

Village Ordinance-Chapter 24

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Chapter 24 - Zoning Code

24.01 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35 and 62.23(7) of the Wisconsin Stats.

24.02 SHORT TITLE

This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Deerfield, Wisconsin."

24.03 PURPOSE

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetic and general welfare of the Village.

24.04 INTENT

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

24.05 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of the chapter shall govern.

24.06 INTERPRETATION

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. All uses allowed in commercial and industrial districts are cross-referenced with the Standard Industrial Classification (SIC). The SIC number is shown in [].

24.07 SEVERABILITY

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If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter not be affected thereby.

24.08 REPEAL OF INCONSISTENT ORDINANCES

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

24.09 EFFECTIVE DATE

This chapter shall be effective after a public hearing, adoption by the Village Board and publication or posting as provided by law. (**July 28, 2008**) This chapter shall have prospective application only.

24.10 DEFINITIONS

For the purpose of this chapter, the following definitions shall be used:

- (1) Accessory Building. A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building, except that attached and detached garages are not considered an accessory building. (See Sec. 24.10(38).) Garden sheds and similar storage buildings are considered accessory buildings.
- (2) Accessory Use. A use subordinate in nature, extent or purpose to the principal use of the building or lot.
- (3) Advertising Sign, Outdoor. A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (4) Advertising Structure, Outdoor. Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
- (5) Alley. A way which affords only a secondary means of access to abutting property. A commercial alley shall have a minimum right-of-way width of 30 feet and a curb face width of 24 feet, and a residential alley shall have a minimum right-of-way width of 20 feet and a curb face width of 18 feet.
- (6) Apartment. A portion of a residential or commercial building used as a separate housing unit.
- (7) Apartment House. See Dwelling, multiple.
- (8) Arterial Street. Those streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances.
 1. Principal Arterials. Streets serving the major interstate and inter-regional traffic corridors and providing the highest mobility level and a high degree of access control.

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2. **Primary Arterials.** Streets serving major regions or connecting important cities and major intra-community corridors in the metropolitan area. These routes provide high mobility and a high degree of access control.
3. **Standard Arterials.** Those streets which more commonly provide for intermediate length trips, thus serving through movement in trade areas or feeding traffic to the principal and primary arterial streets from lower activity areas not served by such routes.
- (9) **Basement or Cellar.** A story partly underground but having at least one-half of its height, or more than five (5) feet, below the mean level of the adjoining ground. Basements in and of themselves shall not be used for a separate dwelling unit (see figure 2).
- (10) **Boarding House.** A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (11) **Building.** A structure having a roof intended for the shelter, housing or enclosure of persons, animals or chattel.
- (12) **Building, Alteration Of.** Any change or rearrangements of the supporting member such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (13) **Building, Front Line Of.** A line parallel to the street intersection the foremost point of the building, excluding uncovered steps.
- (14) **Building, Height Of.** The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs (see Figures 1 and 2).
- (15) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
- (16) **Business.** Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (17) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient of non-boarding basis only.
- (18) **Club.** A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- (19) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Residential care centers for children and youth, as defined in Sec. 48.02(15d), operated by child welfare agencies licensed under Sec. 48.60, group homes for children, as defined in Sec. 48.02 (7), adult family homes, as defined in Sec. 50.01 (1), and community-based residential facilities, as defined in Sec. 50.01 (1g); but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Sec. 46.03 (22), 62.23 (7)(i), and 62.23 (7a), and amendments thereto, and also the Wisconsin Administrative Code.

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- (20) Conditional Uses. Use of a special nature such as to make impractical their predetermination as a principal use in a district.
- (21) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this chapter.
- (22) Court. An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (23) Curb Break. Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (24) Curb Level. The level of the established curb in the front of the building measured at the center of such front.
- (25) Day Care Center. A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec 48.65, Wis. Stats.
- (26) Deck. Decks shall be considered a part of a building or structure and shall be subject to setback requirements.
- (27) Dwelling Unit. A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels, or lodging houses.
- (28) Dwelling, One-Family. A detached building designed, arranged or used for and occupied exclusively by one family. Shall include specially designed buildings covered by earth.
- (29) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively, by two (2) families living independently of each other.
- (30) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached town houses and condominiums.
- (31) Dwelling, Group. A group of two (2) or more multifamily dwellings occupying a lot in one ownership with any two (2) or more dwellings having any yard or court in common.
- (32) Emergency Shelters. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (33) Family. One or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this section if he or she is dwelling for the purpose of adoption or for a foster care program.
- (34) Farm. Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.

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- (35) Floor Area. The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (36) Foster Family Home. Includes a foster home as defined in Sec. 48.02(6) or a treatment foster home as defined in Sec. 48.02(17q) of Wisconsin Statutes, which is the primary domicile of a foster parent, which is for four (4) or fewer foster children, and which is licensed under Sec. 48.62 of the Wisconsin Statutes and amendments thereto.
- (37) Frontage. All the property abutting on one side of a street measured along the street line.
- (38) Garage. A building or portion thereof principally used for parking or temporary storage of automobiles, trucks, or similar self-propelled vehicles. There shall be a driveway providing access to each garage from a public way. For the purpose of defining the size of stalls within a garage, each stall shall be no less than 10 feet by 20 feet. Garages may be attached to or detached from the principal structure on the lot. Each dwelling unit may have up to one garage structure, consistent with the requirements of this ordinance.
- (39) Gasoline Station. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories, and which may include facilities used or designed to be used for polishing, greasing, washing, spaying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (39a) Group Foster Home. Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (40) Home Occupation and Professional Home Offices. Home Occupations and Professional Home Offices are permitted accessory uses in any residential district provided that:
1. The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than 50 percent of the floor area of one floor.
 2. No home occupation or professional home office shall be located in or conducted in an accessory structure.
 3. One person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.
 4. Home occupations shall use only household equipment and no stock in trade shall be kept or sold except that made on the premises.
 5. No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
 6. No outdoor storage of equipment or product shall be permitted.
 7. Home occupations, which comply with the conditions set forth above, may include, but are not limited to babysitting, canning, crafts, desktop publishing, and other computer services, dressmaking, insurance sales, laundering, millinery, piano instruction, real estate sales, and word processing.

