use	Type	Scale of Development	Collector	Arterial
Residential	Any Residential	0-100 dwelling units	25 feet	N/A
		101-200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	125 feet
Business	Office	0-50,000 gross sq. ft.	25 feet	50 feet
		50,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-200,000 gross sq. ft.	50 feet	100 feet
		200,001+ gross sq. ft.	100 feet	150 feet
	Drive-Through Sales and Service	0-2,000 gross sq. ft.	25 feet	75 feet
		2,001+ gross sq. ft.	50 feet	100 feet
	Commercial Indoor Lodging	0-150 rooms	25 feet	75 feet
		151+ rooms	25 feet	100 feet
	Other Business Uses	0-25,000 gross sq. ft.	25 feet	50 feet
		25,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	100 feet	200 feet
Industrial	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	50 feet	200 feet
Other Uses	6+ spaces		25 feet	50 feet

### 18.0806 Off-Street Loading Standards

- A. Purpose. The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- B. Applicability. Any use that has a gross floor area of 6,000 square feet or more, and that requires deliveries or makes shipments from large trucks, shall provide off-street loading facilities in accordance with the regulations of this Section.
- C. Review and Approval. Through the site plan review process (see Section 18.1206), the Plan Commission shall review and approve all development for conformance with this Section.
- D. Location. All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front or street side yard setback area. Access to the loading berth shall be located in conformance with Subsection E(1). All loading areas shall be located on the private lot and shall not be located within or interfere with any public right-of-way.
- E. Size of Loading Area. The first required loading berth shall be designed in accordance with Figure 18.0806. All remaining required loading berths shall be a minimum of 50 feet in length and 10 feet in width. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

- (1) Access to Loading Area. Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
  - (2) Surface and Marking. All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner that clearly indicates required loading areas.
  - (3) Use of Required Loading Areas. The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
  - (4) Lighting. All loading areas shall be lit so as to not exceed the standards of Section 18.0807.
  - (5) Signage. All signage located within, or related to, loading areas shall comply with the requirements of Section 18.1000.
- F. Depiction on Required Site Plan. Any and all required loading areas and trailer and container storage areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- G. Calculation of Required Loading Spaces.
- (1) Indoor Institutional Land Uses: One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
  - (2) Business (Except Offices), Storage, Transportation, and Industrial Land Uses: One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
  - (3) Office Land Uses: One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

**Figure 18.0806: Loading Standards**

Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (T)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65

Figure 18.0806: Loading Standards								
Design Vehicle	Length in Feet	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (T)		
WB-50	55	90°	55	10	77	132		
				12	72	127		
				14	67	122		
		60°	48	45°	39	10	55	103
						12	51	99
						14	46	94
		45°	39	45°	39	10	45	84
						12	40	79
						14	37	76

**90 DEGREE DOCKS**

**SAWTOOTH DOCKS**

### 18.0807 Exterior Lighting Standards

- A. Purpose. The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- B. Applicability. The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights-of-way and/or lighting located on public property.
- C. Review and Approval. Through the site plan review process (see Section 18.1206), the Plan Commission shall review and approve all development for conformance with this Section.
- D. Depiction on Required Site Plan. Any and all exterior lighting shall be depicted as to its location, orientation, and configuration on the site plan required for the development of the subject property.
- E. Exterior Lighting Requirements.
  - (1) In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a clear shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
  - (2) Flashing, flickering, and/or other lighting that may distract motorists is prohibited.

---

**F. Intensity of Illumination.**

- (1) In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night.
- (2) The maximum average on-site lighting in nonresidential zoning districts shall be 2.4 foot-candles.
- (3) The maximum average on-site lighting in residential zoning districts shall be 0.90 foot-candles.
- (4) The following exceptions shall be permitted:
  - a) The maximum average allowable on-site lighting of outdoor recreation facilities and assembly areas is 3.60 foot-candles.
  - b) The maximum average on-site lighting of auto display lots and gas station pump islands is 25.0 foot-candles; all under-the-canopy fixtures shall be fully recessed.
  - c) Reflected glare onto nearby buildings, streets or pedestrian areas is prohibited. To minimize any indirect overflow of light on adjacent properties, the height of any proposed parking lot light standard should be as short as possible and should stair step down to a lower height when close to residential uses.
- (5) Fixtures and Luminaries.
  - a) Outdoor lighting shall be full cut-off fixtures and downward facing and no direct light shall bleed onto adjacent properties. Exempt from this requirement are any fixtures using an incandescent bulb of 100 watts or less, or its equivalent.
  - b) Light fixtures shall not be located within required bufferyards (see Section 18.0900).
  - c) Total cut-off luminaries with angles of less than 90 degrees shall be required for pole and building security lighting to ensure no fugitive up-lighting occurs.
  - d) The color and design of fixtures shall be compatible with the building and public lighting in the area, and shall be uniform throughout the entire development site.
  - e) The maximum fixture height in the ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, MF-12, MF-18, SB districts shall be 15 feet. The maximum fixture height in the AH, VC, LSB, CB, LI, GI, P&I, and P&R districts shall be 16 feet.
  - f) In the ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, and SB districts, lighting fixtures shall not be located closer than three feet to any lot line.
  - g) All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.2 foot-candles.
  - h) Any temporary use using exterior lighting that is not in complete compliance with the requirements of this Section shall secure a temporary use permit (see Section 18.1208).

## **18.0808 Exterior Storage Standards**

- A. Purpose. The purpose of this Section is to control the use of residential, office, and business property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Sections 18.0307 and 18.0311.
- B. Applicability. The requirements of this Section apply to all development.
- C. Review and Approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 18.1206).

- 
- D. Requirements for Exterior Storage in Business Districts. In all business zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following, which shall not be located within any front or street side yard and shall be stored a minimum of 5 feet from any and all property lines:
- (1) Screened refuse containers;
  - (2) Construction materials;
  - (3) Landscape materials and related equipment connected within on-site construction; and
  - (4) Off-street parking (except for vehicles in designated parking spaces).
- E. Inoperative Motor Vehicles and Junk. Refer to Chapter 10 in the Village's Municipal Code.
- F. Exterior Trash Storage. All exterior trash storage shall be located within an enclosure that completely screens the view of said trash. The exterior of said enclosure shall be constructed of some or all of the materials used on the main building. A solid wood fence shall be used to gain access to the storage area.
- G. Outdoor Storage of Firewood. No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of 30 days from the date of its delivery. Firewood should be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- H. All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of.
- I. Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles, or that harbor or are infested or inhabited by rats or other vermin, are public nuisances and may be abated pursuant to the provisions of this Chapter.
- J. Not more than 20 percent of the side and rear yard may be used for storage of firewood at any one time.

## 18.0809 Fencing Standards

- A. Purpose. The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls, and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- B. Applicability. The requirements of this Section apply to all fencing, landscaping walls, and decorative posts equal to or exceeding 30 inches in height for all land uses and activities.
- C. Review and Approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 18.1206).
- D. Height Standards.
- (1) On corner lots in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of 2 ½ feet and 10 feet above grade in the area bounded by the street and a line joining the points along such street to lines 10 feet from the point of intersection.
  - (2) A fence, wall, tree, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on or adjacent to a residentially zoned property.
    - a) Permitted types of fences in residential districts include split rail fences; open picket fences; or decorative fences not more than three feet in height located on the interior of the lot

- surrounding patios, gardens, or other similar features. Any other type of fence shall require a conditional use permit per Section 18.1207.
- b) The height of such fences or walls along interior side and rear lot lines shall not exceed six feet above the ground level, except that along zoning district boundaries there shall be a 10 foot limit on the height of fencing along such boundary. The height of fences or walls along street side and front lot lines shall not exceed three feet above ground level. If solid fences or walls are deemed appropriate along public rights-of-way, consideration should be given to providing a landscaped planting strip at least two feet in width adjacent to the property line.
- (3) Fences, walls, trees, hedges, or shrubbery erected, placed, maintained, or grown along a lot line on any business or industrially zoned property adjacent to residentially zoned property shall be to a height of 8 feet. No barbed wire or electrical fences may be erected or maintained.
- E. Setback Standards.
- (1) Fences on or adjacent to a residential property shall have minimum three-foot side and rear yard setbacks unless the adjacent owner consents in writing to the entrance upon such owner's land for the purpose of maintaining such fence or such fence is maintenance free, in which case the minimum setback shall be six inches. There shall be a minimum two-foot setback from an alley. Fences shall have minimum five-foot front and street side yard setbacks. A lot survey may be required if property lines cannot be determined.
  - (2) Living fences or hedges shall be planted so they may be trimmed without entry on abutting lands. Species shall determine distance but in no case shall any shrub or plant be planted less than three feet from the center to the lot line.
- F. Wood Fences. Wood fences on the perimeter of a lot shall be installed with the finish side of the fence slats facing toward the neighboring property.
- G. Dog Runs or Pet Enclosures. Dog runs or pet enclosures constructed of fencing material of any type shall adhere to the following requirements:
- (1) Dog runs and pet enclosures may be located only in the rear yard of lots not abutting a lake, shall be setback a minimum of 15 feet from the interior side lot lines and the rear lot line, and shall be setback a minimum of 10 feet from the principal structure, unless attached to the rear of such principal structure.
  - (2) Dog runs and pet enclosures may be located only in the interior side yards of lots abutting a lake and shall be setback a minimum of 15 feet from interior side lot lines.
  - (3) The maximum height of dog runs and pet enclosures shall be six feet.
- H. Fence Maintenance. All fences, including their painted surfaces, shall be maintained and kept safe and in a state of good repair, including painted surfaces.
- I. Temporary Fences. Fences erected for the protection of plantings or to warn of construction hazards or for similar purposes shall be clearly visible or marked with colored streamers or other such warning devices at 4 foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described in this Subsection. Snow fences shall be removed by April 1 of each year.
- J. Fencing for Dumpsters. Apartments containing three or more dwelling units shall provide a six-foot high fence with four sides, accessible by a gate, surrounding all dumpsters.
- K. Orientation. Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.

- 
- L. Maintenance. Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

### **18.0810 Private Residential Swimming Pool Standards**

- A. Purpose. The purpose of this Section is to regulate swimming pools in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. This Section applies to all swimming pools, defined as an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than 36 inches located below the surface of ground elevation or deck, used or intended to be used solely by the owner, operator, or lessee thereof and family and guests invited to use it; and including all structural facilities, appliances, appurtenances, equipment, and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- C. Review and Approval. If site plan review is determined to be necessary by the Zoning Administrator, the Plan Commission shall review and approve all development for conformance with this Section through the site plan review process (see Section 18.1206).
- D. Permit Required. A building permit must be secured prior to the commencement of construction or erection of a private or residential swimming pool, or of any alterations, additions, remodeling, or other improvements. Plans, specifications, and pertinent explanatory data shall be submitted to the Building Inspector at the time of application.
- E. Exempt Pools. Non-filtered storable swimming or wading pools that are so constructed such that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section. Decorative pools that are less than 36 inches in depth are exempt from the provisions of this Section. Spas and hot tubs with lockable tops are also exempt.
- F. Construction Requirements. In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a building permit for construction as provided for in Subsection C, above, unless the following requirements are met:
- (1) All materials and methods of construction in the construction, alteration, addition, remodeling, or other improvements and pool installation shall be in accord with all state regulations and with any and all ordinances of the Village now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state plumbing codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Director of Public Works.
  - (3) All electrical installations, including lighting and heating, that are used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations. Private residential swimming pools shall not be constructed directly over or under electric transmission lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or the surrounding fence
- G. All exterior light fixtures installed around a private residential swimming pool shall comply with Section 18.0807.
- H. Setbacks and Other Requirements. Private residential swimming pools shall be erected or constructed on rear or side lots only, and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns

---

the contiguous lot and said lot is occupied by a principal building. All swimming pools shall be at least six feet from any lot line or building unless designed and approved as an addition to a building.

- I. Enclosure. Pools within the scope of this Section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four feet nor more than six feet in height and not less than four feet from the pool edge, and constructed not to have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. Gates or doors shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. This Section shall not apply to existing fences on the date of adoption of this Chapter at least 40 inches in height that otherwise comply with this Section.
- J. Screening: All above-ground pools shall be screened by vegetation, such as Arbor Vitae, spruce, burning bush, or other species approved by the Zoning Administrator. Plants shall be installed at a minimum height of 4 feet.
- K. Compliance. All private residential swimming pools existing at the time of adoption of this Chapter not satisfactorily fenced shall comply with the enclosure requirements of Subsection H, or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.
- L. Filter System Required. All private residential swimming pools within the meaning of this Chapter must have some filtration system to ensure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- M. Dirt Bottoms Prohibited. All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

## **18.0811 Communication Tower Standards**

- A. Purpose. The purpose of this Section is to regulate the placement and maintenance of communication towers in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.
- B. Applicability. The requirements of this Section apply to all communications towers as described in Section 18.0311E of this Chapter.
- C. Review and Approval. Through both the site plan review process (Section 18.1206) and the conditional use process (Section 18.1207), the Plan Commission shall be responsible and have authority to hear, review, and act upon all proposed communication towers. No conditional use permit shall be issued unless the applicant presents to the Plan Commission credible evidence establishing to a reasonable degree the following:
  - (1) No existing communication tower is located within the area in which the applicant's equipment is proposed to be located.
  - (2) No existing communication tower within the area in which the applicant's equipment is proposed to be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remedied at a reasonable cost.
  - (3) No existing communication tower within the area in which the applicant's equipment is proposed to be located has sufficient signal strength to support the applicant's equipment and the deficiency cannot be remedied at a reasonable cost.

- 
- (4) The applicant demonstrates that there are other factors that render existing communication towers unsuitable or unavailable and establishes that the public interest is best served by the placement of a new communication tower.
- D. Collocation Requirement. It is intended that the expansion of communication technology be provided while minimizing the number of tower sites in the Village of Williams Bay. This shall be accomplished through collocation, meaning that antenna arrays for multiple users be placed on a single tower to the extent technologically and economically feasible. The cost of eliminating impediments to collocation shall be deemed reasonable if it does not exceed by 25 percent the cost of constructing a new tower on which to mount the applicant's equipment.
- (1) In applying the standards and criteria set forth in this Section, the Plan Commission shall, unless it is shown to be unreasonable, condition the approval of the conditional use permit upon the applicant placing or constructing the communication tower to accommodate, at a minimum height of 150 feet, the collocation of two additional antenna arrays similar in size and function to that placed on the tower by the applicant.
  - (2) Collocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified minimum height the later addition of the required number of collocation sites.
  - (3) The holder of a conditional use permit under this Section shall make the collocation sites available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the collocation sites and a fair return on investment.
  - (4) The holder of the conditional use permit for any tower on which collocation occurs shall within 30 days of such collocation provide the Plan Commission with written notification of the identity of the collocater and the nature of the equipment installed. Within 30 days of the date on which any collocation use ceases, the permit holder shall provide the Plan Commission with written notice of the cessation of such use.
- E. Standards. In addition to all applicable state and federal standards, the following shall apply:
- (1) Communication equipment installed on existing buildings or sites shall, to the extent possible, match the color of existing buildings, and be installed in a fashion to lessen the visual impacts of such installation.
  - (2) Construction of a building of no more than 14 feet in height and 300 square feet in floor area is permitted for use directly incidental and necessary to the use of the tower. Two or more users of the tower may occupy a single building with a floor area of no more than 300 square feet per user.
  - (3) Whenever possible, equipment shall be located in interior rooms in existing buildings on the site.
  - (4) Accessory buildings, if required, shall be constructed to be compatible with the surrounding or adjacent buildings by virtue of their design, materials, textures and colors.
  - (5) Depending on the specific building location, a landscape plan may be required.
- F. Modification. Unless otherwise provided in this Section, a conditional use permit is required for any modification to a communication tower that significantly alters the appearance or structural integrity of the tower or that involves the installation of antenna or equipment differing in size and function from that previously installed on the tower.
- G. Compliance. Failure to comply with all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Plan Commission determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all reasonable costs and expenses associated with such consultation shall be borne by the holder of subject conditional
-

use permit. Failure to pay such costs and expenses or provide information requested by the Plan Commission shall be grounds for revocation of the conditional use permit.

- H. **Obsolete Towers.** The applicant shall provide a written agreement stating that if the tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Commission written notice of the cessation of use. A performance bond of \$20,000.00 shall be required to ensure compliance with all applicable requirements for removal of the communication tower and equipment.
- I. **Insurance Liability.** The owner of any communication tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the communication tower with a single combined limit of not less than \$1,000,000.00 per occurrence and shall name the Village as an additional insured. The policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance upon issuance of the initial policy and upon each renewal.
- J. **Fee Required.** An application fee under this Section shall be established by resolution. The applicant shall be responsible for all costs exceeding the application fee. In addition, if the Plan Commission determines it is necessary to consult with a third party in considering factors listed above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant.

### **18.0812 Air Pollution Standards**

- A. **Purpose.** The purpose of this Section is to regulate the creation of air pollution that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- C. **Standards.** In addition to all applicable state and federal standards, the following shall apply:
  - (1) The emission of particulate matter containing a particle diameter larger than 44 microns is prohibited.
  - (2) Emission of smoke or particulate matter of a density equal to or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
  - (3) Dust and other types of air pollution borne by the wind from sources such as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling, or other acceptable means.
  - (4) All other applicable state and federal standards.

### **18.0813 Glare and Heat Standards**

- A. **Purpose.** The purpose of this Section is to regulate the creation of glare or heat in order to prevent the creation of nuisances and to promote the health, safety, and welfare of the public.
- B. **Applicability.** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.

- C. Standards. No direct or sky-reflected glare shall be visible at the lot line of the subject property, whether from floodlights or from temperature processes, such as combustion, welding, or otherwise. As determined by the Zoning Administrator, there shall be no discernible transmission of heat or heated air at the lot line. Solar systems regulated by Wisconsin Statutes 66.0401 shall be entitled to the protection of its provisions.

### **18.0814 Fire and Explosions**

- A. Purpose. The purpose of this Section is to regulate the creation of fire and/or explosion hazards that adversely affect adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this Section apply to all land uses and activities.
- C. Standards.
- (1) Any use involving materials that could decompose by detonation shall be located not less than 400 feet from any residential or commercial zoning district except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin.
  - (2) The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 30,000 gallons.

### **18.0815 Odor Standards**

- A. Purpose. The purpose of this Section is to regulate the creation of odor that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the healthy, safety, and general welfare of the public.
- B. Applicability. The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental fertilizer application, traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.
- C. Standards.
- (1) Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day that are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any zoning district other than the General Industrial district.

### **18.0816 Toxic, Noxious, and Waste Materials**

- A. Purpose. The purpose of this Section is to regulate the handling of toxic, noxious, or waste material that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this Section apply to all land uses and activities.

- C. Standards. No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to or endanger the public health, safety, comfort, or welfare, or cause injury or damage to private property or business. No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

### **18.0817 Hazardous Materials**

- A. Purpose. The purpose of this Section is to provide information to the Village regarding the nature of land uses that involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- B. Applicability. The requirements of this Section apply to all land uses and activities involving any one or more of the following:
- (1) Micro-organism cultures subject to Wisconsin Statutes 94.65.
  - (2) Pesticides subject to Wisconsin Statutes 94.67(25).
  - (3) Biological products subject to Wisconsin Statutes 95.39.
  - (4) Hazardous substances subject to Wisconsin Statutes 100.37(1)(c).
  - (5) Toxic substances subject to Wisconsin Statutes 101.58(2)(j).
  - (6) Infectious agents subject to Wisconsin Statutes 101.58(2)(f).
  - (7) Any material for which the State of Wisconsin requires notification of a local fire department.
  - (8) Any other uses, activities, or materials that are subject to county, state, or federal hazardous or related materials regulations.
- C. Standards. All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal.