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8. Home occupations shall not include auto body or engine repair, barbering, beauty shops, construction trades, dance studios or photographic studios.
- (41) Hotel. A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- (42) House Trailer. A non-self propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- (43) Junk Yard. An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (44) Landscaping. Aesthetically arranging or changing features of a site including grading, preservation of selective existing natural vegetation and the planting of trees, shrubs, plants or grass lawns.
- (45) Loading Area. A completely off-street space or berth on the same lot for the loading or unloading of freight carries having adequate ingress and egress to a public street or alley.
- (46) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter. Unless the context clearly indicates otherwise, as used in the Zoning Code, a lot means a zoning lot (see Figures 3 and 4).
- (47) Lot Lines And Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (48) Lot Width. The width of a parcel of land measured at the rear of the specified street yard.
- (49) Lot, Reversed Corner. A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear (see Figure 4).
- (50) Lot, Zoning. A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control. A zoning lot or lots may or may not coincide with a lot of record. Once improved, a zoning lot shall be treated as a single tax parcel on the Village Assessment Roll.
- (51) Manufactured Home. Any structure, transportable in one or more sections, which in the traveling mode is twelve (12) body feet or more in width, and eighteen (18) feet or more in length and at least eight hundred sixty-four (864) square feet when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which complies with all manufactured home construction and safety standards established under 242 USC sec. 5401, et seq.
- (52) Marquee or Canopy. A roof-like structure of permanent nature which projects from the wall of a building.

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- (53) Mobile Home. Every vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid noncollapsible construction, except that excluded from this definition is every "manufactured home" as defined above.
- (54) Motel. A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (55) Motor Vehicle. Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (56) Non-Conforming Use, Building or Structure. Any building or structure which does not comply with all of the regulations of this chapter or of any amendment hereto regulating any building or structure for the zoning district in which such building or structure is located.
- (57) Nonconforming Use. Any use of a land, buildings, or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.
- (58) Reserved for future use.
- (59) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (60) Parking Area, Semi-Public. An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (61) Parking Space. An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto, except as in Sec. 24.42(3).
- (62) Planned Unit Development. The Planned Unit Development (PUD) is an area with a minimum contiguous acreage of three acres or more to be developed as a single entity according to a Specific Implementation Plan, containing one or more residential clusters, commercial clusters, industrial cluster, or a mixture thereof, and one or more public, quasi-public, agricultural, parkland and/or conservation areas.
- (63) Property Lines. The lines bounding a platted lot, as defined herein.
- (64) Public Way. Any sidewalk, street, alley, highway or other public thoroughfare.
- (65) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office complies with all conditions of section 24.10(40).
- (66) Railroad Right of Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

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- (67) School, Private. An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental defectives or a college or other institution of higher learning.
- (68) School, Commercial. A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- (69) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it (see Figure 2).
- (70) Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (71) Screening. Concealment of sights and sounds of a property from adjacent lands by the use of a solid wall, fence, evergreen plants of equivalent density or berming.
- (72) Street. A public or private thoroughfare which affords the principal means of access to abutting property.
- (73) Structure. Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (74) Sign. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which is used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- (75) Structural Alterations. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (76) Trailer Park. Any lot on which are parked two (2) or more house trailers or mobile homes for longer than 48 hours.
- (77) Use. The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.
- (78) Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (79) Use, Permitted. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, or such districts.
- (80) Use, Conditional. A use, either public or private, which because of its unique characteristics, cannot be properly classified as a "permitted use" in any particular district or districts. After due consideration, in each case, of the impact or such use upon neighboring land and of the public need for the particular use at the particular location such "conditional use" may or may not be granted.

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- (81) Vending Machine. A retail business, device, electrically or manually operated, used by the general public to obtain dairy products, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (82) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted. The front and rear yards extend the full width of the lot (see Figure 3).
- (83) Yard, Front. A yard extending along the full width of the front lot between the side lot lines (see Figure 3). A corner REVERSE lot will have two front yards and two side yards, no rear yard.
- (84) Yard, Rear. A yard extending along the full length of the rear lot line between the side lot lines (see Figure 3).
- (85) Yard, Side. A yard extending along a side lot line from the front yard to the rear yard (see Figure 3).
- (86) Yard, Corner Side. A side yard which adjoins a public street.
- (87) Yard, Interior Side. A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (88) Yard, Street. Yard abutting a street (see Figure 3).
- (89) Yard, Transitional. That yard which must be provided on a zoning lot in a business district which adjoins a zoning lot in a residential district, or that yard which must be provided on a zoning lot in an industrial district, which adjoins a zoning lot in either a residential or business district.
- (89a) Zero Lot Line Construction. A building that is sited on one or more lot lines with no side yard area. The intent of zero lot line construction is to allow more flexibility in site design and to increase the amount of usable open space.
- (90) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.
- (91) Zoning Lot. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings together with the open spaces required by this ordinance and conforming with the applicable provisions of this ordinance and the Village of Deerfield Subdivision Regulations.

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GENERAL COMPLIANCE PROVISIONS

24.11 JURISDICTION. The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village.

24.12 GENERAL REQUIREMENTS. No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Village, county and state regulations. It shall be the responsibility of all persons who make such changes to comply with any and all provisions of the zoning code.

(1) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:

(a) Permitted. Only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

1. **Unclassified or Unspecified Uses.** Unclassified or unspecified uses may be permitted by the Village Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

(b) Conditional.

1. **Classes of Conditional Uses.** Conditional uses may be denoted either "regular" or "limited".

2. **General Conditional Use Provisions.** Provisions applicable to conditional uses generally:

a. Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing, and approval by the Plan Commission in accordance with Sec. 24.83 of this chapter excepting those existent at time of adoption of the zoning code.

b. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this code require no action by the Plan Commission for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.

c. Proposed change from permitted use in a district to conditional use shall require review, public hearing and approval by the Plan Commission and Village Board in accordance with Sec. 24.70.

d. Conditional use(s), when replaced by permitted use(s), shall terminate. In such cases(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval by the Plan Commission and Village Board in accordance with Sec. 24.83 of this chapter.

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- e. Provisions in this chapter relating generally to conditional uses shall be deemed to be applicable to both regular and limited conditional uses, except when there are specific provisions relating to either regular or limited conditional uses. In the case of such specific provisions, the specific provisions control.
- 3. Specific Regular Conditional Use Provisions. Provisions applicable specifically to regular conditional uses:
 - a. Regular conditional uses, either allowed by action of the Plan Commission, or existent at time of adoption of this code, shall be non-lapsing and shall survive vacancies unless otherwise specified in the conditional use permit. Change to conditional use of other than same or similar type shall require procedures and approval in accordance with Sec. 24.24.
 - b. See Subsection 2.b above as to conditional uses existent at time of adoption of this code being deemed to be the regular conditional uses.
 - 4. Specific Limited Conditional Use Provisions. Provisions applicable specifically to limited conditional uses:
 - a. Limited conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
 - b. Limited conditional uses authorized by the Plan Commission shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Commission, approval and the procedures required in Sec. 24.24.
 - c. Uses Not Specified. Uses not specified in this chapter which are found by the Plan Commission to be sufficiently similar to specified permitted or conditional uses for a district shall be allowed by the zoning administrator.
- (2) **SITE SUITABILITY.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board and the Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Plan Commission in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Village Board.
- (3) **FRONTAGE.** All lots shall abut upon a public street or other means of access as may be reviewed by the Plan Commission and approved by the Village Board. Each lot shall have a minimum frontage of twenty-five (25) feet; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located. No zoning permit shall be issued for a lot which abuts a

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public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

- (4) **PRINCIPAL STRUCTURES PER ZONING LOT.** No more than one principal building shall be located, erected or moved on one zoning lot, unless there is prior recommendation of an exception by the Plan Commission followed by subsequent written approval of said exception by the Village Board.
 - (a) No yard or open space provided around and about any building to comply with the provisions of the Zoning Code shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining premises shall be considered as providing a yard or open space on a zoning lot whereon a building is to be erected.
 - (b) In considering and/or approving an exception to the requirement of one principal structure per zoning lot, the Village Board may require such surveys, plot and building plans as it deems necessary to insure compatibility with the master plan, the applicable zoning district and the purposes of the Zoning Code.
 - (c) In approving such an exception, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (5) **LOTS ABUTTING MORE RESTRICTIVE DISTRICTS.** Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. This does not apply to adjacent residential districts. The street yard setbacks in the less restrictive district shall be modified for a distance of not less than sixty (60) feet from the more restrictive district boundary line so such street yard setbacks shall be no less than the average of the street yards required in both districts.
- (6) **BUILDING GRADES.** Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a new building is constructed on vacant land between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit runoff of surface water to flow onto the adjacent properties.
- (7) **AREA EXCEPTIONS.** The regulations contained herein relating to the size of yards and other open spaces shall be subject to the following exceptions:
 - (a) Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets be complied with.
 - (b) Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this code, such lot may be occupied by one (1) family.
 - (c) Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than twenty four (24) inches.

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- (8) **SUBSTANDARD LOTS.** In any residential district, structures may be erected on any legal lot of record prior to the effective date of this code provided that the area, the width and the depth of such existing lot shall be no less than eighty (80%) percent of the required minimums set forth in Sec. 24.12 of this chapter. No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard parking area or other space required for a structure for a structure or use shall be used for any other structure or use.
- (9) **ENVIRONMENTAL PERFORMANCE STANDARDS.** This chapter permits specific uses in specific districts and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land or water shall hereafter be used except in compliance with the district regulations and with the following environmental performance standards.
- (a) Liquid or Solid Wastes. No activity shall discharge at any point onto any land or into any water or public sewer any materials or such nature, quantity, noxiousness, toxicity or temperature which can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.
- (10) **CONSTRUCTION BEGUN PRIOR TO ADOPTION OF ORDINANCE.** Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this ordinance and upon which actual construction has been diligently carried on.
- (11) **APPROVAL OF PLATS.** No proposed plat of a new subdivision shall hereafter be approved by either the Village Board or the Village Plan Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this ordinance.
- (12) **BUILDINGS PERMIT.** It shall be unlawful for any person to commence excavation for or construction of any building or structure, or structural changes in any existing building or structure, or new use or change in use of land, water and air without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until the application has been submitted in accordance with the provisions of this ordinance, showing that the construction proposed is in compliance with the provisions of this ordinance and other regulations of the Village (see, for example, Chapter 12 and Sec. 24.80(4)).
- 24.13 AMENDMENTS.** The Village Board may from time to time on its own motion, or on petition, or on recommendation of the Plan Commission, amend, supplement or repeal the regulations and provisions of this ordinance after public notice and hearing.
- 24.14 NONCONFORMING USES.** The lawful use of a building or premises existing at the time of the adoption or amendment of a zoning ordinance may be continued although such use does not conform with the provisions of the ordinance. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed fifty percent (50%) of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of twelve (12) months any future use of the building and premises shall conform to the ordinance.
- 24.15 MODIFICATIONS AND EXCEPTIONS TO HEIGHT, YARD AND SOUND REQUIREMENTS.**