### **18.0818 Water Quality Standards**

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run-off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall withdraw water or discharge any liquid, or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code.

### **18.0819 Noise Standards**

- A. Purpose. The purpose of this Section is to regulate the creation of noise that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this Section apply to all uses and activities that create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property; by incidental traffic, parking, loading, maintenance, or agricultural operations; or by sirens, whistles, and bells that are maintained and utilized solely to serve a public purpose.

- C. Requirements. All noise shall be muffled so as not be objectionable due to intermittence, frequency, or shrillness. In no event shall the sound-pressure level of noise continuously radiated from a facility exceed the values given in Figure 18.0819 as measured by a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983. The measurement shall be conducted at the lot line of the subject property where said lot abuts property within any zoning district other than the General Industrial district.
- D. Nonconforming Noise. Noise that was in effect as of the effective date of this Chapter shall be considered legal nonconforming. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Chapter is the responsibility of the noise producer.

<b>Figure 18.0819: Maximum Permitted Noise Level at Lot Line for Continuous Noise</b>	
Zoning District	Increase in Noise Level Over Ambient Level
AH, ER, SF-1, SF-2, SF-3, SF-6, SF-CPP, TF, MR-12, MR-18	Plus 3 dBA
P&I, P&R, SB, VC, LSB, CB, LI	Plus 5 dBA
GI	Plus 8 dBA
<b>Adjustment Factors for Maximum Noise Levels</b>	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	Plus 5 dBA
Noise source operates less than 20% of any one hour period	Plus 5 dBA*
Noise source operates less than 5% of any one-hour period	Plus 10 dBA*
Noise source operates less than 1% of any one-hour period	Plus 15 dBA*
Noise of impulsive character (hammering, etc.)	Minus 5 dBA
Noise of periodic character (hum, speech, etc.)	Minus 5 dBA
*Apply only one of these corrections.	

### 18.0820 Vibration Standards

- A. Purpose. The purpose of this Section is to regulate the creation of vibration that adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the health, safety, and general welfare of the public.
- B. Applicability. The requirements of this Section apply to all uses and activities that create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- C. Review and Approval. Through the site plan review process (see Section 18.1206), the Plan Commission shall review and approve all development on the subject property.
- D. Depiction on Required Site Plan. Any activity or equipment that creates detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property.
- E. Requirements. No activity or operation shall cause or create earthborn vibrations in excess of the displacement values given in Figure 18.0820, below.
- F. Method of Measurement. Measurements shall be made at or beyond the adjacent lot line or the nearest residential district boundary line. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The maximum permitted

displacements shall be determined in each zoning district by the following formula:  $D = K/f$ , where D = displacement in inches; K = a constant to be determined by reference to Figure 18.0820 below; f = the frequency of vibration transmitted through the ground (cycles per second).

Figure 18.0820: Vibration Measurement Constant	K All Other Zoning Districts	K GI District
On or beyond any adjacent lot line		
Continuous	0.003	0.015
Impulsive	0.006	0.030
Less than 8 pulses per 24-hour period	0.015	0.075
On or beyond any residential district boundary line		
Continuous	0.003	0.003
Impulsive	0.006	0.006
Less than 8 pulses per 24-hour period	0.015	0.015

### 18.0821 Group Development and Large Development Standards

- A. Purpose. The purpose of this Section is to establish standards that ensure group developments and large developments are properly located and are compatible with the surrounding area and the overall community character of the Village of Williams Bay.
- B. Applicability. The following standards apply to all group development and large development projects, as defined below.
- C. Definitions.
  - (1) Group Development. Any development located on one lot and comprised of any single instance or any combination of the following development types:
    - a) One or more principal multi-family residential buildings with a total of five or more residential units on the same lot.
    - b) Two or more principal structures on the same lot, whether currently serving a single use or more than one use.
    - c) A mixed-use structure containing both nonresidential uses and residential uses.
    - d) A single principal structure housing two or more leased or owned tenant spaces.
    - e) Any addition of principal buildings that increases the total number of principal structures on the same lot to two or more.
  - (2) Large Development. Any institutional, business, or mixed residential and nonresidential development containing any single structure or combination of structures on one or more contiguous lots or building sites devoted to land uses on which the total combined gross floor area of all development exceeds 10,000 square feet. The calculation of gross floor area shall include indoor and outdoor storage and display areas.

---

D. Common Examples.

- (1) Common examples of group developments include apartment or condominium complexes, commercial centers, shopping centers, office centers, and multi-tenant industrial buildings. Single-tenant business or office buildings, one-tenant industrial buildings, 4-unit apartment buildings, and all Planned Developments are *not* considered group developments even though such developments may contain lots under common ownership.
- (2) Common examples of large developments include single-tenant institutional, business, or mixed use buildings in excess of 10,000 gross square feet, such as retail stores, restaurants, daycares, schools, or churches.
- (3) Common examples of developments that are both group developments and large developments include multi-tenant, non-residential buildings that are in excess of 10,000 gross square feet, and any multi-building developments in which the combined total of all structures on a site, regardless of diverse ownership, use, or tenancy, combine to exceed 10,000 gross square feet.

E. Review and Approval.

- (1) All group developments and large developments require a conditional use permit (see Section 18.1207 for review and approval procedure) regardless of whether individual use(s) within the development are permitted by right within the applicable district, except where such developments are approved as Planned Developments per Section 18.0709.
- (2) Any land use that is either a permitted-by-right land use or a use allowed by conditional use permit within the applicable zoning district may be included within a group development and/or large development.
- (3) Land uses permitted by right in the applicable zoning district shall be permitted-by-right uses within an approved group and/or large development, subject to the provisions of this Section, unless otherwise restricted by the conditions of approval imposed during the conditional use approval for the group development and/or large development as a whole.
- (4) Land uses allowed by conditional use permit within the applicable zoning district shall be allowed within the group development and/or large development only with conditional use approval for that specific use.
- (5) The detailed land use regulations in Section 18.0300 of this Chapter that pertain to each proposed land use shall also apply within a group development and/or large development, as will all other applicable provisions of this Chapter.
- (6) Following initial issuance of a conditional use permit for the group development and/or large development as a whole, the subsequent addition of structures, additions to structures, and expansions of parking or storage areas in the group development and/or large development shall require an amendment to the approved conditional use permit regardless of individual land use(s).
- (7) Subsequent changes to individual land uses within a group development and/or large development listed as permitted-by-right uses within the applicable zoning district are allowed without amendment to the group development and/or large development conditional use permit, unless said conditional use permit placed restrictions on change of use.
- (8) Subsequent changes to individual land uses that are allowed only with a conditional use permit may be allowed only under a subsequent conditional use permit for the specific use, regardless of whether said use entails modifications to the building and/or site layout in the group development and/or large development.

- 
- F. Standards Applicable to All Group Developments and to All Large Developments. In all cases, the following standards shall be applied to the group development and/or large development as a whole, as well as to individual uses within the group and/or large development:
- (1) All development shall comply with the applicable requirements of this Chapter, including, but not limited to, density, intensity, bulk, setback, and building separation requirements; building and site design standards; landscaping and green space preservation requirements; access, parking, loading, and unloading requirements; and signage requirements.
  - (2) Subject to Conditional Use and Design Review Processes. All group developments and/or large developments shall be subject to the Village of Williams Bay site plan review and approval process. In addition to the application requirements listed in Subsection E(1), the applicant shall demonstrate how the proposed development relates to each of the following criteria:
    - a) Is consistent with the recommendations and forwards the objectives of adopted Village planning documents;
    - b) Complements the design and layout of nearby buildings and developments; and
    - c) Enhances, rather than detracts from, the desired character of the Village.
  - (3) General Layout and Future Divisibility. All development located within a group development and/or large development shall be located so as to comply with the intent of the Zoning Ordinance regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments and/or large developments shall be situated within building envelopes that are in complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments and/or large developments. The use of this approach to designing group developments and/or large developments will facilitate the subdividing of group developments and/or large developments in the future, (if such action is so desired).
  - (4) Building Materials. Exterior building materials shall be of comparable aesthetic quality on all sides. Building materials such as glass, brick, tinted and decorative concrete block, stone, wood, stucco, and exterior insulation and finish systems (EIFS) may be used, as may vinyl on a portion of residential structures, as determined appropriate by the Plan Commission. Decorative architectural metal or decorative tilt-up concrete panels may be approved if incorporated into the overall design of the building.
  - (5) Overall Building Design. Building design shall be subject to Plan Commission approval, and shall forward the aesthetic objectives of the Village for the community, the neighborhood, and the subject property.
  - (6) Building Entrances. Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways:
    - a) Canopies or porticos,
    - b) Overhangs,
    - c) Projections,
    - d) Arcades,
    - e) Peaked roof forms,
    - f) Arches,
    - g) Outdoor patios,
    - h) Display windows,
    - i) Distinct architectural details.
-

- 
- j) Where more than one store will be located in a principal building, each such store shall have at least one exterior customer entrance that shall conform to the design standards of this subsection.
- (7) Building Color. Building facade colors shall be compatible with the surrounding areas and shall be non-reflective, subtle, neutral, or earth tone, as judged by the Plan Commission. Building trim and architectural accent elements may feature bright colors or black, but such colors shall be muted, not metallic, not fluorescent, and not specific to particular uses or tenants. Standard corporate and trademark colors shall be allowed only on signage, subject to the limitations in Section 18.0802 of this Chapter.
- (8) Screening:
- a) All ground-mounted and wall-mounted mechanical equipment, refuse containers, and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
  - b) All rooftop mechanical equipment shall be screened by parapets, upper stories, or other areas of exterior walls. The lowest point on the top of such screening elements shall be at least as high as the point on any mechanical equipment. Fences or similar rooftop screening devices may not be used to meet this requirement.
  - c) Loading docks shall be completely screened from surrounding roads and properties. Said screening may be accomplished through loading areas internal to buildings, screen walls that match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above.
  - d) Gates and fencing may be used for security and access, but not for screening, and they shall be of high aesthetic quality. Decorative metal picket fencing and screening is acceptable. Chain link, wire mesh, or wood fencing is unacceptable. Decorative, heavy-duty wood gates may be used.
- (9) Roadway Connections.
- a) All nonresidential projects shall have direct access to an arterial street, or to a collector level street deemed appropriate by the Plan Commission.
  - b) Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length, width, design, location, and number; and traffic control devices; and sidewalks.
  - c) The site design shall provide direct connections to adjacent land uses if required by the Village.
- (10) Parking.
- a) Parking lot designs in which the number of spaces exceeds the minimum number of parking spaces required in Section 18.0200 of this Chapter by 50 percent shall be allowed only with specific and reasonable justification.
  - b) Parking lot design shall employ interior, curbed landscaped islands at all parking aisle ends. In addition, the project shall provide landscaped islands within each parking aisle spaced at intervals no greater than one island per every 12 spaces in that aisle. Islands at the ends of aisles shall count toward meeting this requirement. Each required landscaped island shall be a minimum of 360 square feet in landscaped area.
  - c) Landscaped and curbed medians, a minimum of 10 feet in width from back-of-curb to back-of-curb, shall be used to create distinct parking areas of no more than 120 parking stalls.
-

- d) Parking located in the front and/or street side yard shall be limited to no more than one doubled-loaded row of parking and an area for passenger drop off and pick up unless the applicant can demonstrate to the Plan Commission's satisfaction that such parking arrangement is not practical given site limitations.

(11) Bicycle and Pedestrian Facilities.

- a) The entire development shall provide for safe pedestrian and bicycle access to all uses within the development, connections to existing and planned public pedestrian and bicycle facilities, and connections to adjacent properties.
- b) Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be 10 feet; and the minimum width for sidewalks elsewhere in the development shall be five feet.
- c) Sidewalks other than street sidewalks or building aprons shall have adjoining landscaping along at least 50 percent of their length. Such landscape shall be consistent with the landscaping used for the street frontages.
- d) Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different pavement materials, pavement color, pavement textures, and signage.
- e) The development shall provide secure, integrated bicycle parking at a rate of one bicycle rack space for every 50 vehicle parking spaces.
- f) The development shall provide exterior pedestrian furniture in appropriate locations at a minimum rate of one seat for every 10,000 square feet of gross floor area. Seating in food service areas, or other areas where food or merchandise purchasing activities occur shall not count toward this requirement. A minimum of four seats shall be located within the store, with a clear view through exit doors to a passenger pick-up or drop-off area.

(12) Central Areas and Features. Each development exceeding 20,000 square feet in total gross floor area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and shall be maintained over the life of the building project.

(13) Cart Returns. For Indoor Sales and Service land uses, a minimum of one 200-square foot cart return area shall be provided for every 100 parking spaces. Cart corrals shall be of durable, non-rusting, all season construction, and shall be designed and colored to be compatible with the building and parking lot light standards. There shall be no exterior cart return or cart storage areas located within 25 feet of the building. Any long-term cart storage shall be located indoors.

(14) Outdoor Display Areas. Exterior display areas shall be permitted only where clearly depicted on the approved site plan. All exterior display areas shall be separated from motor vehicle routes by a physical barrier visible to drivers and pedestrians, and by a minimum of 10 feet. Display areas on building aprons must maintain a minimum walkway width of 10 feet between the display items and any vehicle drives.

(15) Outdoor Storage Uses and Areas. Exterior storage structures or uses, including the parking or storage of vehicles, trailers, equipment, containers, crates, pallets, merchandise, materials, fork lifts, trash, recyclables, and all other items shall be permitted only where clearly depicted and labeled on the approved site plan.

- 
- (16) Landscaping. On-site landscaping shall be provided at time of building occupancy and maintained per the Village's landscaping requirements (see Section 18.0900). In addition to the requirements of Section 18.0900, a minimum 10-foot wide landscaped area shall be located along the building foundation for all facades facing a public street, except where breaks in such landscaping area required to provide customer, employee, or emergency access to the building.
- (17) Lighting. On-site exterior lighting shall meet the standards in Section 18.0807.
- (18) Signage. The plan for exterior signage shall provide for modest, coordinated, and complementary exterior sign locations, configurations, and color throughout the development, including outlots. All freestanding signage within the development shall complement on-building signage. Monument style ground signs are required, and shall not exceed a height of eight feet. Consolidated signs for multiple users may be required instead of multiple individual signs. The Village may require the use of muted corporate colors on signage if proposed colors are not compatible with the Village's design objectives for the area. The use of logos, slogans, symbols, patterns, striping and other markings, and colors associated with a franchise or chain is permitted, but shall be considered as contributing to the number and area of permitted signs.
- (19) Noise. Noise associated with activities at the site shall not create a nuisance to nearby properties.
- (20) Natural Resources Protection. Existing natural features shall be integrated into the site design as a site and community amenity. Maintenance of any storm water detention or conveyance features are solely borne by the developer/owner unless dedicated to and accepted by the Village.

G. Additional Rules Applicable to All Large Developments

- (1) A Large Development Questionnaire shall be completed and provided along with the conditional use permit application in the format included in Figure 18.0821B at the end of this Section.
- (2) Compatibility Report. The applicant shall provide, through a written Compatibility Report submitted with the petition for a conditional use permit adequate evidence that the proposed building and overall development project shall be compatible with the Village's Comprehensive Plan and any detailed neighborhood or special area plan for the area. The Compatibility Report shall specifically address the following items:
- a) A description of how the proposed development is compatible with adopted Village Plans, including the Comprehensive Plan, any detailed neighborhood or special area plans, and other plans officially adopted by the Village;
  - b) Traffic Impact Analysis. The Village may require that a traffic impact analysis be completed in accordance with the most current revision of the Traffic Impact Analysis Guidelines published by the Wisconsin Department of Transportation. Such Traffic Impact Analysis shall require the following components:
    1. A demonstration that vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety. This shall be accomplished through adequate parking lot design and capacity; access drive entry throat length; design, location, and number of traffic control devices; and sidewalks.
    2. Where the traffic impact analysis indicates that a project may cause off-site public roads, intersections, or interchanges to function below a level of service (LOS) C, the Village may deny the application, require a size reduction in the proposed development, and/or require the developer to construct and/or pay for required off-site improvements to achieve a LOS C for a planning horizon of a minimum of 10 years assuming full build-out of the development.
    3. The Village has the option to require a trip generation study.

- 
- (3) Economic and Fiscal Analysis. The Village may require completion of an economic and fiscal impact analysis containing the following items:
    - a) Estimate to what extent the proposed project would reduce the proposed market area's economic base by eliminating existing businesses.
    - b) Compare and evaluate the projected costs and benefits to the community resulting from the project, including:
      1. Projected costs arising from increased demand for and required improvements to public services and infrastructure.
      2. Value of improvements to public services and infrastructure to be provided by the project.
      3. Projected tax revenues to the Village to be generated by the project in the first five years of business.
      4. Projected impact of the project in the first five years on land values (both residential and nonresidential) and potential loss or increase in tax revenues to the Village of Williams Bay.
  - (4) Building Placement and Site Layout. Where buildings are proposed to be distant from a public street, as determined by the Plan Commission, the overall development design shall include smaller buildings on pads or out lots closer to the street. Placement and orientation must facilitate appropriate land use transitions and appropriate traffic flow to adjoining roads and neighboring commercial areas and neighborhoods, and must forward community character objectives as described in the Village's Comprehensive Plan.
  - (5) For a development exceeding 80,000 square feet in total gross floor area of all combined buildings within the development, the Village may require that a detailed neighborhood plan be submitted and approved by the Plan Commission and Village Board. The detailed neighborhood plan shall be prepared for all areas within 1,500 feet of the subject property, as measured from the outer perimeter of the subject property or group of properties proposed for development, and any other nearby lands as determined by the Plan Commission to be part of the defined neighborhood. The detailed neighborhood plan shall contain the following specific elements at a scale of not less than 1" = 400':
    - a) Land use with specific zoning districts and/or land uses.
    - b) Transitional treatments such as berms and/or landscaping between areas with differing land uses or character.
    - c) Complete transportation network, including pedestrian and bicycle facilities and transit routes and stops, where applicable.
    - d) Conceptual stormwater management facilities.
    - e) Proposed public facility sites, including parks, schools, conservation areas, public safety facilities and public utility facilities.
    - f) Proposed community character themes, including building materials, landscaping, streetscaping, and signage.
    - g) Demonstrate that the proposed detailed neighborhood plan is in harmony with the land use, multi-modal transportation, utility, stormwater management, community character provisions of the Village's Comprehensive Plan.
  - (6) Overall Building Design. The building exterior shall complement other buildings in the vicinity, and shall be of a design determined appropriate by the Plan Commission:
-

- 
- a) The building shall employ varying setbacks, heights, roof treatments, doorways, window openings, and other structural or decorative elements to reduce apparent size and scale of the building.
  - b) A minimum of 20 percent of the structure's façades that are visible from a public street shall employ actual protrusions or recesses with a depth of at least six feet. No uninterrupted façade shall extend more than 100 feet.
  - c) A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet.
  - d) Roofs with particular slopes may be required by the Village to complement existing buildings or otherwise establish a particular aesthetic objective.
  - e) Ground floor facades that face public streets shall have arcades (a series of outdoor spaces located under a roof or overhang and supported by columns or arches), display windows, entry areas, awnings, or other such features along no less than 60 percent of their horizontal length. The integration of windows into building design is required, and shall be transparent, clear glass (not tinted) between three to eight feet above the walkway along any façades facing a public street. The use of blinds shall be acceptable where there is a desire for opacity.
  - f) Building facades shall include a repeating pattern that includes no less than three of the following elements: 1) color change, 2) texture change, 3) material modular change, 4) expression of architectural or structural bay through a change in plane no less than 24 inches in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 30 feet, either horizontally or vertically.
  - g) Landscaped Berm. For development exceeding 20,000 square feet in total gross floor area, and where the subject property abuts an area zoned or planned for residential or institutional use a minimum six-foot high berm shall be provided. The berm shall be planted with a double row of white, green, or blue spruce plantings, or similar species and varieties approved by the Village, spaced 15 feet on center.
- (7) Building and Parking Placement A maximum of 75 percent of all parking spaces located anywhere on the site shall be located between the primary street frontage right-of-way line and line of equal setback to the most distant front wall of the building. The remainder of parking on the site shall be set back a greater distance from this setback line to the sides and rear of the building.
- (8) In general, existing natural features shall be integrated into the site design as a site and community amenity. Each development shall intentionally incorporate into site and building design elements that contribute to the long-term environmental sustainability of the development and the Village. Each development shall provide at least one-half of the following sustainability features:
- a) Reuse an existing, previously developed building and/or site.
  - b) Utilize one or more rain gardens or bioswales, as described in the Village of Williams Bay Landscaping Guidelines, to capture and manage stormwater.
  - c) Incorporate stormwater management facilities that are designed to appear as natural features that can serve as attractive focal points for the development.
  - d) Install native/naturalized landscaping that minimizes requirements for irrigation/watering and provides natural habitat.
  - e) Deliberately design/retrofit the primary building with energy efficient systems, such as lighting, refrigeration, and HVAC systems.
-

- f) Utilize paving and/or roof materials with a solar reflectance index of at least 29 for a minimum of 50 percent of the combined pavement and roof area on the site.
  - g) Recycle of a minimum of 75 percent of the waste generated during building/site construction.
  - h) Utilize a minimum of 25 percent recycled materials for building construction.
  - i) Utilize a minimum of 50 percent regional materials for building construction (extracted, harvested, or recovered, and manufacturing from within 500 miles of the development site.
  - j) Purchase a minimum of 50 percent of the development’s energy from renewable sources, such as wind or solar.
  - k) Integrate solar, geothermal, wind, or other on-site energy generation into the site and/or building design.
  - l) Install a green roof or roof-top garden.
  - m) Install systems that allow for the capture and later use of rainwater to water landscaping and for other permitted functions.
  - n) Two additional sustainability features not listed above but approved by the Plan Commission to meet the Village’s sustainability objectives, not including any feature already required by another section of this Chapter.
- (9) Vacation of Existing Buildings in Large Developments.
- a) Where any Large Development that has 50,000 or more square feet of floor area is vacated because the commercial use (sale of goods or merchandise at the building) conducted thereon is being relocated to a different building, the party shall be subject to the following provisions:
    1. The party that vacated the site shall not impose limits on the type of reuse of the vacated site through conditions of sale or lease.
    2. The development agreement for the new development at the new site shall include provisions therein whereby the developer of the new site commits to the requirements contained herein.
  - b) In addition to the above, any building within a Large Development that has 20,000 or more square feet of floor area and is vacated for any reason shall be subject to the following provisions:
    1. The owner must file with the Village a written statement as to the names, phone numbers, and addresses for all persons who are in control of the property and building.
    2. The owner shall be required to meet the requirements defined in Figure 18.0821A based on the amount of time the building remains vacant:

<b>Figure 18.0821A: Steps for Addressing Building Vacancy</b>	
<b>Period of Time Building is Vacant</b>	<b>Requirement</b>
Within 1 Year of Vacancy	Install a fire department Knox Box for annual fire inspection.
Within 3 Years of Vacancy	Village may require owner to paint building a neutral color, if not already done.
Within 5 Years of Vacancy	Village may require the removal of all hard surfaces, with the exception of the main driveway and fire lane around the building, restore the former hard surfaced areas with black dirt and grass, or any combination of the above.

3. Within the first quarter of each year of vacancy, the owner shall provide the Zoning Administrator with a statement as to the condition of the building and prospects for removal or re-occupancy of the building(s).
4. At any time following vacancy, the Village may utilize other enforcement options available to it to ensure property maintenance and upkeep of the building and site.
5. Temporary occupancy of the building(s) and/or the exterior grounds for a period of 365 consecutive days or less shall not be considered to remove the vacancy status of the building under this Section.

(10) Additional Requirements. All large developments are subject to the following additional requirements:

- a) The developer shall enter into a development agreement with the Village, which shall include the payment of all utilities including but not limited to stormwater, sanitary sewer, and street infrastructure. Off-site improvements may also be required as part of the development agreement.
- b) All buildings on outlots shall be of architectural quality comparable to the primary structure, as determined by the Plan Commission.

Figure 18.0821B: Large Development Questionnaire		
Applicant and Project Information		
Applicant name		
Applicant Address		
Applicant Phone Number		
Property Owner		
Developer		
Contractor		
Engineer		
Architect		
Planner		
Landscape Architect		
Lighting Representative		
Existing Site Conditions		
Total site area (inclusive of all areas within the parcel)		
Environmental corridor components		
Surface water		
Wetlands		
100-year floodplain		
Steep slopes (equal to or greater than 12%)		
Upland woodlands (per environmental corridor criteria)		

**Figure 18.0821B: Large Development Questionnaire**

Describe how the proposed development is compatible with the following plans and polices:

Williams Bay Comprehensive Plan	
Future Land Use	
Transportation	
Utilities and Community Facilities	
Community Character	
Agricultural Resources	
Natural Resources	
Economic Development	
Other provisions of the Comprehensive Plan	
Williams Bay Park and Open Space Plan	
Williams Bay Intergovernmental Agreements	
State and County land use, transportation, and park plans	

**18.0822 Reserved**

**18.0823 Administration and Enforcement**

A. Determinations necessary for administration and enforcement of performance standards set forth in this Section range from those that can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

- (1) Where determinations can be made by the Zoning Administrator using equipment normally available to the Village or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
- (2) Where technical complexity or extraordinary expense makes it unreasonable for the Village to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
- (3) The Zoning Administrator shall give written notice, by certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
- (4) The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the Zoning Administrator within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Village.



## **SECTION 18.0900: LANDSCAPING REQUIREMENTS**

### **18.0901 Purpose**

The purpose of this Section is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

### **18.0902 How to Use this Section**

- A. This Section contains the standards that govern the amount, size, type, installation, and maintenance of required landscaping. This Section recognizes the important and diverse benefits landscaping provides in terms of protecting the health, safety, and general welfare of the community.
- B. Each section of this Section is oriented to a specific category of required landscaping. The landscaping requirements described in this Section are cumulative in nature and are required for all development, except single-family residential and agricultural uses, in the following locations: around building foundations, in developed lots, along street frontages, in or around paved areas, in permanently protected green space areas, in reforestation areas, and in bufferyards. Descriptions of these areas and their associated landscape requirements are included in Sections 18.0906, 18.0907, 18.0908, and 18.0909.
- C. In each instance, a “landscaping point” concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 18.0913 presents sample landscape point combination alternatives used by this Chapter. Section 18.0910 provides a listing of plant species fitting into the plant categories listed in Figure 18.0910A. Section 18.0912 provides requirements for the installation and maintenance of required landscaping, and Section 18.0904 describes the procedure for calculating landscaping requirements for this Section.

### 18.0903 Landscaping Points

All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. Points are awarded based on plant type, which is mostly dependent upon a plant’s typical mature height, physical characteristics, and whether it is a deciduous or evergreen species. Figure 18.0903 itemizes the number of points awarded and the minimum installation size required per plant type.

**Figure 18.0903: Landscaping Points**

Plant Category	Landscaping Points Per Plant	Typical Mature Height	Minimum Permitted Installation Size
Shade Tree	75	> 50 feet	2” Caliper
Tall Deciduous Tree	30	30 to 50 feet	1 ½” Caliper
Medium Deciduous Tree	15	20 to 30 feet	6’ Tall
Low Deciduous Tree	10	< 20 feet	4’ Tall
Tall Evergreen Tree	40	> 30 feet	5’ Tall
Medium Evergreen Tree	20	20 to 30 feet	4’ Tall
Low Evergreen Tree	12	< 20 feet	3’ Tall
Tall Deciduous Shrub	5	> 10 feet	36” Tall
Medium Deciduous Shrub	3	4 to 10 feet	24” Tall
Low Deciduous Shrub	1	< 4 feet	18” Tall
Tall/Medium Evergreen Shrub	5	> 4 feet	18” Tall/Wide
Low Evergreen Shrub	3	< 4 feet	12” Tall/Wide
Perennial Plantings	20/20 sq ft	N/A	2’ Tall or 1 gallon pot (generally spaced 2-feet on center)
Rain Garden or Bioswale	20/20 sq ft	N/A	N/A

Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension  
 Publication: A2865

### 18.0904 Sample Landscaping Schemes

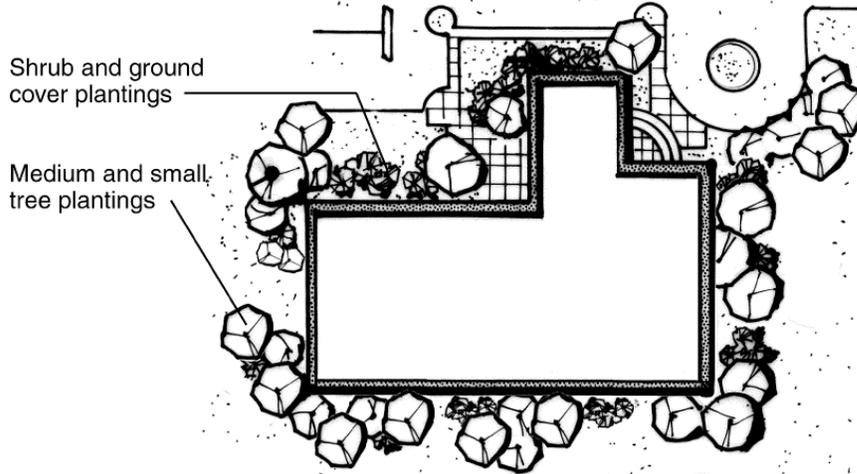
Sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards are depicted in Figure 18.1104 In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for bufferyards.

**Figure 18.0904: Sample Landscaping Schemes**

Alternative A: Best suited for building foundations.

**Example:**  
750 Required Landscaping Points

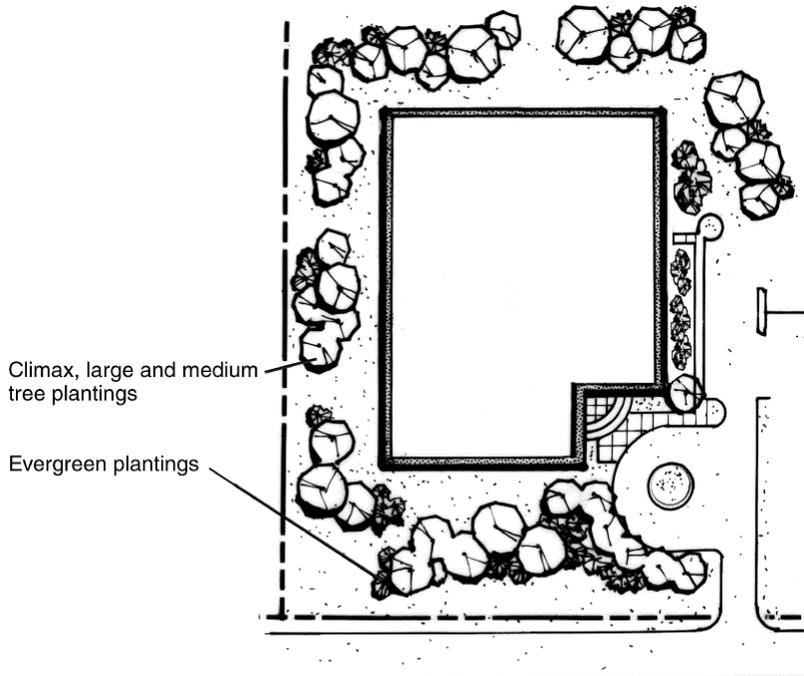
**Shown in Diagram:**  
20 medium trees  
15 small shrubs  
60 shrubs



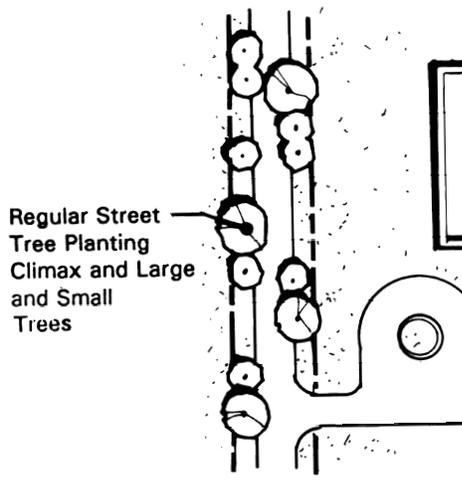
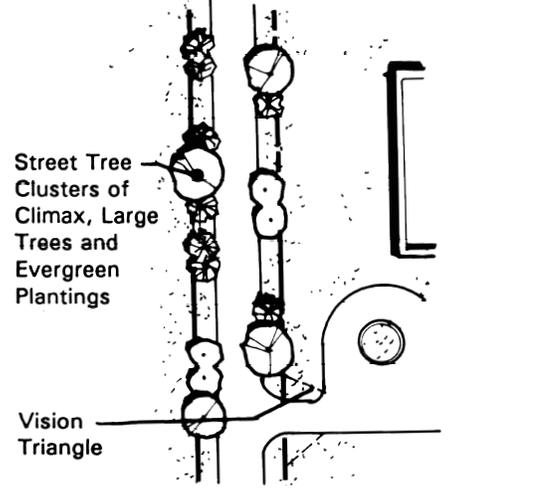
Alternative B: Best suited for developed lots.

**Example:**  
1,250 Required Landscaping Points

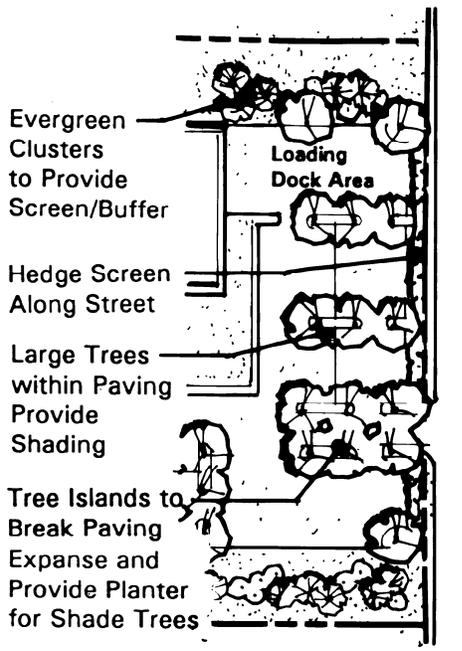
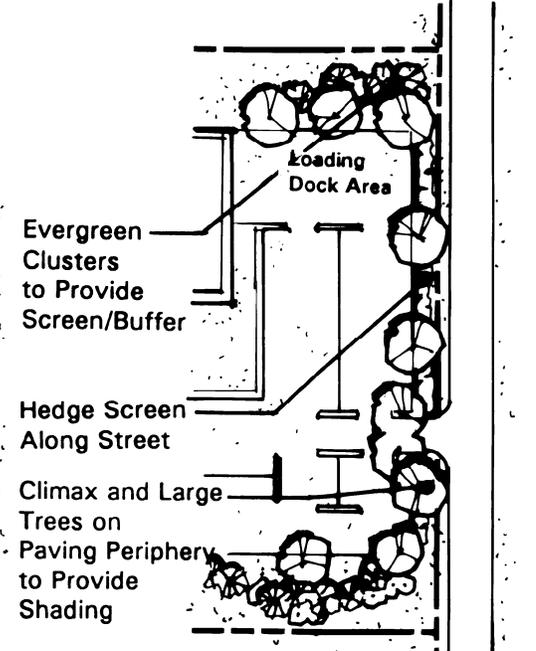
**Shown in Diagram:**  
6 shade trees  
8 small trees  
20 medium trees  
41 evergreen plantings



Alternative C: Best suited for street frontages.

<p><b>Example:</b> 280 Required Landscaping Points</p> <p><b>Shown in Diagram</b></p> <p><b>Option 1:</b> 2 shade trees 2 tall trees 8 small trees.</p> <p><b>Option 2:</b> 2 shade trees 2 tall trees 4 small trees 8 evergreen shrubs.</p>	<p><b>OPTION 1</b></p>  <p>Regular Street Tree Planting Climax and Large and Small Trees</p>	<p><b>OPTION 2</b></p>  <p>Street Tree Clusters of Climax, Large Trees and Evergreen Plantings</p> <p>Vision Triangle</p>
--	---	---

Alternative D: Best suited for paved areas.

<p><b>Example:</b> 880 Required Landscaping Points</p> <p><b>Show in Diagram:</b></p> <p><b>Option 1:</b> 2 shade trees 13 tall trees 68 evergreen shrubs</p> <p><b>Option 2:</b> 5 shade trees 6 tall trees 68 evergreen shrubs</p>	<p><b>OPTION 1</b></p>  <p>Evergreen Clusters to Provide Screen/Buffer</p> <p>Loading Dock Area</p> <p>Hedge Screen Along Street</p> <p>Large Trees within Paving Provide Shading</p> <p>Tree Islands to Break Paving Expanse and Provide Planter for Shade Trees</p>	<p><b>OPTION 2</b></p>  <p>Evergreen Clusters to Provide Screen/Buffer</p> <p>Loading Dock Area</p> <p>Hedge Screen Along Street</p> <p>Climax and Large Trees on Paving Periphery to Provide Shading</p>
--	--	---

Alternative E: Best suited for reforestation.

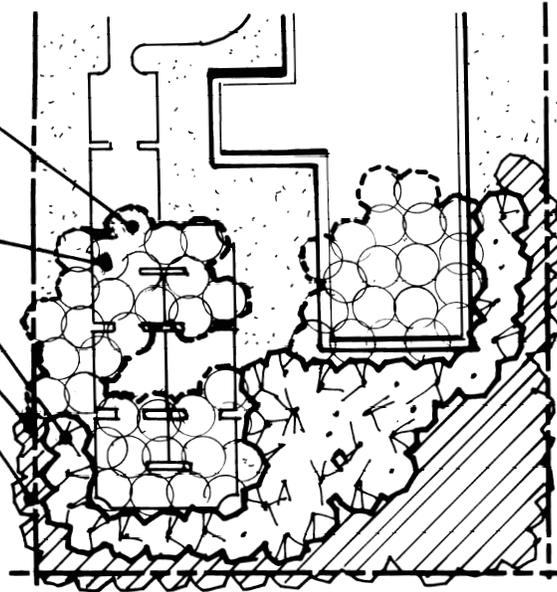
More than 30% of Woodland Clear Cut Due to Site Work, Etc.