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- (1) **HEIGHT.** The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accord with the following:
 - (a) Architectural Projections. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this chapter.
 - (b) Special Structure Height Limitations. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks are exempt from the height limitations of this chapter.
 - (c) Essential Services Height Limitations. Essential services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this chapter.
 - (d) Communications Structures Height Restrictions. Communications structures such as radio and television transmission and relay towers, aerial and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
 - (e) Agricultural Structures Height Restrictions. Agricultural structures such as barns, silos and windmills shall not exceed in height twice their distance from the nearest lot line.
 - (f) Public Facilities Height Restrictions. Public or semipublic facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot the structure exceeds the district's maximum height requirement.
- (2) **YARDS.** The yard requirements stipulated elsewhere in this chapter may be modified as follows:
 - (a) Uncovered Stair Restrictions. Uncovered stairs, including disabled access ramps, landings and fire escapes may project into any yard, but not to exceed six (6) feet from the building and not closer than three (3) feet to any lot line.
 - (b) Architectural Projection Restrictions. Architectural projects such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.
 - (c) Cul-de-Sac and Curve Restrictions. Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet provided the width at the building setback line is at least eighty (80) feet and the street frontage is no less than forty-five (45) feet.
 - (d) Essential Service Exemptions. Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
 - (e) Street Yard Restrictions. The required street yards, for all existing LOTS, may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than fifteen (15) feet in any residential district and five (5) feet in any business district.
- (3) **NOISES EXEMPTED.** Sirens, whistles and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this chapter.

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24.16 ENGINEERING, ATTORNEY, INSPECTION AND OTHER REVIEW.

Petitioners shall be responsible for the engineering, attorney, inspection and other review fees associated with their zoning application. The amount of engineering, attorney, inspection and other review fees to be paid by the petitioner shall be determined by the Village Board from time to time by resolution. Failure to pay said fees within thirty (30) days of request for same shall invalidate any permit issued pursuant to this Ordinance and may result in appropriate legal action against petitioner for collection of same.

24.17 - 24.19 Reserved for future use.

ZONING DISTRICTS

24.20 DISTRICTS CREATED. For the purpose of this chapter, the Village is hereby divided into the following eleven (11) zoning districts: **[O-95-04; 7/24/95]**

- (1) E-1 – Estate Single-Family Residential District
- (2) R-1 - Single-Family Residential District
- (3) R-2 - Single-Family Residential District
- (4) R-3 - Two-Family Residential District
- (5) R-4 - Multifamily Residential District
- (6) C-1 - Community Business District
- (7) C-2 - Highway Business District
- (8) C-3 - Central Business District
- (9) C-M-1 – Business Park
- (10) M-1 - Industrial District
- (11) A-1 - Agricultural District
- (12) Co-1 - Conservancy District
- (13) PUD - Planned Unit Development Districts, including Residential PUD, Commercial PUD, Industrial PUD and Mixed Compatible Use PUD

24.21 DISTRICT BOUNDARIES.

- (1) **ZONING MAP.** The boundaries of the districts enumerated in Sec. 24.12 above are hereby established as shown on a map entitled "Zoning Map, Village of Deerfield, Wisconsin," and dated July 14, 1997, which is hereby adopted by reference and made a part hereof. The map shall bear upon its face the attestation of the Village President and the Village Clerk and shall be available to the public in the office of the Village Clerk.
- (2) **LOCATION OF DISTRICT BOUNDARIES.** The boundaries shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights of way; or such lines extended unless otherwise noted on the Zoning Map.

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- (3) **EFFECT OF VACATION OF STREETS AND ALLEYS.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (4) **EFFECT OF ANNEXATIONS AND CONSOLIDATIONS.** Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the A-1 Agricultural District unless the annexation ordinance temporarily placed the land in another district. Within one year, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

24.212 E-1 - Estate Single-Family Residential District

- (1) **PURPOSE.** The E-1 District is intended to provide a quiet, pleasant and spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- (2) **PERMITTED USES.** The following uses of land are permitted in the E-1 District:
 - (a) Single-family detached dwellings.
 - (b) Two (2) private garages. To be permitted, detached garages (only one per lot) must meet the permitted use requirements specified in this section.
 - (c) Accessory uses and buildings as follows:
 - 1. Gardening, tool and storage sheds incidental to the residential use, not to exceed two hundred (200) square feet.
 - (d) Community living arrangements which have a capacity for eight (8) or fewer persons.
 - (e) Foster family homes.
 - (f) Uses customarily incidental to any of the above uses, provided that no such uses generate traffic or noise that would create public or private nuisance.
 - (g) Home occupations and professional home office as specified herein.
- (3) **CONDITIONAL USES.** The following are permitted as conditional uses within the E-1 District:
 - (a) Professional home offices IN AN ACCESSORY BUILDING.
 - (b) Community living arrangements which have the capacity for nine (9) or more persons.
 - (c) Utilities (electric substations, telephone switching stations, gas regulators, etc.)
 - (d) Bed and Breakfast Inns with up to four (4) guest rooms and serving only breakfast.
 - (e) All accessory structures customarily accessory to permissible uses and structures other than the accessory structures set out in (2)(c)(1) above.
- (4) **LOT BUILDING AND YARD REQUIREMENTS.**
 - Lot frontage.....Minimum 150 feet at set back
 - Lot area.....Minimum 40,000 square feet
 - Principal building:
 - Front yard.....Minimum 40 feet