Clear Cut Trees 55% of Woodland Area

Remaining Trees 45%

Reforested Trees 25%

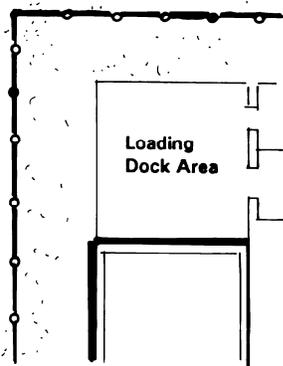
Reforest Exceeding Percentage (55% clear cut-30% allowable = 25% reforested). Location of Reforestation is Owners Option



Alternative F: Best suited for bufferyards.

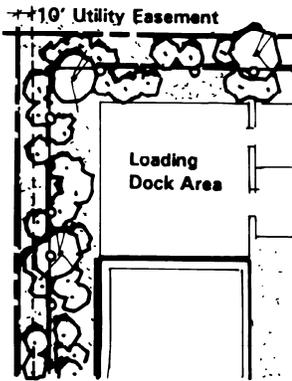
**OPTION 1**

6' opaque fence on property line minimum 5' setback to paving. (No plants)



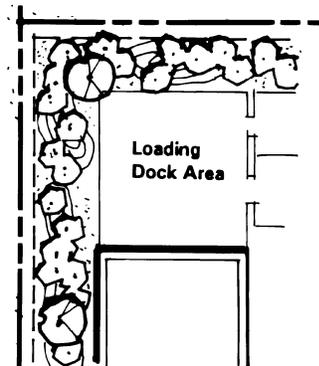
**OPTION 2**

4' transparent fence, 20' from property line. Stagger plants to both sides. (Stay out of 10' Utility Easement)



**OPTION 3**

10' zone with no plantings adjacent to property line. 10' wide berm minimum (1.5' height min.), and plantings.

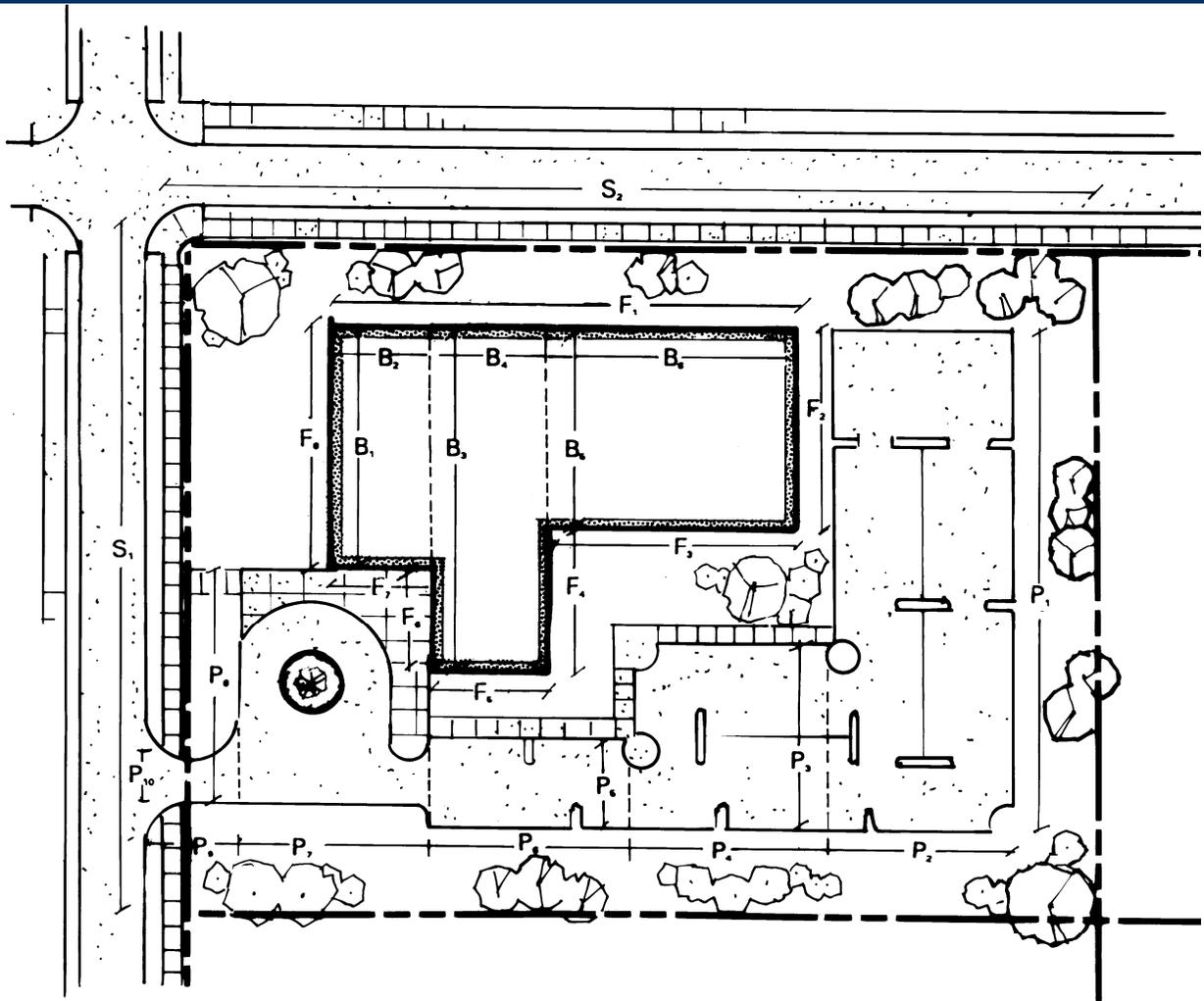


### 18.0905 Measurement of Landscaping Points

A minimum amount of landscaping points, based upon the zoning district, is required for each of the areas listed in A through D, below. Figure 18.1105 illustrates the measurement techniques used to determine the minimum requirements.

- A. The linear feet of building foundations.
- B. The gross area of buildings on developed lots.
- C. The linear feet of street frontage.
- D. The total combined area of paved areas.

**Figure 18.0905: Measurement for Landscaping Requirements**



Landscaping calculation equations for this example:

$$\text{Paved area} = (P1 \times P2) + (P3 \times P4) + (P5 \times P6) + (P7 \times P8) + (P9 \times P10)$$

$$\text{Street frontage} = S1 + S2$$

$$\text{Building perimeter} = F1 + F2 + F3 + F4 + F5 + F6 + F7 + F8$$

$$\text{Building floor area} = (B1 \times B2) + (B3 \times B4) + (B5 \times B6)$$

---

## 18.0906 Landscaping Requirements for Regular Developments

- A. Landscaping is not required for single-family (Section 18.0306A) or agricultural land uses (Section 18.0307).
- B. Building foundations. As indicated in Figure 18.0906, certain buildings or building additions constructed after the effective date of this Chapter are required to be accented by a minimum amount of landscaping placed near the building foundation.
- (1) Foundation landscaping shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards. Foundation landscaping shall be installed and permanently maintained in conformity with the requirements of Section 18.0912.
  - (2) For each 100 feet of building foundation perimeter, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 18.0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and permanently maintained per the requirements of Section 18.0912.
  - (3) Shade trees and tall trees shall not be used to meet the foundation landscaping requirement. The intent of this Section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes).
  - (4) If the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in a point requirement not met by the initial planting, then the requirement shall be met within five years after the issuance of the building permit, or within such larger time period as established in writing by the Plan Commission.
- C. Street Frontages. As indicated in Figure 18.0904, street frontages on certain lots developed after the effective date of this Chapter contain a minimum amount of landscaping in those areas abutting the right-of-way of a public street.
- (1) All landscaping used to meet street frontage requirements shall be located within 10 feet of the public right-of-way. Under no circumstances shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility and shall be installed and permanently maintained in conformity with the requirements of Section 18.0912.
  - (2) For every 100 linear feet of street frontage of a developed lot abutting a public street right-of-way, the landscape installed shall at a minimum meet the number of landscaping points specified in Figure 18.0906. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of Section 18.0912.
  - (3) Shrubs shall not be used to meet street frontage landscaping requirements. A minimum of 50 percent of all points shall be devoted to shade or tall trees, or a combination of such trees, and a minimum of 30 percent of all points shall be devoted to medium trees.
- D. Paved Areas. As indicated in Figure 18.0906, paved areas on certain lots developed after the effective date of this Chapter must contain a minimum amount of landscaping within 10 feet of the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.

- (1) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 paved area landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Figure 18.1104, above. Plants used to fulfill this requirement shall visually screen parking, loading, and circulation areas from view from public streets. Paved area landscaping shall be installed and permanently maintained in conformity with the requirements Section 18.0912.
  - (2) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the landscaping installed shall at a minimum meet the number of landscaping points specified in Figure 18.11006. The actual number of points required for such landscaping shall be computed on a prorated basis, and installed and maintained per the requirements of Section 18.0912.
  - (3) A minimum of 30 percent of all points shall be devoted to shade or tall trees, or a combination of such trees, and a minimum of 40 percent of all points shall be devoted to shrubs.
  - (4) Parking lot design shall employ interior landscaped islands with a minimum of 350 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 350 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- E. Developed Lots. As indicated in Figure 18.0906, lots developed after the effective date of this Chapter must contain a minimum amount of landscaping.
- (1) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards.
  - (2) The number of landscaping points specified in Figure 18.0906 shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of 18.0912.
  - (3) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of six feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes).

**Figure 18-0906: Landscaping Requirements for Regular Development\***

		Landscaping Components			
		Building Foundation	Street Frontages	Paved Areas	Developed Lots
Types of Landscaping		Shade trees and tall trees shall not be used to meet this requirement	Shrubs not allowed; a minimum of 50% of points devoted to shade/tall trees and 30% to medium trees	A minimum of 30% of points devoted to shade/tall trees and 40% to shrubs	All plant categories can be used to meet this requirement
Placement of Landscaping		Located so that at maturity the plant's drip line is located 10 feet of building foundation	Located within 10 feet of the public right-of-way	Within paved area or within 10 feet of the paved area	Located away from areas that meet other landscaping requirements (i.e. building foundation, street frontage, paved areas)
Calculation of Landscaping Points		Points per 100 feet of building foundation	Points per 100 linear feet of building foundation	Greater of: points per 20 parking stalls or 10,000 square feet of paved area	Points per 1,000 square feet of total building footprints
Zoning Districts:	AH Agricultural Holding	20	20	40	10
	ER Estate Residential	40	40	80	20
	SF-1 Low Density Residential	40	40	80	20
	SF-2 Large Lot Residential	40	40	80	20
	SF-3 Suburban Residential	40	40	80	20
	SF-6 Village Residential	40	40	80	20
	SF-CPP Cedar Point Park	40	40	80	20
	TF Two Family Residential	45	45	90	20
	MF-12 Small Multi-Family Residential	50	50	95	25
	MF-18 Multi-Family Residential	60	60	100	30
	SB Small Business	40	40	80	20
	LSB Lakeshore Business	40	40	80	20
	CB Community Business	40	40	80	20
	VC Village Center	0	0	80	0
	LI Light Industrial	25	40	80	10
	GI General Industrial	20	20	40	5
P&I Public and Institutional	40	40	80	20	
P&R Parks and Recreation	40	40	80	20	
*Note: Landscaping is not required for single-family or agricultural land uses					

---

### **18.0907 Requirements for Permanently Protected Green Space**

After the effective date of this Chapter, each acre of other permanently protected green space shall be planted with a minimum amount of landscaping. For every one acre of other permanently protected green space in a development, 200 landscaping points shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

### **18.0908 Reforestation Requirements**

Each area requiring reforestation shall be reforested and maintained in a manner appropriate to site conditions. The provisions of this Section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions that woodlands provide. A detailed reforestation plan shall be submitted by the property owner and approved by the Village prior to clear cutting (see Section 18.0307E). This plan shall be reviewed by a reforestation consultant chosen by the Village, with funding for consulting services provided by the petitioner to the Village.

### **18.0909 Bufferyard Requirements**

- A. Purpose. This Section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this chapter. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms, and/or fencing that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt; litter; noise; glare; signs; and incompatible land uses, buildings, or parking areas.
- B. Required Locations for Bufferyards. Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front or street side yards
- C. Determination of Required Bufferyard. The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Figure 18.0809A. Opacity is a quantitatively-derived measure that indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by Figure 18.0809A is directly related to the degree to which the potential character of development differs between abutting zoning districts. The provisions of this Section indicate the minimum requirements for bufferyards located along zoning district boundaries
- D. Identification of Required Level of Opacity. Figure 18.0809A shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

**Figure 18.0909A: Required Bufferyard Opacity Values**

Apply the required opacity value from this Table to Figure 18.1109B and select the most appropriate bufferyard option for the site. Note that certain land uses, conditional uses, and planned development projects may have more stringent bufferyard requirements.		Subject Property's Zoning District																	
		AH Agricultural Holding	ER Estate Residential	SF-1 Low Density Residential	SF-2 Large Lot Residential	SF-3 Suburban Residential	SF-6 Village Residential	SF-CPP Cedar Point Park	TF Two-Family Residential	MF-12 Small Multi-Family Residential	MF-18 Multi-Family Residential	SB Small Business	LSB Lakeshore Business	CB Community Business	VC Village Center	LI Light Industrial	GI General Industrial	P&I Public and Institutional	P&R Parks and Recreation
Adjacent Property's Zoning District:	AH Agricultural Holding	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
	ER Estate Residential			0	0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6	1.0	0.4	0.4
	SF-1 Low Density Residential				0	0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6	1.0	0.4	0.4
	SF-2 Large Lot Residential					0	0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6	1.0	0.4	0.4
	SF-3 Suburban Residential						0	0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6	1.0	0.4	0.4
	SF-6 Village Residential							0	0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6	1.0	0.4	0.4
	SF-CPP Cedar Point Park								0.2	0.3	0.3	0.4	0.4	0.4	0.6	0.6	1.0	0.4	0.4
	TF Two-Family Residential									0.2	0.2	0.3	0.3	0.3	0.5	0.5	1.0	0.3	0.3
	MF-12 Small Multi-Family Residential										0.2	0.2	0.2	0.2	0.4	0.4	1.0	0.2	0.2
	MF-18 Multi-Family Residential											0.2	0.2	0.2	0.4	0.4	1.0	0.2	0.2
	SB Small Business												0.2	0.2	0.4	0.4	0.6	0.1	0.1
	LSB Lakeshore Business													0	0.3	0.3	0.6	0	0
	CB Community Business														0.3	0.3	0.6	0	0
	VC Village Center															0.3	0.6	0	0
	LI Light Industrial																0.5	0	0
	GI General Industrial																	0	0
	P&I Public and Institutional																		0
	P&R Parks and Recreation																		

\*Note: Refer to Future Land Use Map of the Village's Comprehensive Plan and identify most likely future zoning district on future land use designation.

<b>Figure 18.0909B: Detailed Bufferyard Requirements</b>			
<b>Opacity</b>	<b>Required Number of Landscaping Points per 100 feet</b>	<b>Width (in feet)</b>	<b>Required Structure <sup>1,2</sup></b>
0.05	00	10+	Minimum 44 inch picket fence
	00	10+	Minimum 4 foot wood rail fence
	40	10	N/A
	36	15	N/A
	33	20	N/A
	31	25	N/A
	29	30	N/A
0.10	00	10+	Minimum 44 inch picket fence
	38	10+	Minimum 4 foot wood rail fence
	91	10	N/A
	80	15	N/A
	73	20	N/A
	68	25	N/A
	65	30	N/A
	62	35+	N/A
	00	35+	Minimum 4 foot berm
0.20	00	10+	Minimum 6 foot solid fence
	84	10+	Minimum 44 inch picket fence
	133	15+	Minimum 4 foot wood rail fence
	198	15	N/A
	173	20	N/A
	158	25	N/A
	149	30	N/A
	140	35	N/A
	10	35+	Minimum 4 foot berm
	135	40+	N/A
	00	40+	Minimum 5 foot berm
0.30	00	10+	Minimum 6 foot solid fence
	198	15+	Minimum 44 inch picket fence
	320	20	N/A
	240	20+	Minimum 4 foot wood rail fence
	276	25	N/A
	252	30	N/A
0.30	235	35	N/A
	104	35+	Minimum 4 foot berm

<b>Figure 18.0909B: Detailed Bufferyard Requirements</b>			
<b>Opacity</b>	<b>Required Number of Landscaping Points per 100 feet</b>	<b>Width (in feet)</b>	<b>Required Structure <sup>1,2</sup></b>
	223	40	N/A
	44	40+	Minimum 5 foot berm
	215	45	N/A
	209	50+	N/A
	00	50+	Minimum 6 foot berm
0.40	53	10+	Minimum 6 foot solid fence*
	330	20+	Minimum 44 inch picket fence*
	440	25	N/A
	362	25+	Minimum 4 foot wood rail fence*
	385	30	N/A
	349	35	N/A
	208	35+	Minimum 4foot berm
	327	40	N/A
	148	40+	Minimum 5 foot berm
	310	45	N/A
	299	50+	N/A
	56	50+	Minimum 6 foot berm
0.50	135	15+	Minimum 6 foot solid fence
	564	30	N/A
	405	30+	Minimum 44 inch picket fence
	492	30+	Minimum 4 foot wood rail fence
	499	35	N/A
	319	35+	Minimum 4 foot berm
	454	40	N/A
	261	40+	Minimum 5 foot berm
	422	45	N/A
	405	50	N/A
	160	50+	Minimum 6 foot berm
	388	55	N/A
	374	60+	N/A
0.60	221	20+	Minimum 6 foot solid fence
	433	35+	Minimum 4 foot berm
	541	35+	Minimum 44 inch picket fence
	630	35+	Minimum 4 foot wood rail fence*
	626	40	N/A
	379	40+	Minimum 5 foot berm

**Figure 18.0909B: Detailed Bufferyard Requirements**

Opacity	Required Number of Landscaping Points per 100 feet	Width (in feet)	Required Structure <sup>1,2</sup>
	570	45	N/A
	525	50	N/A
	270	50+	Minimum 6 foot berm
	500	55	N/A
	480	60+	N/A
0.80	415	30+	Minimum 6 foot solid fence
	655	40+	Minimum 4 foot berm
	627	45+	Minimum 5 foot berm
	873	45+	Minimum 44 inch picket fence
	910	50	N/A
	505	50+	Minimum 6 foot berm
	809	50+	Minimum 4 foot wood rail fence
	804	55	N/A
	744	60	N/A
	710	65	N/A
677	70+	N/A	
1.00	636	40+	Minimum 8 foot solid fence
	732	50+	Minimum 8 foot solid fence
	751	50+	Minimum 8 foot solid fence
	867	55+	Minimum 8 foot solid fence
	1091	60+	Minimum 8 foot solid fence
	1136	60+	Minimum 8 foot solid fence
	1083	65	Minimum 8 foot solid fence
	994	70	Minimum 8 foot solid fence
	934	75	Minimum 8 foot solid fence
	892	80+	Minimum 8 foot solid fence

<sup>1</sup> Fences contributing to bufferyard requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

<sup>2</sup> A building wall that does not contain doors (except those used for emergency exit) may be used to satisfy the required fence portions of the bufferyard requirements.

Opacity standards provided courtesy of Lane Kendig, Inc.

### 18.0910 Classification of Plant Species

Species suitable for landscaping and compatible with local climate and soil factors are listed in Figure 18.0910A. However, this list is not intended to be exhaustive, and the Zoning Administrator shall review proposals for the applicability of species not listed and is authorized to approve appropriate similar species. See Figure 18.0910B for species appropriate for specific and common landscaping situations (e.g., planting under power lines), and Figure 18.0910C for a list of species to use sparingly or to avoid.

**Figure 18.0910A: Common Appropriate Landscaping Species**

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
Shade Trees	75	Baldcypress	<i>Taxodium distichum</i>
Shade Trees	75	Birch (River, Paper)	<i>Betula</i> spp.
Shade Trees	75	Linden (Basswood, Redmond, Little Leaf)	<i>Tilia</i> spp.
Shade Trees	75	Elms (hybrids)	<i>Ulmus</i> spp.
Shade Trees	75	Kentucky Coffeetree	<i>Gymnocaldus dioicus</i>
Shade Trees	75	Oaks	<i>Quercus</i> spp.
Shade Trees	75	Sweet Gum	<i>Liquidambar styraciflua</i>
Shade Trees	75	Honey Locust (male cultivars)	<i>Gleditsia triacanthos</i> var. <i>inermis</i>
Tall Deciduous Trees	30	Chanticleer pear	<i>Pyrus calleryana</i> 'Chanticleer'
Tall Deciduous Trees	30	Hackberry	<i>Celtis occidentalis</i>
Tall Deciduous Trees	30	Chinkapin oak	<i>Quercus muehlenbergii</i>
Tall Deciduous Trees	30	Gingko (male cultivars)	<i>Gingko biloba</i>
Tall Deciduous Trees	30	State Street Miyabe maple	<i>Acer miyabei</i> 'Morton'
Medium Deciduous Trees	15	Paperbark maple	<i>Acer griseum</i>
Medium Deciduous Trees	15	Serviceberry	<i>Amelanchier</i>
Medium Deciduous Trees	15	Hawthorn	<i>Crataegus viridis</i>
Medium Deciduous Trees	15	Hornbeam (Musclewood)	<i>Carpinus caroliniana</i>
Medium Deciduous Trees	15	Ironwood/Hophornbeam	<i>Ostrya virginiana</i>
Medium Deciduous Trees	15	Eastern redbud	<i>Cercis canadensis</i>
Medium Deciduous Trees	15	Callery pear	<i>Pyrus calleryana</i>
Low Deciduous Trees	10	Hazelnut	<i>Corylus</i> spp.
Low Deciduous Trees	10	Crape Myrtle	<i>Lagerstroemia indica</i>
Low Deciduous Trees	10	American hazelnut	<i>Corylus americana</i>
Low Deciduous Trees	10	Flowering crabapples	<i>Malus</i> spp.
Low Deciduous Trees	10	Japanese tree lilac	<i>Syringa reticulata</i>

**Figure 18.0910A: Common Appropriate Landscaping Species**

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
Tall Evergreen Trees	40	Firs	<i>abies</i> spp.
Tall Evergreen Trees	40	American holly	<i>Ilex opaca</i>
Tall Evergreen Trees	40	Serbian spruce	<i>Picea omorika</i>
Tall Evergreen Trees	40	Canadian hemlock	<i>Tsuga canadensis</i>
Tall Evergreen Trees	40	Norway spruce	<i>Picea abies</i>
Tall Evergreen Trees	40	Pine (except Austrian)	<i>Pinus</i> spp. (not <i>nigra</i> )
Tall/Medium Evergreen Trees	30	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
Tall/Medium Evergreen Trees	30	Arborvitae	<i>Thuja</i> spp.
Tall/Medium Evergreen Trees	30	Eastern hemlock	<i>Tsuga canadensis</i>
Low Evergreen Trees	12	Juniper (Mountbatten)	<i>Juniperus chinensis</i> 'Mountbatten'
Tall Deciduous Shrubs	5	Elderberry	<i>Sambucus canadensis</i> "aurea"
Tall Deciduous Shrubs	5	Lilacs	<i>Syringa</i> spp.
Tall Deciduous Shrubs	5	Dogwood (Gray, Pagoda)	<i>Cornus</i> spp.
Medium Deciduous Shrubs	3	Weigela	<i>Weigela</i> spp.
Medium Deciduous Shrubs	3	Cotoneaster	<i>Cotoneaster</i> spp.
Medium Deciduous Shrubs	3	Forsythia (Virgina, Rugosa)	<i>Forsythia</i>
Medium Deciduous Shrubs	3	Shrub Rose	<i>Rosa</i> spp.
Medium Deciduous Shrubs	3	Viburnum (Arrowwood, Warfaring Tree, Nannyberry)	<i>Viburnum</i> spp.
Medium Deciduous Shrubs	3	Potentilla	<i>Potentilla</i> spp.
Medium Deciduous Shrubs	3	Red chokeberry	<i>Aronia arbutifolia</i>
Medium Deciduous Shrubs	3	Black chokeberry	<i>Aronia melanocarpa</i>
Medium Deciduous Shrubs	3	Redosier dogwood	<i>Cornus sericea</i>
Medium Deciduous Shrubs	3	Summersweet Clethra	<i>Clethra alnifolia</i>
Medium Deciduous Shrubs	3	Ninebark	<i>Physocarpus</i> spp.
Low Deciduous Shrubs	1	Azalea	<i>Azalea</i> spp.
Low Deciduous Shrubs	1	Dwarf bush honeysuckle	<i>Diervilla lonicera</i>
Low Deciduous Shrubs	1	Gro-Low Sumac	<i>Rhus aromatica</i>
Tall-Medium Evergreen Shrubs	5	Juniper (Pfitzer)	<i>Juniperus x pfitzeriana</i>
Tall-Medium Evergreen Shrubs	5	Yew (Japanese)	<i>Taxus</i> spp.
Low Evergreen Shrubs	2	Boxwood	<i>Buxus</i> spp.

**Figure 18.0910A: Common Appropriate Landscaping Species**

Classification	Landscaping Point Value per Plant	Common Name	Scientific Name
Low Evergreen Shrubs	2	Juniper (Sergeant, Creeping, Andorra)	<i>Juniperus</i> spp.
Perennial Plantings	20/20 sf	Coneflower	<i>Echinacea</i> spp.
Perennial Plantings	20/20 sf	Catmint	<i>Nepeta</i> spp.
Perennial Plantings	20/20 sf	Black-Eyed Susan	<i>Rudbeckia hirta</i>
Perennial Plantings	20/20 sf	Lily	<i>Lilium</i> spp.
Perennial Plantings	20/20 sf	Daylily	<i>Hemerocallis</i> spp.
Perennial Plantings	20/20 sf	Ornamental Grass	varies
Perennial Plantings	20/20 sf	Lady’s Mantel	<i>Alchemilla</i> spp.
Perennial Plantings	20/20 sf	Columbine	<i>Aquilegia</i> spp.
Perennial Plantings	20/20 sf	Aster	<i>Aster</i> spp.
Perennial Plantings	20/20 sf	Jack Frost	<i>Brunnera macrophylla</i>
Perennial Plantings	20/20 sf	Blazing Star	<i>Liatris</i> spp.
Perennial Plantings	20/20 sf	Black Bugbane	<i>Cimicifuga simplex</i> ‘Brunette’
Perennial Plantings	20/20 sf	Peony	<i>Paeonia</i> spp.
Perennial Plantings	20/20 sf	Pachysandra	<i>Pachysandra</i> spp.
Perennial Plantings	20/20 sf	Stonecrops	<i>Sedum</i> spp.
Perennial Plantings	20/20 sf	Astilbe	<i>Astilbe</i> spp.
Perennial Plantings	20/20 sf	Hosta	<i>Hosta</i> spp.

**Figure 18.0910B: Plant Species Appropriate for Specific Situations**

Use/Situation	Classification	Common Name	Scientific Name
Appropriate for Planting Under Power Lines	Low Deciduous Tree	Flowering crabapple	<i>Malus</i> spp.
	Low Deciduous Tree	Japanese tree lilac	<i>Syringa reticulata</i>
Appropriate for Screening	Tall Evergreen Tree	Firs	<i>abies</i> spp.
	Tall Evergreen Tree	Juniper (Red Cedar)	<i>Juniperus virginiana</i>
	Tall Evergreen Trees	Spruces	<i>Picea</i> spp.
	Tall Evergreen Trees	Pines	<i>Pinus</i> spp.
	Tall Evergreen Tree	Douglas fir	<i>Pseudotsuga menziesii</i> var. <i>glauca</i>
	Tall Evergreen Tree	Eastern hemlock	<i>Tsuga canadensis</i>
	Medium Evergreen Tree	Arborvitae	<i>Thuja occidentalis</i>

**Figure 18.0910B: Plant Species Appropriate for Specific Situations**

Use/Situation	Classification	Common Name	Scientific Name
Salt Tolerant	Shade Tree/Tall Deciduous Tree/Medium Deciduous Tree (varies by species)	Maple	<i>Acer</i> spp
	Shade Tree	Sweet Gum	<i>Liquidambar styraciflua</i>
	Low Deciduous Tree	Flowering Crabapples	<i>Malus</i> spp
	Low Deciduous Tree	Crape Myrtle	<i>Lagerstroemia indica</i>
	Tall Deciduous Shrub	Dogwood (Gray, Pagoda)	<i>Cornus</i> spp
	Medium Deciduous Shrub	Forsythia (Virgina, Rugosa)	<i>Forsythia</i> spp
	Low Deciduous Shrub	Azalea	<i>Azalea</i> spp
	Tall Evergreen Tree	American holly	<i>Ilex opaca</i>
	Tall/Medium Evergreen Shrub	Yew (Japanese)	<i>Taxus</i> spp
	Low Evergreen Shrub	Boxwood	<i>Buxus</i> spp

**Figure 18.0910C: Species to Use Sparingly<sup>1</sup> or to Avoid<sup>2</sup>**

Classification	Common Name	Scientific Name	Avoid or Use Sparingly?	Reason	Potential Alternatives
Shade Tree	Non-resistant elms	<i>Ulmus</i> spp.	Avoid	Dutch Elm Disease	Disease Resistant Elm Cultivars: 'Princeton,' 'Valley Forge,' & 'New Harmony'
Shade Tree	Boxelder	<i>Acer negundo</i>	Avoid	Spread quickly	
Shade Tree	Freeman Maple	<i>Acer x freemanii</i>	Use Sparingly	Over-planted	
Shade Tree	Norway Maples	<i>Acer platanoides</i>	Use Sparingly	Over-planted, dense	Littleleaf Linden <i>Tilia cordata</i> , (urban tolerant)
Shade Tree	Red Maples	<i>Acer rubrum</i>	Use Sparingly	Prefer acidic soil	
Shade Tree	Sugar Maples	<i>Acer saccharum</i>	Use Sparingly	Thrives only in certain conditions; picky	Kentucky Coffeetree <i>Gymnocaldus dioicus</i>
Shade Tree	Silver Maples	<i>Acer saccharinum</i>	Avoid	Weak-wooded, invasive tendencies	River birch <i>Betula nigra</i>  Oaks <i>Quercus</i> spp.
Tall Deciduous Tree	Autumn Blaze Maple	<i>Acer truncatum</i>	Use Sparingly	Over-planted	Ginkgo ( <i>Ginkgo biloba</i> )
Tall Deciduous Tree	Ash trees	<i>Fraxinus</i> spp.	Avoid	Emerald Ash Borer	Hackberry ( <i>Celtis occidentalis</i> )
Tall Deciduous Tree	Bradford pears	<i>Pyrus calleryana</i> "bradford"	Use Sparingly	Poorly branches, tend to break	Chanticleer pear ( <i>Pyrus calleryana</i> )

Figure 18.0910C: Species to Use Sparingly <sup>1</sup> or to Avoid <sup>2</sup>					
Classification	Common Name	Scientific Name	Avoid or Use Sparingly?	Reason	Potential Alternatives
Tall Deciduous Tree	Black Locust	<i>Robinia pseudoacacia</i>	Avoid	Invasive	'Chanticleer')
Medium Deciduous Tree	White mulberry	<i>Morus alba</i>	Avoid	Invasive non-native	Serviceberry <i>Amelanchier spp.</i> American Hornbeam or Musclewood <i>Carpinus aroliniana</i> Eastern Redbud <i>Cercis canadensis</i>
Low Deciduous Tree	Purple Sandcherry	<i>Prunus × cistena</i>	Use Sparingly	Short-lived	Flowering Crabapple <i>Malus spp.</i> American hazelnut <i>Corylus americana</i> Japanese Tree Lilac <i>Syringa reticulata</i>
Tall Deciduous Shrub	Buckthorns	<i>Rhamnus cathartica</i>	Avoid	Invasive, non-native	Grey Dogwood <i>Cornus mas</i> Lilacs <i>Syringa spp.</i>
Tall Deciduous Shrub	Autumn-olive	<i>Elaeagnus umbellata</i>	Avoid	Invasive, non-native	
Tall Deciduous Shrub	Multiflora rose	<i>Rosa multiflora</i>	Avoid	Invasive, non-native	
Medium Deciduous Shrub	Japanese spirea	<i>Spiraea japonica</i>	Avoid	Invasive (re-seed)	Red chokeberry <i>Aronia arbutifolia</i> Black chokeberry <i>Aronia melanocarpa</i>
Medium Deciduous Shrub	Burning bush	<i>Euonymus alatus</i>	Avoid	Invasive non-native	Redosier dogwood <i>Cornus sericea</i>
Medium Deciduous Shrub	Honeysuckle	<i>Lonicera spp.</i>	Avoid	Invasive, non-native	Summersweet Clethra <i>Clethra alnifolia</i> Viburnums <i>Viburnum spp.</i>
Low Deciduous Shrub	Japanese Barberry	<i>Berberis thunbergii</i>	Avoid	Invasive; over-planted	Dwarf bush honeysuckle <i>Diervilla lonicera</i>

Figure 18.0910C: Species to Use Sparingly <sup>1</sup> or to Avoid <sup>2</sup>					
Classification	Common Name	Scientific Name	Avoid or Use Sparingly?	Reason	Potential Alternatives
Tall Evergreen Tree	Austrian pine	<i>Pinus nigra</i>	Use Sparingly	Over-planted	Norway spruce <i>Picea abies</i>
Tall Evergreen Tree	Blue spruce	<i>Picea pungens</i>	Use Sparingly	Over-planted	Canadian hemlock <i>Tsuga canadensis</i>
Tall Evergreen Tree	White pine	<i>Pinus strobus</i>	Use Sparingly	Over-planted	Scotch pine <i>Pinus sylvestris</i>
Tall Evergreen Tree	White spruce	<i>Picea glauca</i>	Use Sparingly	Over-planted	American arborvitae <i>Thuja occidentalis</i>

<sup>1</sup> Species to Use Sparingly may be used as part of an overall landscaping plan, but only if the number of individual plants does not constitute more than one plant per 20 total plants within the same plant classification. For example, if a landscaping plan includes a total of 20 Tall Deciduous Trees, no more than one of those 20 trees may be classified as a “Species to Use Sparingly.” The purpose of this provision is to encourage plant species diversity throughout the Village.

<sup>2</sup> Species to Avoid may not be included as part of any landscaping plan that is subject to Village review per Section 18.0902 B. The purpose of this provision is to limit the planting of species that are invasive, have invasive tendencies, or that may perpetuate or spread disease.

### 18.0911 Descriptions and Standards for Rain Gardens and Bioswales

Rain gardens and bioswales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited.

A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

A bioswale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bioswale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on or off-site. Water being infiltrated or conveyed via a bioswale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

The installation of a rain garden or bioswale may contribute to the overall stormwater management plan for a development site and count toward meeting the Village’s landscaping guidelines in the same manner indicated in Figure 18.0903 above (20 points for every 20 sq. ft.), provided the following requirements are met:

- A. Detailed plans shall be provided that show all proposed dimensions of the rain garden or bioswale including length, width, depth, and slope of depression; location of the rain garden or bioswale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bioswale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bioswale; and information on any other materials (e.g., rocks) that will be used to line the raingarden or bioswale.
- B. Installation shall not be proposed for any of the following areas of a site:

- (1) Areas where there is known soil contamination unless the rain garden or bioswale is proposed to be constructed with an under-drain;
  - (2) Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or
  - (3) Areas where there are expected to be high levels of foot traffic.
- C. The owner of the site shall demonstrate that the rain garden or bioswale shall be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bioswale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.
- D. Bioswales and rain gardens shall be generously (and appropriately) vegetated to qualify for landscaping points. Bioswales and rain gardens (or portions thereof) that are lined with turf and/or rocks but do not include other vegetation will not count toward meeting landscaping point requirements.
- E. Rain gardens and bioswales may serve as a component of an overall stormwater management plan for a site only if detailed plans, calculations, and specifications meeting the Village's stormwater management ordinance are submitted. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bioswale will be directed.

## 18.0912 Installation Requirements

- A. Installation. Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan (see Section 18.1206) within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.
- B. Surety.
- (1) If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 365 day period and shall furnish to the Village an irrevocable letter of credit or other form of security acceptable to the Village sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time the agreement is signed. It shall be in an amount equal to 110 percent of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property owner and shall be verified by the Village. The financial security shall remain in force until all of the work has been completed and approved by the Village. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the Chapter and subject the property owner to a forfeiture upon conviction.
  - (2) If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the Land Division requires otherwise.
  - (3) Governmental units to which these guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Chapter.
- C. If existing plant material located on the subject property meets the requirements of this Chapter and will be preserved on the subject property following the completion of development, it may be counted toward contributing to the landscaping requirements.

- 
- D. All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- E. The exact placement of plants and structures shall be depicted on the required detailed landscaping plan submitted to the Village for its approval. Such plant and structure location shall be the decision of each property owner provided the following requirements are met:
- (1) Evergreen shrubs shall be planted in clusters to maximize their chance for survival.
  - (2) Where a combination of plant materials, berming, and fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
  - (3) A property owner may establish through a written agreement, recorded with the Register of Deeds, that an adjacent property owner agrees to provide on the immediately adjacent portion of his or her land a partial or full portion of the required bufferyard, thereby relieving the developer of the responsibility of providing the entire bufferyard on his property.
  - (4) Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.
  - (5) The restrictions on types of plants listed in this Chapter shall apply.
- F. Maintenance. The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. If the property owner fails to comply with these provisions, the Village may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this Chapter, and shall be subject to any and all applicable enforcement procedures and penalties.
- G. Use of Required Bufferyard and Landscaped Areas. Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met. However, in such areas, no swimming pools, tennis courts, sports fields, golf courses, or other such similar active recreational uses may be placed. No parking and no outdoor display or storage of materials shall be permitted in bufferyard or landscaped areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- H. Utility Easements. Landscaping materials, fences, and berms located within a duly recorded utility or a pedestrian easement shall not count toward meeting a landscaping or bufferyard requirement, unless authorized otherwise by a conditional use permit. However, the width of such areas may be counted as part of a bufferyard requirement.

### **18.0913 Calculating Landscaping and Bufferyard Requirements**

In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this Section (for example 23.3 shade trees) shall be rounded up to the nearest whole plant (24 shade trees).

**18.0914 Depiction on Required Site Plan**

Any and all proposed landscaping on the subject property, required to meet the standards of this Chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property.



---

## **SECTION 18.1000: SIGNAGE REGULATIONS**

### **18.1001 Purpose**

- A. The Village of Williams has an historic tradition of being a highly scenic, primarily residential, vacation community. Signage has a strong visual impact on the character and quality of the community. As a prominent part of the scenery, signs attract or repel the viewing public, affect the safety of vehicular traffic, and their suitability or appropriateness helps to set the tone of the neighborhood. Since the Village of Williams Bay relies on scenery and physical beauty to maintain the high desirability of its primarily residential character, aesthetic considerations assume economic value. It is the intent of the Village of Williams Bay, through this Chapter, to protect and enhance the Village's residential character and economic base through the provision of appropriate and aesthetic signage. In addition, it is the intent of the Village to limit the size, type, and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety.