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Side yard.....	Minimum 15 feet each side
Rear yard.....	Minimum 40 feet
Rear yard with open deck.....	Minimum 28 feet
Building height.....	Maximum 35 feet
Accessory building:	
Front yard.....	Minimum 5 feet from back of principal bldg.)
Side yard.....	Minimum 3 feet
Rear yard.....	Minimum 3 feet
Building height.....	Maximum 18 feet
Detached Garages:	
Front yard.....	Minimum 40 feet
Side yard.....	Minimum 3 feet
Rear yard.....	Minimum 3 feet
Minimum size.....	20 ft x 20 ft
Maximum size.....	24 ft x 30 ft or equivalent square footage of 720 sq ft
Building height.....	Maximum 18 feet
Percent of lot coverage.....	Maximum 30%
Parking spaces required.....	Three spaces per dwelling unit

The total minimum floor area of a dwelling shall be 1,500 square feet. Two story dwelling unit shall require a minimum 1,800 square feet, with a first floor of not less than 1,000 square feet.

(5) OTHER REQUIREMENTS

(a) A private two stall garage is required for each residential parcel. A garage with up to three stalls is permitted. The overall parking space requirements may be met through parking stalls available in the garage or a combination of the stalls available in the garage and other off-street parking. Requirements for off-street parking are specified in section 24.42 of this ordinance.

24.22 R-1 - SINGLE-FAMILY RESIDENTIAL DISTRICT

- (1) **PURPOSE.** The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.
- (2) **PERMITTED USES.** The following uses of land are permitted in the R-1 District:
 - (a) Single-family detached dwellings.
 - (b) One (1) private garage. To be permitted, detached garages must meet the permitted use requirements specified in this section.
 - (c) Accessory uses and buildings as follows:
 - 1. One gardening, tool and storage sheds incidental to the residential use, not to exceed two hundred (200) square feet.
 - 2. Off-street parking (see Sec. 24.42).
 - 3. Signs as permitted by Village ordinances.
 - (d) Community living arrangements which have a capacity for eight (8) or fewer persons.

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- (e) Foster family homes.
- (f) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (g) Home occupations and professional home office as specified therein.

(3) **CONDITIONAL USES.** The following are permitted as conditional uses within the R-1 District:

- (a) Professional home offices.
- (b) Funeral services.
- (c) For future use.
- (d) Community living arrangements which have a capacity for nine (9) or more persons.
- (e) Utilities (electric substations, telephone switching stations, gas regulators, etc.).
- (f) Bed and breakfast inns with up to four (4) guest rooms and serving only breakfast.
- (g) Parks, playgrounds and swimming pools.
- (h) Schools, and churches and their affiliated uses.
- (i) Home occupations in an accessory building.
- (j) Private garages exceeding the permitted use requirements.
- (k) Pre-School and Day Care.

(4) **LOT BUILDING AND YARD REQUIREMENTS.**

Lot width	Minimum 85 feet
Lot area	Minimum 10,000 square feet
Principal building:	
Front yard.....	Minimum 30 feet
Side yard	Minimum 10 feet each side;
Rear yard.....	Minimum 40 feet
Rear yard with open air deck	Minimum 28 feet
Building height	Maximum 35 feet
Accessory building:	
Front yard	Minimum 5 feet from back of the principal building
Side yard	Minimum 3 feet
Rear yard	Minimum 3 feet
Building height	Maximum 18 feet
Detached Garages:	
Front yard.....	Minimum 30 feet
Side yard	Minimum 3 feet
Rear yard.....	Minimum 3 feet
Minimum size	20 ft x 20 ft
Maximum size.....	24 ft x 30 ft or equivalent square footage of 720 sq. ft.
Building height	Maximum 18 feet
Percent of lot coverage	Maximum 30%

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Parking spaces required Three spaces per dwelling unit
A garage or principal building with alley access.....Minimum 20 feet setback from property line

Total Minimum Floor Area of Dwelling: The total minimum floor area of dwelling units shall require a minimum 1,400 square feet. Two story dwelling units shall require a minimum 1,600 square feet with a first floor of not less then 800 square feet.

(5) **OTHER REQUIREMENTS.**

(a) A private two stall garage is required for each residential parcel. A garage with up to three stalls is permitted. The overall parking space requirements may be met through parking stalls available in the garage or a combination of the stalls available in the garage and other off-street parking. Requirements for off-street parking are specified in section 24.42 of this ordinance.

24.23 R-2 - SINGLE-FAMILY RESIDENTIAL DISTRICT

(1) **PURPOSE.** The R-2 District is intended provide low - to medium - density residential development with emphasis on a single-family residential uses.

(2) **PERMITTED USES.**

(a) Same as uses permitted in R-1 District.

(3) **CONDITIONAL USES.**

(a) Same as uses conditional in R-1 District.
(b) For future use.

(4) **LOT, BUILDING AND YARD REQUIREMENTS.**

Lot frontage Minimum 60 feet
Lot area Minimum 8,000 square feet
Principal building:
Front yard..... Minimum 25 feet
Side yards Minimum 8 feet
Rear yard..... Minimum 25 feet
Building heightMaximum 35 feet
Accessory building:
Front yardMinimum 5 feet from back of the principal building
Side yard Minimum 3 feet
Rear yard Minimum 3 feet
Building heightMaximum 18 feet
Detached Garages:
Front yard..... Minimum 25 feet
Side yard Minimum 3 feet
Rear yard..... Minimum 3 feet

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Building height	Maximum 18 feet
Minimum size	20 ft x 20 ft
Maximum size	24 ft x 30 ft or equivalent square footage of 720 sq. ft.
Percent of lot coverage	Maximum 30%
Parking spaces required	Three spaces per dwelling unit

Total Minimum Floor Area of Dwelling: The total minimum floor area of a dwelling shall be 1,000 square feet. Two story dwelling units shall require a minimum 1,200 square feet with a first floor of not less than 700 sq. ft.

(5) **OTHER REQUIREMENTS.**

- (a) A private two stall garage is required for each residential parcel. Same as R-1 24.22(5)(a).

24.24 R-3 - TWO-FAMILY RESIDENTIAL DISTRICT

(1) **PURPOSE.** This district is intended to provide for moderate to medium density residential development with emphasis on single - and two - family residential uses. Nonresidential uses are limited to those which are compatible with the medium density character of the district.

(2) **PERMITTED USES.**

- (a) One (1) or two (2) family dwellings.
- (b) One (1) private garage with a minimum four hundred (400) square feet per dwelling unit.
- (c) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (d) Foster family home.
- (e) Permitted accessory uses and buildings under 24.22(2)(c) allowed in the R-1 Single-Family Residential District.
- (f) Home occupation and professional home office as specified therein.

(3) **CONDITIONAL USES.**

- (a) Community living arrangements which have a capacity for nine (9) or more persons.
- (b) Utilities.
- (c) Single-family detached dwellings.
- (d) Churches and their affiliated uses.
- (e) Bed and breakfast inns.
- (f) Parks, playgrounds and swimming pools.
- (g) Schools.
- (h) Private garages exceeding the permitted use requirements.
- (i) Zero lot line construction.

(4) **LOT, BUILDING AND YARD REQUIREMENTS.**

Lot width	Minimum 90 feet
Lot area	Minimum 12,000 square feet
Principal building:	
Front yard.....	Minimum 30 feet

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- (a) A two stall garage is required for each dwelling unit.

24.25 R-4 - MULTIFAMILY RESIDENTIAL DISTRICT.

(1) PURPOSE. The R-4 District is intended to provide a living area that is pleasant but not so spacious as the lower density districts, in order to accommodate multiple-family residences.

(2) PERMITTED USES. The following uses of land are permitted in this district:

- (a) All uses permitted in the R-3 District, except one - and two - family dwellings.
(b) Multiple-family residential buildings.
(c) Rooming and boarding houses for up to four (4) guests.
(d) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the aged, homes for the care of the indigent, and similar institutions.
(e) Accessory buildings, not to exceed two hundred (200) square feet.
(f) One (1) private garage.

(3) CONDITIONAL USES. The following are permitted as conditional uses within the R-4 District:

- (a) Home occupations.

(4) LOT, BUILDING AND YARD REQUIREMENTS.

Table with 2 columns: Requirement and Minimum/Maximum value. Rows include Lot frontage (100 feet), Lot area (12,000 square feet), Principal building (Front, Side, Rear yards), Accessory building (Front, Side, Rear yards, Height), Building height (35 feet), Percent of lot coverage (70%), Lot area per dwelling unit (2-4 bedrooms), and Parking spaces required (2 stalls per unit).

Total Minimum Floor Area of Dwelling: The total minimum floor area of each dwelling unit shall be 800 square feet.

(5) OTHER REQUIREMENTS.

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- (a) The floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, shall not be more than 0.325.
- (b) A private garage is not required, but is permitted. The overall parking space requirements may be met through parking stalls available in the garage or a combination of the stalls available in the garage and other off-street parking. Requirements for off-street parking are specified in section 24.42 of this ordinance.

24.26 C-1 - COMMUNITY BUSINESS DISTRICT.

- (1) **PURPOSE.** The C-1 District is intended to provide an area for the business and commercial needs of the community, especially those which can be most suitably located in a compact and centrally located business district.

On Main Street, the C-1 District is designed to accommodate those retail, service, and office uses characteristic of the original “downtown” area of Deerfield.

- (2) **PERMITTED USES.** The following uses of land are permitted in the C-1 District:
 - (a) Paint, glass and wallpaper stores.
 - (b) Hardware stores.
 - (c) Department stores, variety stores, general merchandise stores.
 - (d) General grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, and miscellaneous food stores.
 - (e) Candy, nut or confectionery stores.
 - (f) Dairy products stores, including ice cream stores.
 - (g) Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home service deliver.
 - (h) Clothing and shoe stores.
 - (i) Furniture, home furnishings, and floor covering stores.
 - (j) Restaurants, lunch rooms and other eating places, except drive-in type establishments.
 - (k) Taverns, bars, and other drinking places with permit by Village Board.
 - (l) Drug stores and pharmacies.
 - (m) Liquor stores.
 - (n) Antique stores and secondhand stores.
 - (o) Sporting goods stores.
 - (p) Book stores.
 - (q) Stationery stores.

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- (r) Jewelry and clock stores.
- (s) Camera and photographic supply stores.
- (t) Gift, novelty and souvenir shops.
- (u) Florist shops.
- (v) Tobacco and smokers' supplies stores.
- (w) News dealers and newsstands.
- (x) Wholesale merchandise establishments, only for retail items listed above.
- (y) Banks and other financial institutions.
- (z) Offices of insurance companies, agents, brokers, service representatives.
- (aa) Offices of real estate agents, brokers, managers and title companies.
- (bb) Reupholstering and furniture repair.
- (cc) (for future use)
- (dd) Retail laundry and dry cleaning outlets, including coin-operated laundries and dry cleaning establishments, commonly called laundromats and laundrettes. Tailor shops, dressmakers' shops, and garment repair shops, but not garment pressing establishments, hand laundries, or hat cleaning and blocking establishments.
- (ee) Photographic studios and commercial photography establishments.
- (ff) Barbershops, beauty shops and hairdressers.
- (gg) Shoe repair shops and shoe shine parlors.
- (hh) (for future use)
- (ii) Advertising agencies, consumer credit reporting, news agencies, employment agencies.
- (jj) Duplicating, blueprinting, photocopying, addressing, mailing, mailing list, and stenographic services.
- (kk) Computer services.
- (ll) Watch, clock and jewelry repair services
- (mm) Bowling alleys.
- (nn) Offices of physicians and surgeons, dentists and dental surgeons, osteopathic physicians, and chiropractors; and veterinarian's offices without outdoor kennel facilities.
- (oo) Law offices.