### **18.1002 Compliance**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conforming with the provisions of this Chapter.

### **18.1003 Signs Permitted in all Zoning Districts without a Permit**

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Real Estate Signs not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- B. Name and Warning Signs not to exceed two square feet and located on the premises.
- C. Home Occupation and Professional Home Office Signs not to exceed two square feet in area and mounted flush against the dwelling.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected more than 45 days immediately prior to an election, and removed within 4 days following the election.
- E. Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed eight square feet in area and located on the premises.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- H. Official Signs, such as traffic control, parking restrictions, information, and notices.

### **18.1004 Signs Permitted in all Residential Districts with a Permit**

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent Real Estate Development Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.

- B. Temporary Development Signs for the purpose of designating a new building or development, or for promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

**18.1005 Signs Permitted in all Business and Industrial Districts with a Permit**

The following signs are permitted in all business and industrial districts subject to the following restrictions:

- A. Wall Signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 50 square feet in area for any one premises, and shall not extend above the roof line of the building.
- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than six feet into any required yard; shall not extend more than three feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground Signs shall not exceed eight feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed 25 square feet on one side nor 50 square feet on all sides per sign for any one premise.
- D. Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted provided the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A Marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding two square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Roof Signs are prohibited in the Village of Williams Bay.
- F. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings and shall not exceed 25 percent of the glass area.
- G. Combinations of any of the above signs shall not exceed the requirements for an individual sign. The total surface area of all signs on any premises shall not exceed 50 square feet, exclusive of window signs. The total number of signs on any premises shall be limited as follows:

Figure 18.1005	
Floor Area	Maximum Number of Signs Permitted
0 to 5,000 sq ft	2
5,001 to 20,000 sq ft	3
20,001 to 50,000 sq ft	4
More than 50,000 sq ft	5

Window signs shall be limited to the equal number of the maximum number of signs permitted above.

**18.1006 Signs Permitted in the Public Parks and Recreation Districts with a Permit**

The following signs are permitted in the Public and Park and Recreation Districts and are subject to the following regulation:

- 
- A. Private Institutional and Park Name Signs when approved by the Village Plan Commission.
  - B. Public and Institutional and Park Name Signs when approved by the Village Plan Commission.
  - C. Athletic field off-premises signs when approved by the Village Plan Commission. Such signs may be located only on outfield fencing adjacent to athletic fields located in Village parks and may only be installed and in place from April 1 through October 31. Signs shall not exceed 40 square feet in an area. The top edge of the sign must be not less than one foot below the top of the fence and the bottom edge of the sign must be not less than one foot above the surface of the ground. The depiction or description of alcohol or tobacco or other products and services not suitable for youth or the promotion of their values are prohibited. Restaurants or distributors may advertise their business name provided no prohibited items are included. **(Created 2-2-15, Plan Commission/Village Board)**

### **18.1007 Portable Signs**

The Building Inspector may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 60 days in any 365-day period. The permit required in Section 18.1012 shall be required for portable signs. Banners are portable signs.

### **18.1008 Facing**

No sign except those permitted in Sections 18.1003 and 18.1005 shall be permitted to face a residence within 100 feet of such residence.

### **18.1009 Lighting and Color**

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

Signs may be illuminated but non-flashing and shall further comply with the Village lighting ordinance. Illuminated signs are permitted only for businesses located within the Village and shall be illuminated only during the hours the business they advertise is open for business. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Plan Commission approval.

### **18.1010 Construction and Maintenance Standards**

- A. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the Village Building Code or other ordinance.
- B. Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.

- D. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Building Inspector. Small flat signs containing less than 10 feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- E. No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Village, as necessity therefore may require.

### **18.1011 Existing Signs**

Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the size or location does not conform to this Chapter. However, all nonconforming signs shall be deemed to have exhausted their economic life after seven years from the time they became a nonconforming use. This provision shall not, however, apply to portable signs. Nonconforming portable signs shall be removed within 60 days of the date they become nonconforming.

Nonconforming signs, except portable signs, after this seven-year period, shall either be made to conform to the terms of this Chapter, or shall be removed by the owner, agent, or person having beneficial use of the property. Nonconforming signs, during the seven-year grace period, shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the seven-year period. The Building Inspector shall, after the seven-year grace period, notify the owner, agent or person having beneficial use of the property, of the expiration of the grace period. After 30 days, if the sign has not been made to conform to this Chapter or removed, the Building Inspector shall initiate appropriate punitive action. Signs that are not repaired, painted, or maintained pursuant to written notification and orders by the Building Inspector shall also be subject to punitive action.

### **18.1012 Sign Permit**

Application for a sign permit shall be made on forms provided by the Building Inspector or Village Clerk and shall contain or have attached thereto the following information:

- A. Name, address, and telephone number of the applicant. Location of the building, structure, or lot to which or upon which the sign is to be attached or erected.
- B. Name of the person, firm, corporation, or association erecting the sign.
- C. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- D. A scale drawing of such sign indicating the display surface, the dimensions, the materials to be used, the type of illumination and wiring details, if any, and the method of construction and attachment.
- E. A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures, height above grade, and distance from lot lines.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the same complies with the Village Electrical Code.
- G. Additional information as may be required by the Building Inspector or Village Plan Commission.

- 
- H. Sign permit applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within six months of the date of issuance.
- I. Insurance. Any person, firm, or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of \$300,000 for bodily injury and \$1,000,000 property damage. Proof of insurance shall be presented to the Building Inspector before the sign permit is granted.
- J. Inspection. The applicant shall, upon completion of the installation, relocation, or alteration of the sign, notify the Building Inspector who will ensure that the sign complies with the regulations of this Section. Every sign shall be inspected and approved by the Building Inspector within 30 days after it is erected or altered.
- K. Appeals. The Building Inspector may, at any time for a violation of this Section, revoke a permit or require changes so the sign conforms to this Section. The holder of a revoked permit shall be entitled to an appeal before the Zoning Board of Appeals (see Section 18.1105). Any person, firm, or corporation aggrieved by any permit denial or decision by the Building Inspector relative to the provisions of these sign regulations may appeal and seek review of such decision to the Zoning Board of Appeals.

### 18.1013 Measuring Signs

In calculating the area of a sign to determine whether it meets the requirement of this Chapter, the Building Inspector shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregular shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

### 18.1014 Directional Signs (adopted by Village Board 8-18-14)

- A. Purpose. To provide information to the public to assist in locating businesses in the Village of Williams Bay and other destination facilities, which are not located on high traffic streets and/or which are not located in the central business area, while providing sufficient regulation to maintain a consistent and uncluttered look adjacent to the heavily traveled streets within the Village.
- B. Eligibility.
- (1) Businesses with a location in the Village for which a valid certificate of compliance for commercial activities has been issued. This sub-part shall not apply to businesses with a location adjacent to Geneva Street, Elkhorn Road or North Walworth Avenue from Geneva Street to Olive Street.
  - (2) Destination facilities including, but not limited to, educational institutions, tourist attractions and health care facilities.
  - (3) Municipal owned facilities.
  - (4) Home-based occupations or other home-based commercial ventures are not eligible.
- C. Application for a Directional Sign Permit shall be made on forms provided by the Building Inspector or Village Clerk, and shall contain the following information:

- (1) Name, address and telephone number of the applicant, name and location of the business structure or facility to which traffic is to be directed.
  - (2) Proposed location of directional sign.
- D. The Directional Sign permit application shall be filed with the Village Clerk who shall forward all applications to the Streets and Highways Committee for review. Following its review, the Committee shall forward its recommendation on the application to the Village Board for final action.
- E. Where multiple businesses or commercial ventures are located in the same structure (e.g. mini mall), only the name of the structure may be listed on the directional sign.
- F. Where two businesses or commercial ventures are located on the same parcel but in separate structures, both names are to be listed on the same directional sign to reduce visual clutter.
- G. The cost for the production of directional signs, post (if required) and the recurring maintenance are the responsibility of the business, commercial enterprise or destination facility listed on the directional sign. Village staff will arrange for fabrication of all directional signs by a Village approved vendor.
- H. Sign design. All signs shall consist of a blue background with white lettering. They shall be 10 inches by 36 inches in size.
- I. Location. To the extent possible, directional signs shall be mounted on existing Village poles and signs. If not possible, directional signs shall be installed on posts similar to those used on Official Signs.
- J. All directional signs shall be owned, erected and maintained by the Village, provided, that the cost for erecting and maintaining directional signs shall be the responsibility of the entity identified on the sign, as noted in sub-part G. above.

---

## **SECTION 18.1100: ADMINISTRATION**

### **18.1101 Purpose**

The purpose of this Section is to establish the administrative and enforcement framework for the application of this Chapter.

### **18.1102 Zoning Administrator**

The Building Inspector, and/or other designee of the Village Administrator, is hereby designated as the administrative and enforcement officer(s) for the provisions of this Chapter and is also herein referred to as the Zoning Administrator. The general duty of the Zoning Administrator is to interpret and administer this Chapter, as well as certain other Village of Williams Bay ordinances as indicated within those ordinances. With respect to this Chapter, the Zoning Administrator shall have the following specific duties and responsibilities:

- A. Determine that all amendments, permits, site plans, comply with the provisions of this Chapter.
- B. Conduct inspections of buildings, structures, waters, and land to determine compliance with all provisions of this Chapter.
- C. In the enforcement of this Chapter, the Zoning Administrator shall be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If entry is refused, the Zoning Administrator may procure a special inspection warrant in accordance with §66.0119(2), Wis. Stats.
- D. Maintain permanent and current records of this Chapter, including but not limited to all permits issued, fees collected, inspections made, work approved, map amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications thereof.
- E. Record the first floor and lowest floor (basement or crawlspace) elevations of all structures erected, moved, altered, or improved in the floodplain overlay districts.
- F. Receive, file, and forward all applications for all procedures governed by this Chapter to the designated official bodies.
- G. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters.
- H. Give notice of all violations of this Chapter to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
- I. Institute, in the name of the Village of Williams Bay, any appropriate actions or proceedings against a violator of this Chapter, as provided by law. Assist the Village Attorney in the prosecution of violations of this Chapter.
- J. Prohibit the use or erection of any structure, land, or water until inspection and approval of such use or erection.
- K. Where useful, the Zoning Administrator may set marks on bridges or buildings or other markers depicting the depth of the regional flood or may set marks delineating the boundaries of wetlands.
- L. Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.

- 
- M. 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.
  - N. Make interpretations regarding the provisions of this Chapter per Section 18.1216.
  - O. Grant minor variations from the dimensional (setback, height, and area) requirements of this Chapter; up to a maximum variation of 5 percent for setbacks and height limitations and up to a maximum variation of 5 percent or 1,000 square feet for area requirements (whichever is less), so long as the spirit and intent of the performance standards are preserved.
  - P. Establish that all necessary permits required for floodland uses by state and federal law have been secured.
  - Q. Attend all meetings of the Village Plan Commission and the Village Zoning Board of Appeals.

### **18.1103 Plan Commission**

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the planning and development of the Village to the Village Board, other public officials, and other interested organizations and citizens. The Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Village Board pursuant to the guidelines set forth in this Chapter.

### **18.1104 Village Board**

The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission, has ultimate authority to make changes and amendments to this Zoning Ordinance and the Official Zoning Map. The Village Board may, in arriving at its decision, on occasion and of its own volition, conduct its own public hearing.

### **18.1105 Zoning Board of Appeals**

There is hereby established a Zoning Board of Appeals for the Village of Williams Bay for the purpose of hearing appeals and granting variances and exceptions to the provisions of this Zoning Ordinance.

- A. Membership.
  - (1) The Zoning Board of Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.
  - (2) The Village President shall appoint a first alternate member and a second alternate member to act only when a regular member is absent or refuses to vote because of interest.
  - (3) The second alternate member may act only when the first alternate is unable to act or is already sitting.
  - (4) Terms shall be for staggered three-year periods.
  - (5) The Village Clerk shall serve as the secretary.
  - (6) Two members shall be Village Board members and three members shall be citizen members.
  - (7) One member shall be a Village Plan Commissioner and one member shall be a registered architect, professional engineer, builder, real estate agent, or certified planner.
  - (8) Official oaths shall be taken by all members in accordance with §19.01, Wis. Stats. within 10 days of receiving notice of their appointment.

(9) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.

(10) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

B. Organization.

(1) The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Chapter.

(2) The Zoning Board of Appeals shall hold meetings as prescribed in its rules of procedures and such meetings shall be open to the public.

(3) Minutes of the proceedings and a record of all actions taken shall be kept showing the vote of each member upon each question, the reasons for the Board's determination, and its findings of fact. These records shall be immediately filed in the official records of the Zoning Board of Appeals and shall be a public record.

(4) When a quorum is present, the concurring vote of the majority is required to correct an error, grant a variance, or make an interpretation.

(5) Members shall serve without compensation.

(6) Members shall be removable by the Village President for cause upon written charges and after public hearing.

(7) The Village President shall designate one of the members Chairperson and the Zoning Board of Appeals may designate such other officers and employ such employees as it feels necessary.

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

(1) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or Plan Commission.

(2) To hear and grant variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.

(3) To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(4) To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

(5) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of the Shoreland-Wetland Overlay Zoning District provisions.

(6) The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.

(7) Conditions may be placed upon any building permit ordered or authorized by the Zoning Board of Appeals.

(8) The Board may request assistance from other Village Officers, Departments, Commissions, and Boards.

(9) The Chairperson may administer oaths and compel the attendance of witnesses.

- D. Review by Court of Record. Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.

### **18.1106 Fees**

- A. All persons, firms, or corporations performing work that by this Chapter requires the issuance of a permit shall pay a fee for such permit to help defray the cost of administration, investigation, advertising, and processing of permits. Permit fees shall be in addition to those established by the Village Building, Plumbing, and Electric codes. The fees for permits shall be in accordance with the most current "Resolution of the Village Board Establishing Zoning Fees," which is on file in the office of the Village Clerk.
- B. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate.
- C. Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this Chapter), and are not refundable.
- D. A double fee shall be charged if work is started before a permit is applied for and issued, or if a building is occupied prior to the issuance of a Certificate of Compliance, per Section 18.1211. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.

### **18.1107 Recovery of Village Costs and Expenses**

- A. General provisions: In addition to any other fees required to be paid in conjunction with the filing of an application requesting any consideration on the part of the Village Board, the Village Plan Commission, or the Village Board of Appeals to establish or modify any use of land or subdivision of land within the village, the person, partnership, or entity requesting such consideration (hereinafter called "applicant") shall compensate the village for all costs and expenses the village incurs in the consideration of any such application or request. The obligation to compensate the village for its costs or expenses shall include costs incurred as part of any pre-application discussions with the village or its representatives that precede an application to the village.

Applicant certificate and agreement: Before the village shall incur any costs or expenses in consideration of any application as described in this Section, the applicant shall sign a Cost Recovery Certificate and Agreement on a form to be made available by the Village Clerk acknowledging the applicant's responsibility for all village costs and expenses directly or indirectly related to the consideration of the applicant's proposal. The original of said Certificate and Agreement shall be kept on file with the Village Clerk. A copy shall be given to the applicant at the time of signing.

- B. Costs recoverable. All costs that are incurred by the village in the consideration of any proposals related to the village zoning or subdivision ordinance, the Official Map, building code, property maintenance code, or tax increment finance districts shall be recoverable. This shall include all professional and technical consultant services and fees incurred by the village and rendered in review of any application, including, but not limited to, the village engineer, planner, building inspector, village attorney or any other professional or expert hired by the village for purposes of review of the application or pre-application.
- C. Billing of costs: The Village Clerk shall, on a monthly basis, bill all costs recoverable pursuant to this Section to the applicant. Said costs shall be paid by applicant within ten days of receipt of the village's billing. The Village Board may require an applicant to submit an advance deposit against future billings by the village for the recovery of costs provided by this Section. Surplus deposits shall be returned to the

applicant at the conclusion of the project if such deposit exceeds the amount of billings for recoverable costs.

- D. Condition of all applications: Notwithstanding anything in the Village Municipal Code to the contrary, an applicant's failure to pay in full all recoverable costs pursuant to this section shall cause the village to halt any further consideration of or action on the applicant's proposal until such recoverable costs have been paid. This condition shall extend to any Village Board request for an advance deposit against future billings for recoverable costs, as called for herein.
- E. Enforcement: In addition to those provisions for enforcement contained in the Village Municipal Code, in the event the village is not paid billed recoverable fees as called for herein, the village shall be entitled to assign such fees as a special assessment to the subject property. The village shall also be entitled to recover all actual attorney fees, litigation expenses, witness fees, filing fees, expert witness fees, and all other costs or expenses incurred by the village in the prosecution of a violation of this Section.



## **SECTION 18.1200: PROCEDURES**

### **18.1201 Purpose**

The purpose of this Section is to establish procedural requirements for amendments to the regulations of this Chapter, zoning map amendments, site plans, conditional use permits, temporary use permits, zoning permits, building permits, certificates of compliance, sign permits, variances, interpretations, appeals, and violations and penalties. For procedures associated with the Planned Development overlay district, see Section 18.0709.

### **18.1202 Review and Approval Required**

Review procedures differ depending on the type of proposal. Generally, the procedures for all applications have three common elements:

- A. Submittal of a complete application, including fee payment along with appropriate information.
- B. Review of the submittal by appropriate Village staff and officials.
- C. Action by appropriate Village officials or staff to approve, approve with conditions, or deny the application.

Figure 18.1202 on the following page summarizes the procedures, agencies, and personnel involved in the administrative development review process. Detailed information about the general procedures, applications, and the public officials involved in the process, and methods of appeal are discussed in detail in Section 18.1217.

**Figure 18.1202 Review and Approval Processes**

Application Process	Zoning Administrator	Public Hearing (Class 2 notice) Required	Review and Approval Bodies			
			Village Staff	Plan Commission	Village Board	Zoning Board of Appeals
Zoning Ordinance Text Amendment	RE	PC	RE	RR	A	-
Zoning Map Amendment	RE	PC	RE	RR	A	-
Site Plan Review	RE	-	RE	RR	A	-
Conditional Use Permit	RE	PC	RE	RR	A	-
Planned Development (See Section 18.0709)	-					
Concept Plan	RE	-	RE	RR	A	-
General Development Plan	RE	PC	RE	RR	A	-
Final Development Plan	RE	-	RE	RR	A	-
Temporary Use Permit	RE	-	RE	RR	A	-
Zoning Permit	RE	-	RE	RR	A	-
Building Permit	A	-	-	-	-	-
Certificate of Compliance	RE	-	RE	RR	A	-
Sign Permit	A	-	-	-	-	-
Variance	RE	ZBA	RE	-	-	A
Interpretation	RE	-	RE	RR	A	-
Appeal	RE	ZBA	RE	-	-	A
Violations and Penalties	A	-	-	-	-	-
PC = Plan Commission		RE = Review and Evaluate				
VB = Village Board		RR = Review and Recommend				
ZBA = Zoning Board of Appeals		A = Final Action				

### 18.1203 Public Hearings

In order that the owners of property involved and other legitimately interested parties may have fair opportunity to be heard, adequate notice shall be given of any public hearing required by the provisions of this Chapter.