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- (pp) The offices, meeting places, and premises of professional membership associations, labor unions and similar labor organizations; political organizations; religious organizations; charitable organizations; or other nonprofit membership organizations.
 - (qq) Engineering and architectural firms or consultants. Accounting, auditing, and bookkeeping firms or services.
 - (rr) Professional, scientific, or educational firms, agencies, offices, or services, but not research laboratories or manufacturing operations.
 - (ss) The offices of governmental agencies, post offices, libraries, and municipal parking lots.
 - (tt) Public transportation passenger stations, taxicab company offices, taxicab company offices, taxicab stands, but not vehicle storage lots or garages.
 - (uu) Telephone and telegraph and communication offices.
- (3) **CONDITIONAL USES.** The following are permitted as conditional uses in the C-1 District.
- (a) The sale, service, repair, testing, demonstration or other use of engines or motors, or any type of devise, appliance or equipment operated by such engines or motors. However, the number of unenclosed vehicles awaiting sale or repair shall be established by the Plan Commission. Enclosed vehicles shall be stored within a building or enclosed by a complete vision-barrier fence a minimum of six (6) feet in height. Prior to construction, the materials proposed to be used for the fence and the fence design shall be approved by the Plan Commission. Such enclosure fences shall be maintained in such a manner so as not to constitute a nuisance.
 - (b) The sale, service, repair, testing, demonstration or other use of radios, televisions sets, high-fidelity sound equipment, electronic amplifiers, stereophonic sound systems, musical instruments, or other such devices.
 - (c) Establishments engaged in the sale, service, repair, testing, demonstration or other use of motor-driven bicycles, commonly called motorbikes; with the provision that such activity, when carried out in an establishment which also engages in the sale, repair or other operations with non-motor-driven bicycles, shall constitute a separate and distinct use insofar as the intention of this ordinance is concerned.
 - (d) Establishments engaged in the sale, servicing, repairing, testing, demonstration or other use of electrical household appliances, including refrigerators, freezers, air conditioners, washing machines, vacuum cleaners, dishwashers, irons, toasters, or similar household appliances. Further, such facilities for operating, repairing, loading, unloading and storage of such appliances or equipment shall be provided in a manner which affords no nuisance of obstruction, or of the discharge of unpleasant or harmful vapors or liquids, or of unsightly conditions to the public.
 - (e) Miscellaneous repair shops and related services.
 - (f) Garment pressing establishments, hand laundries, and hat cleaning and blocking shops.
 - (g) (for future use)

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- (h) Establishments engaged in the publishing and printing of newspapers, periodicals or books.
- (i) Dwelling units in a commercial or business building are a conditional use subject to the following minimum requirements:
 - 1. There shall be no residential dwelling units on the first
 - 2. Business or commercial uses shall not be allowed on any floor on which a residential dwelling unit is located.
- (j) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed above in this section, shall be limited to vehicles of not over 10,000 pounds gross vehicle weight when located within 150 feet of a residential district boundary line.
- (k) Farm supplies, wholesale trade.
- (l) Community living arrangements, including day care.
- (m) Commercial parking lots, parking garages, parking structures.
- (n) Motion picture theaters, not including drive-in theaters.
- (o) Gasoline service stations; provided, further, that all gasoline pumps, storage tanks, and accessory equipment must be located at least thirty (30) feet from any existing or officially proposed street line.
- (p) Establishments engaged in renting and/or selling videocassettes, DVD's, and related items such as VCR's, DVD players, TV's and similar electronic equipment.
- (q) Lumber yard.
- (r) Archery range and shooting gallery.

(4) LOT, BUILDING AND YARD REQUIREMENTS.

Lot, width	Minimum 50 feet
Lot area	Minimum 6,000 square feet
Front yard.....	Minimum 25 feet
Side yard.....	Minimum 10 feet (on one side)
Rear yard.....	Minimum 10 feet
Building height.....	Maximum 45 feet
Percent of lot coverage.....	Maximum 90%
Lot area per dwelling unit	Minimum 2,000 square feet
Parking spaces required	See Sec. 24.42

Zero lot lines are permitted as follows:

- a) After June 1, 1996, to obtain approval for zero lot line construction on buildings for which the building permit was issued, each unit shall be required to have separate sewer and water lateral connections; separate sewer/water, electric and gas shutoffs; and, separate sewer/water, electric and gas meters.

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- b) Prior to June 1, 1996, to obtain approval for zero lot line construction on buildings for which the building permit was issued, each unit shall be required to have separate sewer/water, electric and gas meters.
- c) All zero lot line construction shall also be required to obtain approval of and record a certified survey map or plat map, as appropriate under the Land Division Ordinance, and a satisfactory maintenance agreement. In addition to other land division and building construction requirements, the owner shall not be entitled to an occupancy permit until the owner (a) has had a surveyor verify that the zero lot line(s) on the map accurately depicts the actual center line for the common walls after the foundation of the building has been poured (through as-built plans or other means satisfactory to the Village Engineer) and (b) has provided confirmation of same to the building inspector.
- d) No occupancy will be granted without a satisfactory and approved maintenance agreement.

For the commercial area located on Main Street in the Design Overlay District, the maximum height, side, front and rear yards, minimum lot width and parking for new or converted buildings should correspond with typical existing development layout of the District provided the Plan Commission determines such development is in keeping with the purposes, design and character of the district and is architecturally compatible with the downtown area.