- A. Notice of any public hearing that the Village Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of the hearing, and the matter to be presented at the hearing. Pursuant to Chapter 985, Wis. Stats., the notice shall be published as a Class 2 notice.
- B. The notice of public hearing shall be published in a newspaper of general circulation in the Village of Williams Bay at least once each week for two consecutive weeks, the last publication of which shall be at least one week before the public hearing.
- C. Notice of the public hearing shall be mailed to all parties-in-interest at least 10 days before the hearing. Parties-in-interest shall be defined as the petitioner; the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition; the owners of all lands included in the petition and all lands lying within 200 feet of lands included in the petition; and the owner or operator of an airport lying within 3 miles of lands included in the petition. The failure to give any notice to any property owner shall not invalidate the action taken by any of the aforementioned bodies.
- D. Except for hearings required for an amendment to the Official Zoning Map (rezoning), such request for a hearing shall be presented to the Village Clerk in writing and shall be accompanied by a map or description clearly identifying the property involved and by a fee in accordance with the Village fee schedule, payable to the Village, to defray the cost of notification and holding of a public hearing.

### 18.1204 Zoning Ordinance Text Amendment

- A. Purpose. Pursuant to the provisions of §62.23(7), Wis. Stats., the purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval or denial of proposed amendments to the provisions of this Chapter.
- B. Initiation of Request. A proposal to amend the text of this Chapter may be initiated by an application by any member of the general public, a recommendation by the Plan Commission, or by action of the Village Board.
- C. Application. Amendment requests initiated by the general public shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the petitioner shall supply the following:
  - (1) A copy of the portion of the current provisions of this Chapter that are proposed to be amended.
  - (2) A copy of the text that is proposed to replace the current text.
  - (3) Written justification for the proposed text amendment.
  - (4) Any further information that may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- D. Review by the Zoning Administrator.
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the petitioner.

- 
- (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
    - a) Advances the purposes of this Chapter as outlined in Section 18.0103.
    - b) Advances the purposes of the general Section in which the amendment is proposed to be located.
    - c) Advances the purposes of the specific Section in which the amendment is proposed to be located.
    - d) Is in harmony with the recommendations of the Comprehensive Plan.
    - e) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district(s).
    - f) The amendment may also address any of the following factors that may not be addressed in the current zoning text:
      1. A change in the land market, or other factors that suggest the need for a new form of development, a new type of land use, or a new procedure to meet said change(s).
      2. New methods of development or types of infrastructure.
      3. Changing governmental finances to meet the needs of the government in terms of providing and affording public services.
  - (3) The Zoning Administrator shall prepare a written report addressing items (2)a) through (2)f), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public Hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18.1203 to consider the request.
- F. Review and Recommendation by Plan Commission.
- (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes, its findings regarding 18.1404D.(2)a) through D.(2)f), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of 18.1404D.(2)a) through D.(2)f), above and that the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
  - (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so Section 18.1203.
- G. Review and Action by Village Board.
- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the petitioner. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
  - (2) The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan
-

Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment.

- (3) Any action to amend the provisions of the proposed amendment requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (4) If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action.

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

## 18.1205 Zoning Map Amendments

- A. Purpose. Pursuant to the provisions of §62.23(7), Wis. Stats., the purpose of this Section is to provide regulations that govern the procedures and requirements for the review and approval or denial of proposed amendments to the Official Zoning Map of the Village of Williams Bay.
- B. Initiation of Request. A proposal to amend the Official Zoning Map may be initiated by an application by any member of the general public, a recommendation by the Plan Commission, or by action of the Village Board.
- C. Application. Amendment requests initiated by the general public shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the petitioner shall supply the following:
  - (1) A map depicting the general location of the subject property in relation to the Village as a whole.
  - (2) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Village of Williams Bay. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
  - (3) As an optional requirement, the applicant may provide written justification for the proposed Official Zoning Map amendment, stating reasons why the application is consistent with the Village's Comprehensive Plan.
  - (4) Any further information that may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- D. Review by the Zoning Administrator.
  - (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the petitioner.
  - (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:

- 
- a) Advances the purposes of this Chapter as outlined in Section 18.0103 and the applicable rules of Wisconsin Department of Administration (WisDNR) and the Federal Emergency Management Agency (FEMA).
  - b) Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
  - c) Maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning district(s).
  - d) The amendment may also address any of the following situations that may not be properly addressed on the current Official Zoning Map:
    1. The designations of the Official Zoning Map are not in conformance with the Comprehensive Plan and the amendment is being requested to make the zoning district consistent with the Comprehensive Plan.
    2. A mapping mistake was made. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from spreading.
    3. Factors have changed (such as new data, infrastructure, development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
    4. Growth patterns or rates have changed, creating the need for an amendment to the Official Zoning Map.
- (3) The Zoning Administrator shall prepare a written report addressing items (2)a) through (2)d), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public Hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18.1203 to consider the request.
- F. Review and Recommendation by the Plan Commission.
- (1) Within 60 days of the public hearing, the Plan Commission may make a written report to the Village Board and/or may state in the minutes, its findings regarding 18.1405D(2)a) through D(2)d), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of 18.1405D(2)a) through D(2)d), above and that the public benefits outweigh any and all potential adverse impacts of the proposed amendment.
  - (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so Section 18.1203.
- G. Review and Action by the Village Board.
- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed amendment. The Village Board may request additional information and/or reports from the Plan

---

Commission, Zoning Administrator, and/or the petitioner. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.

- (2) The Village Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment.
  - (3) Any action to amend the Official Zoning Map requires a majority vote of the Board. The Village Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
  - (4) If the Village Board wishes to make significant changes in the proposed map amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action.
- H. Effect of Denial. No petition that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Protest. In case of protest against a change duly signed and acknowledged by the owners of 20 percent or more either of the area of land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent and extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change shall require a favorable vote of  $\frac{3}{4}$  of the Village Board for passage.

## 18.1206 Site Plan

- A. Purpose. The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning permits, certificates of compliance for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading, or filling) require the approval of site, building and operational plans by the City Plan Commission before the zoning, occupancy, and building permits can be issued—except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the Final Development Plan phase of the Planned Development (see Section 18.0709) is exempt from this requirement.
- B. Initiation of Request. Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property or their legally authorized representative.
- C. Pre-Application Conference. Prior to formal submittal of a site plan application, it is recommended that the applicant confer with the Zoning Administrator in order to establish mutual understanding as to the basic concept proposed and to ensure proper compliance with the technical requirements and procedures for processing the site plan application. A timetable for project review may also be discussed.
- D. Application. All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Zoning Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Said complete application shall be comprised of all of the following, unless specific application requirements are waived in writing by the Zoning Administrator:

- 
- (1) Written Description. A written description of the intended use of the subject property, describing in reasonable detail, the following:
    - a) Existing zoning district(s) (and proposed zoning district(s) if different);
    - b) Future Land Use Map designation(s);
    - c) Natural Resources Site Evaluation Worksheet (Section 18.0404);
    - d) Inventory of land uses currently present on the subject property;
    - e) Proposed land uses for the subject property (per Section 18.0300);
    - f) Projected number of residents, employees, and daily customers;
    - g) Proposed number of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, and landscape surface ratio;
    - h) Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
    - i) Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Section 18.0800 including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Sections 18.0812 through 18.0820), then the statement “The proposed development shall comply with all requirements of Section.” shall be submitted;
    - j) Proposed exterior building and fencing materials (Sections 18.0802 and 18.0809);
    - k) Possible future expansions and related implications for a) through k), above; and
    - l) Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
  - (2) A Small Location Map at 11” x 17” showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City’s Future Land Use Map with the subject property clearly indicated shall suffice to meet this requirement.)
  - (3) A Property Site Plan drawing (and reduction at 11” x 17”) that includes:
    - a) A title block that indicates the name, address, and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for the project;
    - b) The date of the original plan and the latest date of revision to the plan;
    - c) A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
    - d) A legal description of the subject property;
    - e) All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
    - f) All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to easement ownership and purpose;
    - g) All required building setback lines;
    - h) All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;

- 
- i) The location and dimensions (cross-section and entry throat) of all access points onto public streets;
  - j) The location and dimensions of all on-site parking areas (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided compared with the number required by this Chapter;
  - k) The location and dimensions of all loading and service areas on the subject property and labels indicating the dimensions of such areas;
  - l) The location of all outdoor storage areas and the design of all screening devices;
  - m) The location, type, height, size, and lighting of all signage on the subject property;
  - n) The location, height, design/type, illumination power, and orientation of all exterior lighting on the subject property—including the clear demonstration of compliance with Section 18.0807;
  - o) The location and type of any permanently protected green space areas;
  - p) The location of existing and proposed drainage facilities; and
  - q) In the legend, the following data for the subject site:
    - 1. Lot Area;
    - 2. Floor Area;
    - 3. Landscape Surface Area;
    - 4. Landscape Surface Ratio (d/a); and
    - 5. Building Height(s)
- (4) A Detailed Landscaping Plan of the subject property, at the same scale as the main plan (and reduction at 11" x 17"), showing the location of all required bufferyard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Section 18.0900. The plan shall clearly indicate individual plant locations and species, fencing types and heights, and berm heights.
- (5) A Grading and Erosion Control Plan at the same scale as the main plan (and reduction at 11" x 17") showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the Village Engineer.
- (6) Elevation Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment, with adequate labels provided to clearly depict exterior materials, texture, color, and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.
- (7) A Detailed Photometric Plan that shows the impact of all exterior light fixtures based on the proposed fixture's pole heights and light bulb needs depicting resulting lighting levels across the entire property to the property lines rounding to the nearest 0.10 foot candles. The plan must be in compliance with lighting performance standards in Section 18.0800.
- (8) A Certified Survey may be required by the Zoning Administrator in instances where he or she determines compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
-

- (9) A Detailed Site Analysis shall be required for any lot or parcel containing a protected natural resource covered in Section, as determined by Village staff. These protected natural areas include: floodplains, shoreland-wetlands, lakeshores, woodlands, drainageways, and steep slopes. The analysis must be submitted using the following submission and review process:
- a) Purpose. The detailed site analysis required by this Section is designed to provide the clear identification of permanently protected natural resource areas on a site that is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas.
  - b) Description. The detailed site analysis shall be shown on a map of the subject property that depicts the location of all protected natural resource areas, as defined by the provisions of this Section. The detailed site analysis shall meet the following requirements:
    1. Scale. A minimum scale of one inch equals 200 feet shall be used.
    2. Topography. Topographic information is not required for any property that does not contain steep slopes ( $\geq 12$  percent). For such properties, topographic information with a minimum contour interval of two feet is required.
    3. Specific Natural Resources Areas. All natural resources areas that require protection under the provisions of this Chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
  - c) Development Pads.
    1. All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.
    2. Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding three inches, whose canopies are located adjacent to disturbed areas, that die within a period of five years following site disruption shall be replaced by the owner with a three inch caliper tree of the same type (e.g., shade, tall deciduous, etc.). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.
  - d) Mitigation Areas. All mitigation areas related to the provisions of this Chapter shall be depicted on the detailed site map with notations that describe the mitigation techniques proposed to be employed.

E. Required Procedure for Submission and Review

- (1) Required Timing of Submission. The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division the submittal is required as an attachment to a required site plan. A concept plan of the

proposed development may be submitted prior to the submission of the detailed site analysis map; however, in no way does the acceptance and/or general approval of a concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property that has been previously approved by Village Staff may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

- (2) Review by Village Staff. Village Staff shall review the submitted detailed site analysis map for general compliance with the data sources listed below. The Zoning Administrator may provide the applicant with a written evaluation of the submitted detailed site analysis map that shall indicate the acceptance by Village Staff; or the need for further analysis work, discussion with the applicant and/or staff-recognized experts, or a joint site visit.
  - a) The Official Zoning Map;
  - b) Applicable USGS 7.5 minute topographic maps for the Village of Williams Bay and its environs;
  - c) Air photos of the subject property;
  - d) USGS Quads and other sources of topographic information;
  - e) Applicable FEMA and related floodplain maps;
  - f) Applicable Federal and State Wetland Inventory Maps;
  - g) The Village of Williams Bay Comprehensive Plan; and
  - h) Site visits.
- (3) Modification of Detailed Site Analysis Map. If necessary, as determined by Village Staff, revised detailed site analysis maps shall be prepared and submitted for review by Village Staff, until a version is deemed acceptable. Staff review of the detailed site analysis may be appealed to the Zoning Board of Appeals as a matter of Ordinance interpretation. (See Section 18.1216)
- (4) Acceptance of Detailed Site Analysis Map. Upon notification of acceptance by Village Staff (or, in case of appeal, by determination of the Zoning Board of Appeals), the applicant may proceed with the submittal of necessary development documents.
- (5) Integration of Detailed Site Analysis Information with Required Development and/or Land Division. Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas), shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map.
- (6) Review by the Zoning Administrator.
  - a) The Zoning Administrator shall determine whether the site plan application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - b) The Zoning Administrator shall review the application and evaluate the proposal for compliance with the following data sources:
    1. Official Zoning Map.
    2. The Village of Williams Bay Comprehensive Plan.
    3. Applicable FEMA and related floodplain maps.
    4. Applicable federal and state wetland inventory maps.

- 
- c) The Zoning Administrator shall prepare a written report addressing items 18.1406E.(2)a through E.(2)d), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- (7) Review and Recommendation by the Plan Commission.
- a) The Plan Commission, in its consideration of the submitted application, shall take into account the basic intent of this Chapter to ensure attractive, efficient, and appropriate development of land in the Village, and to ensure that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. In its review, the Plan Commission may require such additional measures and/or modifications as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the site plan until revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
- b) In its review of the application, the Plan Commission may make findings on each of the following criteria to determine whether the site plan shall be approved, approved with modification, or denied:
1. All standards of this Chapter and other applicable Village, state, and federal regulations are met.
  2. The public health and safety is not endangered.
  3. Adequate public facilities, utilities, and open space areas are provided.
  4. Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
  5. Appropriate traffic control and parking are provided.
  6. Applicable performance standards, per Section 18.0800, are met.
- c) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding b), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of this section, and that the public benefits outweigh any and all potential adverse impacts of the proposed site plan.
- (8) Review and Action by the Village Board.
- a) The Village Board shall consider the Plan Commission's recommendation regarding the proposed site plan. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
- b) The Village Board may approve the site plan as originally proposed, may approve the proposed site plan with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed site plan.

- 
- F. Initiation of Land Use or Development Activity. Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.
  - G. Modification of an Approved Site Plan. Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures of this Section, so as to clearly depict any and all proposed modifications to the previously approved site plan prior to the initiation of said modification.
  - H. Sunset Clause. All buildings on an approved site plan not fully developed within two years of final Village Board approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Village Board may extend this period, if requested by the applicant, through the conditional use permit process following a public hearing.

### **18.1207 Conditional Use Permit**

- A. Purpose. Pursuant to §62.23, Wis. Stats., the purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval or denial of proposed conditional uses.
  - (1) Certain uses in situations that are of a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this ordinance of specific standards, regulations, or conditions that would permit such determination in each individual situation, may be permitted as conditional uses.
  - (2) Under this Chapter, a proposed conditional use shall be denied unless the applicant can demonstrate, to the satisfaction of the Village that the proposed conditional use will not create undesirable impacts on nearby properties, the environment, or the community as a whole.
- B. Limited Conditional Uses. Limited conditional uses are those in which the Village Board has found that any of the following should be of lesser permanence than regular conditional uses, and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate:
  - (1) Their particularly specialized nature.
  - (2) Their particular location within a district.
  - (3) The peculiarly unique relationships or needed compatibility between uses and involved individuals.
  - (4) Any other reason(s) the Board deems specially relevant and material to delimit the scope thereof.
- C. Initiation of Request. Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.
- D. Application. Conditional use permit applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:
  - (1) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the Village of Williams Bay). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

- (2) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
- (3) A site plan of the subject property as proposed for development. Said site plan shall conform to all requirements of Section 18.1206. If the proposed conditional use is a group or large development (per Sections 18.0821), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 18.1206.
- (4) As an optional requirement, the applicant may provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate.

E. Review by the Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate whether the proposed amendment meets the following criteria:
  - a) Is in harmony with the recommendations of the Comprehensive Plan. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
  - b) Will result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development.
  - c) Maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
  - d) The conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
  - e) The potential public benefits outweigh any and all potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.
- (3) The Zoning Administrator shall prepare a written report addressing items E(2)a) through E(2)e), above, to be forwarded to the Plan Commission for the Commission's review and use in making its recommendation to the Plan Commission. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.

F. Public Hearing. Within 45 days of filing of a complete application, the Plan Commission shall hold a public hearing in compliance with Section 18.1203 to consider the request.

G. Review and Recommendation by the Plan Commission.

- (1) Within 60 days after the public hearing, the Plan Commission may make a written report to the Village Board, and/or may state in the minutes its findings regarding 18.1207E(2)a) through E(2)e),

above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of E(2)a) through E(2)e), above.

- (2) If the Plan Commission fails to make a report within 60 days after the filing of a complete application, the Village Board may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission shall not invalidate the proceedings or actions of the Village Board. If a public hearing is necessary, the Village Board shall provide notice per the requirements so Section 18.1203.

H. Review and Action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed conditional use. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
- (2) The Village Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed conditional use.
- (3) Any action to amend the provisions of proposed conditional use requests requires a majority vote of the Board. The Village Board's approval of the requested conditional use permit shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (4) If the Village Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Board action.

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

J. Termination of an Approved Conditional Use. Upon approval by the Village Board, the applicant must demonstrate that the proposed conditional use meets all general and specific requirements and conditions of approval on the site plan required for initiation of development activity on the subject property per Section 18.1206. Once a conditional use is granted, no erosion control permit, site plan approval, occupancy permit, or building permit shall be issued for any development that does not comply with all requirements of this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use permit may be revoked for such a violation by majority vote of the Village Board, following the procedures outlined in Subsections E through H, above.

K. Time Limits on the Development of Conditional Use. The start of construction on any and all conditional uses shall be initiated within 365 days of their approval by the Village Board and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use permit. For the purposes of this Section, "operational" shall be defined as the granting of an occupancy permit for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Village Board and shall be based upon a showing of acceptable justification (as determined by the Village Board).

L. Discontinuing an Approved Conditional Use. Any and all conditional uses that have been discontinued for a period exceeding 365 days shall have their conditional use permit automatically invalidated. The

burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

- M. Change in Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property, unless specifically stated elsewhere in this Chapter or in the conditions of approval for a conditional use permit. Modification, alteration, or expansion of any conditional use in violation as approved per Subsection H, above, without approval by the Village Board, shall be considered in violation of this Chapter and shall be grounds for revocation of said conditional use permit per Section 18.1207.
- N. Recording of Conditional Use Requirements. Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific conditions of approval, shall be recorded by the Village with the County Register of Deeds office.
- O. Notice to the WisDNR. The Plan Commission shall transmit a copy of each application for a conditional use permit in the Shoreland-Wetland overlay, Floodway overlay, FloodFringe overlay, or General Floodplain overlay zoning districts to the WisDNR for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the WisDNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for shoreland-wetland overlay district regulations or for floodplain overlay district regulations shall be transmitted to the WisDNR within 10 days of the date of such decision.
- P. Formerly Approved Conditional Uses. A use now regulated as a conditional use that was approved as a legal land use, either permitted-by-right or as a conditional use, prior to the effective date of this Chapter shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.

## 18.1208 Temporary Use Permit

- A. Purpose. The purpose of this Section is to provide regulations that govern the procedures and requirements for the review and approval, or denial, of a proposed temporary use.
  - (1) Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case-by-case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
  - (2) Land uses that fail to meet one, but not more than one, of the requirements for temporary uses of Section 18.0316 may be reviewed as a conditional use.
- B. Regulations Applicable to All Temporary Uses. No public hearing is required to review a temporary use, however, a demonstration that the developer proposes to meet all temporary use requirements of this Section must be made at time of site plan application. Furthermore, no building permit shall be issued for any development that does not comply with all requirements of this Chapter. Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.
- C. Application. Temporary use permit applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:

- (1) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (2) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
- (3) The Zoning Administrator may require a site plan of the subject property, in which case said site plan shall conform to any and all the requirements of Section 18.1206.

D. Review by the Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the Temporary Use Permit application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this Chapter.
- (3) The Zoning Administrator shall prepare a written report addressing item 18.1208D(2), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter, the Zoning Administrator shall note this determination in the report.

E. Review and Recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the Temporary Use Permit shall be approved, approved with modification, or denied:
  - a) All standards of this Chapter and other applicable Village, state, and federal regulations are met.
  - b) The public health and safety is not endangered.
  - c) Adequate public facilities, utilities, and open space areas are provided.
  - d) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
  - e) Appropriate traffic control and parking are provided.
  - f) Applicable performance standards, per Section 18.0800, are met.
- (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding E(1), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of E(1), above.

F. Review and Action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed Temporary Use Permit. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.

- (2) The Village Board may approve the Temporary Use Permit as originally proposed, may approve the proposed Temporary Use Permit with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed Temporary Use Permit.

## 18.1209 Zoning Permit

- A. Purpose. The purpose of this Section is to specify the requirements and procedures for the issuance of zoning permits.
- B. Applicability: No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarges, structurally repaired, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted in this Chapter.
- C. Application. An application for a zoning permit shall be prepared in triplicate on printed forms provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
  - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (3) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses, and size of the following:
    - a) Subject site;
    - b) Existing and proposed structures;
    - c) Existing and proposed easements;
    - d) Streets and other public ways;
    - e) Off-street parking areas,
    - f) Loading areas and driveways;
    - g) Existing highway access restrictions;
    - h) High water, channel floodway, and floodplain boundaries;
    - i) Existing and proposed front, street side, rear, interior side, and shore yards;
    - j) Type, slope, and boundaries of soils shown in the Walworth County Soils Survey prepared by the United States Department of Agriculture Soil Conservation Service; and
    - k) The location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
  - (4) The Zoning Administrator may waive the plat of survey requirement for accessory buildings and additions to single-family and two-family dwellings when the building or addition is less than 250 square feet in area. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.
  - (5) Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an

onsite soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

- (6) Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR-112 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
- (7) Additional information as may be required by the Plan Commission or Zoning Administrator.

D. Review by Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the Zoning Permit application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this Chapter.
- (3) The Zoning Administrator shall prepare a written report addressing item 18.1209D(2), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter, the Zoning Administrator shall note this determination in the report.

E. Review and Recommendation by the Plan Commission.

- (1) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the Zoning Permit shall be approved, approved with modification, or denied:
  - a) All standards of this Chapter and other applicable Village, state, and federal regulations are met.
  - b) The public health and safety is not endangered.
  - c) Adequate public facilities, utilities, and open space areas are provided.
  - d) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
  - e) Appropriate traffic control and parking are provided.
  - f) Applicable performance standards, per Section 18.0800, are met.
- (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding E(1), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of E(1), above.

F. Review and Action by the Village Board.

- (1) The Village Board shall consider the Plan Commission's recommendation regarding the proposed Zoning Permit. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
- (2) The Village Board may approve the Zoning Permit as originally proposed, may approve the proposed Zoning Permit with conditions (per the recommendations of the Zoning Administrator,

the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed Zoning Permit.

- G. Following Village Board approval, the applicant shall post the Zoning Permit in a conspicuous place at the site. The permit shall expire within 12 months unless work equal to 10 percent of the dollar amount of the permits has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75 percent completed as measured by the dollar amount of the permit. The applicant shall reapply for a Zoning Permit before recommencing work on the structure. Any permit issued in conflict with the provisions of the Chapter shall be null and void.
- H. Uses Not Requiring a Zoning Permit:
- (1) No Zoning Permit shall be required for any of the following:
    - a) Construction of Accessory Buildings less than 100 square feet in area.
    - b) Improvement or Alteration to an existing building that is less than 100 square feet in area and does not effect a change in use.
    - c) Ordinary Maintenance Repair that does not require a building permit.
  - (2) Any development that qualifies for an exemption under paragraphs a) through c) above shall still be required to comply with the applicable setback, yard, height, and other requirements set forth in this Chapter.
  - (3) No structure or development in a floodplain overlay district (FWO, FFO, GFO) district shall be exempt from obtaining a zoning permit, even if it is otherwise listed in paragraphs a) through c) above.

## **18.1210 Building Permit**

No building shall be erected, structurally altered, or relocated within the Village of Williams Bay until a building permit has been issued by the Zoning Administrator certifying that such building, as proposed, would be in compliance with the provisions of this Chapter and with the Building Ordinance of the Village. No building permit shall be issued until a zoning permit is issued.

## **18.1211 Certificate of Compliance**

- A. Purpose. The purpose of this Section is to provide regulations governing the review and approval of Certificates of Compliance. This procedure is required to ensure completed development complies with the approved site plan (per the requirements of Section 18.1206), and the requirements of this Chapter as a whole.
- B. Land Uses and Development Requiring Certificate of Compliance. Certificate of Compliance shall be required for any of the following:
- (1) Occupancy and use of a building or structure hereafter erected or structurally altered.
  - (2) New occupancy and use of an existing building when the new use is of a different land use classification.
  - (3) Occupancy and use of vacant land.
  - (4) New use of vacant land when the new use is of a different land use classification.
  - (5) Any change in the use of a nonconforming use. No such occupancy or change of use shall take place until Certificate of Compliance has been issued.

---

C. Issuance of Certificate of Compliance.

- (1) Every application for a building permit shall also be deemed to be an application for a Certificate of Compliance for a new building or for an existing building that is to be substantially altered or enlarged as determined by the Zoning Administrator. Such permit shall be issued within 10 working days after a written request for the same has been made to the Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Chapter.
- (2) Application. Written application for a Certificate of Compliance for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be prepared in triplicate on printed forms provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:
  - a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
  - b) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - c) Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses, and size of the following:
    1. Subject site;
    2. Location of structures;
    3. Existing and proposed easements;
    4. Streets and other public ways;
    5. Off-street parking areas,
    6. Loading areas and driveways;
    7. Existing highway access restrictions;
    8. High water, channel floodway, and floodplain boundaries;
    9. Front, street side, rear, interior side, and shore yards;
    10. Type, slope, and boundaries of soils shown in the Walworth County Soils Survey prepared by the United States Department of Agriculture Soil Conservation Service; and
    11. The location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
  - d) At his discretion, the Zoning Administrator may waive the plat of survey requirement. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.
  - e) Proposed Sewage Disposal Plan if municipal sewerage service is not available. This plan shall include a copy of the permit issued by the Walworth County Health Department for the installation of an onsite soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal. The Village Engineer shall certify that satisfactory, adequate, and safe sewage disposal is possible on the site as shown in the private sewage disposal plan.

- 
- f) Proposed Water Supply Plan if municipal water service is not available. This plan shall be in accordance with Chapter NR-112 of the Wisconsin Administrative Code and shall be approved by the Village Engineer who shall certify in writing that an adequate and safe supply of water will be provided.
  - g) Additional information as may be required by the Plan Commission or Zoning Administrator.
- (3) Review by Zoning Administrator.
- a) The Zoning Administrator shall determine whether the Certificate of Compliance application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - b) The Zoning Administrator shall review the application and evaluate the proposal for compliance with this Chapter.
  - c) The Zoning Administrator shall prepare a written report addressing item 18.1211C(3)b), above, and forward said report to the Plan Commission for the Commission's review and use in making its recommendation to the Village Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter, the Zoning Administrator shall note this determination in the report.
- (4) Review and Recommendation by the Plan Commission.
- a) The Plan Commission, in its consideration of the submitted application, may make findings on each of the following criteria to determine whether the Certificate of Compliance shall be approved, approved with modification, or denied:
    - 1. All standards of this Chapter and other applicable Village, state, and federal regulations are met.
    - 2. The public health and safety is not endangered.
    - 3. Adequate public facilities, utilities, and open space areas are provided.
    - 4. Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical.
    - 5. Appropriate traffic control and parking are provided.
    - 6. Applicable performance standards, per Section 18.0800, are met.
  - b) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding (4)a), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include formal findings of fact developed and approved by the Plan Commission concerning the requirements of (4)a), above.
- (5) Review and Action by the Village Board.
- a) The Village Board shall consider the Plan Commission's recommendation regarding the proposed Certificate of Compliance. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings.
  - b) The Village Board may approve the Certificate of Compliance as originally proposed, may approve the proposed Certificate of Compliance with conditions (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed Certificate of Compliance.
-

- (6) Every Certificate of Compliance shall state that both the building, and the proposed use of a building or land, substantially complies with all provisions of this Chapter. A record of all Certificates of Compliance shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- D. Certificate of Compliance for Legal Nonconforming Uses. Upon application, Certificate of Compliance shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Chapter, or in existence at the effective date of this Chapter (NOVEMBER 7, 2011). Application for a Certificate of Compliance for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Chapter. It shall be the duty of the Building Inspector to issue Certificate of Compliance for a legal nonconforming use.
- E. Termination of a Certificate of Compliance. It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection B, above, without having first obtained Certificate of Compliance. Any permit issued upon a false statement of any fact that is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the Certificate of Compliance by notice in writing to be delivered by him to the holder of the void permit upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by certified letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Compliance shall be deemed guilty of violation of this Chapter.

### **18.1212 Sign Permit**

Refer to Section 18.1012 for applicable procedural requirements for sign permits.

### **18.1213 Development Agreement Required**

All development that occurs in any multi-family residential, business, industrial, institutional or planned development district shall require the execution of a development agreement that covers in some detail the manner and methods by which the land will be developed. Through the execution of the Development Agreement, the Village Board may impose time limits for the completion of projects and may require the execution of an irrevocable letter of credit or other appropriate surety to guarantee that the project will be completed on schedule, subject to review and approval of the Village Board.

### **18.1214 Other Permits**

For any development or land use activity, it is the responsibility of the applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes and a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

### **18.1215 Variance**

- A. Purpose. The purpose of this Section is to provide regulations that enable the Village to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done, as provided for by §62.23(7)(e)(7), Wis. Stats.
- B. Initiation of Request. Proceedings for approval of a variance may be initiated by an application of the owner(s) of the subject property.

C. Application. Variance applications shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:

- (1) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as determined by the Village of Williams Bay). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (2) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property.
- (3) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 18.1206.
- (4) Written justification for the requested variance consisting of the reasons why the applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out in Section D(2)c), below.

D. Review by the Zoning Administrator.

- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per the following:
  - a) What exceptional or extraordinary circumstances or special factors are present that apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors that are not present on other properties in the same zoning district, specifically the following:
    1. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one that affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for an allowed use or will not accommodate a structure of reasonable design for an allowed use if all area, yard, green space, and setback requirements are observed.
    2. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance.
    3. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships.
    4. Violations by, or variances granted to, neighboring properties shall not justify a variance.

- 
5. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
    - b) In what manner do the factors identified in a), above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
    - c) Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
    - d) Would the granting of the proposed variance as depicted on the required site plan (see C(3), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
    - e) Have the factors that present the reason for the proposed variance been created by an act of the applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot pattern, or grading) after the effective date of this Chapter? The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the applicant, a previous property owner, or their agent.
  - (3) The Zoning Administrator may also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the Village of Williams Bay's Comprehensive Plan.
  - (4) The Zoning Administrator shall prepare a written report addressing items (2)a) through (2)f), above, to be forwarded to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or the Village's Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Public Hearing. Within 30 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 18.1203 to consider the request.
- F. Review and Action by the Zoning Board of Appeals.
- (1) Within 30 days after the holding of the public hearing, the Zoning Board of Appeals shall make its findings per Section (2)a) through (2)f), above, and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
  - (2) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
-

- 
- (3) Said report shall include formal findings of fact developed and approved by the Zoning Board of Appeals concerning the requirements of (2)a) through (2)f), above.
- G. Effect of Denial. No application for a variance that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- H. Limited Effect of a Variance. Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- I. Stay of Proceedings. An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.
- J. Notice to the WisDNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to regulations in the Shoreland-Wetland overlay, Floodway, Floodfringe overlay, or General Floodplain overlay zoning districts to the WisDNR for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the WisDNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to Shoreland-Wetland overlay district regulations or to floodplain overlay district (FWO, FFO, and GFO) district regulations, and a copy of all decisions to Shoreland-Wetland overlay district appeals and floodplain overlay district appeals, shall be transmitted to the WisDNR within 10 days of the date of such decision.

## 18.1216 Interpretation

- A. Purpose. The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- B. Initiation of Request. Proceedings for an interpretation may be initiated by an application of the owner(s) of the subject property; a recommendation of the Plan Commission; by action of the Village Board, or by a request by the Zoning Administrator.
- C. Application Requirements. An application for an interpretation shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) Clear indication of the part of the text of this Chapter for which the interpretation is requested and the specific questions the applicant has regarding said text.
  - (2) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required. The Zoning Administrator may waive one or more of the following requirements where such information is not deemed to be substantive, in the opinion of the Zoning Administrator, to the issue at hand.
    - a) A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property, together with the names

- and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County as provided by the Village of Williams Bay. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. Said map and all its parts and attachments shall be submitted in a form that is clearly reproducible with a photocopier, and shall be at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- b) A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property.
  - c) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 18.1206.
- (3) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:
- a) How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies, and standards of the Village's Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village?
  - b) How is the subject land use in harmony with the purposes, goals, objectives, policies, and standards of the pertinent zoning district for which the interpretation is being sought?
  - c) Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?
- D. Review by Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
  - (2) The Zoning Administrator shall prepare a written report forward a report to the applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of this Chapter or of the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- E. Review and Recommendation by the Plan Commission.
- (1) The Plan Commission, in its consideration of the requested interpretation, may make findings based on the standards listed in subsection G below.
  - (2) The Plan Commission may make a written report to the Village Board and/or may state in the minutes its findings regarding subsection G below, and its recommendations regarding the request for interpretation as a whole.
- F. Review and Action by the Village Board.
- (1) The Village Board shall consider the Plan Commission's recommendation regarding the request for interpretation. The Village Board may request additional information and/or reports from the Plan Commission, Zoning Administrator, and/or the applicant. The Board may make its final interpretation at the time of its initial meeting, or may continue the proceedings.
- G. Standards for Review of Requested Interpretations. This Chapter shall be interpreted in a manner that is consistent with the purposes intended by the Village Board, as noted in this Chapter, and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a

---

proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

- (1) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required. (Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation that are not explicitly articulated).
- (2) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public. (Rationale: There is a critical distinction between an interpretation that provides a greater degree of design freedom to achieve an allowed land use, and an interpretation that permits a new or not previously allowed use, or that allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited).
- (3) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. (Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation that would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation that would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation that will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements).
- (4) This Chapter has been carefully designed by the Village Board to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Village's Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Village Board.
- (5) In addition to the applicant's response to the questions required by Section G(1) through G(5), above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
  - a) No interpretation shall allow the establishment of any land use that was previously considered and rejected by the Village Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
  - b) No interpretation shall allow a land use listed as permitted-by-right or a conditional use in another zoning district if the use is not listed as allowed in the zoning district of the subject property (see Section 18.0200).
  - c) No interpretation shall allow a land use in a zoning district unless evidence is presented that demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district.

- d) No interpretation shall allow a land use in a particular zoning district unless such use is substantially similar to other uses allowed in that same district and is more similar to such other uses than to uses that are either not allowed in said district, or that are allowed in a more intensive district in the same zoning district category.
  - e) If the proposed land use is more similar to a land use allowed only as a conditional use in the subject property's district than to a use permitted-by-right, an interpretation allowing such use shall be conditioned upon the approval of a conditional use permit pursuant to Section 18.1207.
- H. Effect of a Favorable Land Use Interpretation. No interpretation finding a particular land use to be permitted-by-right or allowed as a conditional use in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals that may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, conditional uses, and occupancy permits.
- I. Limitations on Favorable Land Use Interpretation.
- (1) No interpretation finding a particular land use to be permitted-by-right or allowed as a conditional use in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or an occupancy permit is obtained and a use commenced within that period.
  - (2) An interpretation finding a particular land use to be permitted-by-right or allowed as a conditional use in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

## 18.1217 Appeal

- A. Purpose. The purpose of this Section is to provide regulations that enable the Village to hear and decide on requests for appeals of the decision or interpretation of the Zoning Administrator, as provided by §62.23(7)(e)(7), Wis. Stats.
- B. Initiation of Request. Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Village affected by any decision of the Zoning Administrator.
- C. Time Limit for Filing an Appeal. Any appeal of an interpretation under the provisions of this Section shall be made per the requirements of Section 18.1216, below, within 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.
- D. Application. All applications for review of an appeal shall be printed on an application form provided for the purpose and filed with the Village Clerk. Said application shall be accompanied by a fee as specified in Sections 18.1106 and 18.1107. In addition to all information required on the application form, the applicant shall supply the following:
- (1) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the applicant.

- 
- (2) A written statement from the applicant indicating the reasons why an appeal is justified based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the applicant.
- E. Review by the Zoning Administrator.
- (1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the application is determined to be incomplete, the Zoning Administrator shall notify the applicant.
- (2) The Zoning Administrator shall review the application and evaluate and comment on the written justification for the requested appeal to the Zoning Board of Appeals as submitted by the applicant. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Plan.
- (3) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions this Chapter or the Comprehensive Plan, the Zoning Administrator shall note this determination in the report.
- F. Public Hearing. Within 45 days of filing of a complete application, the Zoning Board of Appeals shall hold a public hearing in compliance with Section 18.1203 to consider the request.
- G. Review and Action by the Zoning Board of Appeals.
- (1) Within 60 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall make its findings per Section E(1) through E(3), above. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at the applicant's request. Said final action shall be followed by a written report that shall include formal findings of fact developed and approved by the Zoning Board of Appeals concerning the request.
- (2) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- H. Effect of Denial. No application for an appeal that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- I. Limited Effect of a Favorable Ruling on an Appeal.
- (1) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted-by-right or allowed as a conditional use in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or an occupancy permit is obtained and a use commenced within that period.
- (2) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted-by-right or allowed as a conditional use in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
-

---

## 18.1218 Violations and Penalties

- A. Violation of this Chapter. It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land, or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse, or fail to comply with this Chapter's requirements. Any person who violates or fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Section B, below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- B. Penalties. Any person, firm, or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500.00 for the first offense and not less than \$10.00 nor more than \$500.00 for the second and subsequent offenses and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- C. Promulgated Correction of Violation. In addition to any other penalty imposed by this Chapter for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter.
- D. Hazardous Condition Caused by Violation of this Chapter. If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Section F, below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
- E. Non-Hazardous Condition Caused by Violation of this Chapter. If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals, or decency, the Zoning Administrator shall serve written notice by registered mail on the current owner of the property (as indicated by current Village of Williams Bay tax records) on which said violation is occurring to remove said violation within 30 working days. If such violation is not removed within such 30 working days, the Zoning Administrator shall cause the violation to be abated per Section A, above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Section F, below.
- F. Cost of Abatement. In addition to any other penalty imposed by this Chapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Sections A and/or B, above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by §66.615(5), Wis. Stats.