Site plan approval is required by the Planning Commission and Village Board.

24.27 C-2 - HIGHWAY BUSINESS DISTRICT.

- (1) **PURPOSE.** The C-2 District is intended to provide an area for those business and commercial activities which especially have to do with motor vehicles or highway transportation, or which provide goods or services primarily to travelers on a highway, or for which location adjacent to a major thoroughfare or highway is a compelling practical consideration, or for which it is especially appropriate for some other reason to be located adjacent to a major thoroughfare or highway.
- (2) **PERMITTED USES.** The following uses are permitted in the C-2 District:
 - (a) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers.
 - (b) Stores for the sale and installation of tire, batteries, mufflers or other automotive accessories.
 - (c) General grocery store.
 - (d) Restaurants, lunch rooms and other eating places, including drive-in establishments.
 - (e) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers.
 - (f) Establishments engaged in the daily or extended-term rental or leasing of passenger automobiles, limousines, or trucks, without drivers, or of truck trailers or utility trailers.
 - (g) Commercial parking lots, parking garages, parking structures.
 - (h) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes.
 - (i) Hotels, motor hotels, motels.

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- (3) **CONDITIONAL USES.** The following are permitted as conditional uses within the C-2 District. Such use shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.
 - (a) Gasoline service stations.
 - (b) Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
 - (c) Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorcycles, motorized bicycles, go-karts, snowmobiles, aircraft, or other motorized vehicles or other components.
 - (d) Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorboats, other watercraft, marine supplies, motors for watercraft, or their components.
 - (e) Rooming and boarding houses.
 - (f) Miscellaneous amusement and recreation services.
 - (g) Camps and recreational vehicle parks.
 - (h) Drive-in and convenience establishments not mentioned above.
 - (i) Automobile repair shops, including shops for general mechanical repairs, automobile body repair, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires.
 - (j) Establishments primarily engaged in specialized automobile repair, such as electrical, battery and ignition repair, radiator repair, glass replacement and repair, carburetor repair, and wheel alignment service.
 - (k) Community living arrangements, including day care.
 - (l) Highway passenger and motor freight transport.
 - (m) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed above in this section, shall be limited to vehicles of not over 10,000 pounds gross vehicle weight when located within 150 feet of a residential district boundary line.
 - (n) Reserved for future use.
 - (o) Establishments engaged in renting and/or selling videocassettes and related items such as VCR's, DVD players, TV's and similar electronic equipment.
- (4) **LOT, BUILDING AND YARD REQUIREMENTS.**

Lot, frontage Minimum 80 feet
Lot area Minimum 12,000 square feet

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Front yard.....	Minimum 35 feet
Side yard	Minimum 10 feet
Rear yard.....	Minimum 30 feet
Building height.....	Maximum 35 feet
Percent of lot coverage.....	Maximum 40%
Parking spaces required	See Sec. 24.42

Zero lot lines are permitted as follows:

- a) After June 1, 1996, to obtain approval for zero lot line construction on buildings for which the building permit was issued, each unit shall be required to have separate sewer and water lateral connections; separate sewer/water, electric and gas shutoffs; and, separate sewer/water, electric and gas meters.
- b) Prior to June 1, 1996, to obtain approval for zero lot line construction on buildings for which the building permit was issued, each unit shall be required to have separate sewer/water, electric and gas meters.
- c) All zero lot line construction shall also be required to obtain approval of and record a certified survey or plat map, as appropriate under the Land Division Ordinance, and a satisfactory maintenance agreement. In addition to other land division and building construction requirements, the owner shall not be entitled to an occupancy permit until the owner (a) has had a surveyor verify that the zero lot line(s) on the map accurately depicts the actual center line for the common walls after the foundation of the building has been poured (through as-built plans or other means satisfactory to the Village Engineer) and (b) has provided confirmation of same to the building inspector.
- d) No occupancy will be granted without a satisfactory and approved maintenance agreement.

24.271 C-M BUSINESS PARK

- (1) **PURPOSE.** The C-M District is intended to provide an area for those business, commercial, manufacturing and industrial activities which especially have to do with motor vehicles or highway transportation, or which provide goods or services primarily to travelers on a highway, or for which location adjacent to a major thoroughfare or highway is a compelling practical consideration, or for which it is especially appropriate for some other reason to be located adjacent to a major thoroughfare or highway.
- (2) **PERMITTED USES.** The following uses are permitted in the C-M District:
 - (a) Establishments engaged in the retail sale of automobiles, trailers, mobile homes, or campers.
 - (b) General grocery store.
 - (c) Restaurants, lunch rooms and other eating places, including drive-in establishments.
 - (d) Establishments engaged in the daily or extended-term rental or leasing of house trailers, mobile homes or campers.
 - (e) Establishments engaged in the daily or extended-term rental or leasing of passenger automobiles, limousines, or trucks, without drivers, or of truck trailers or utility trailers.
 - (f) Commercial parking lots, parking garages, parking structures.
 - (g) Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes.

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- (h) Hotels, motor hotels, motels.
 - (i) Uses permitted in the C-1.
- (3) **CONDITIONAL USES.** The following are permitted as conditional uses within the C-M District. Such use shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.
- (a) Gasoline service stations.
 - (b) Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
 - (c) Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorcycles, motorized bicycles, go-karts, snowmobiles, aircraft, or other motorized vehicles or other components.
 - (d) Establishments or facilities for the sale, rental, service, repair, testing, demonstration, or other use of motorboats, other watercraft, marine supplies, motors for watercraft, or their components.
 - (e) Rooming and boarding houses.
 - (f) Miscellaneous amusement and recreation services.
 - (g) Camps and recreational vehicle parks.
 - (h) Drive-in and convenience establishments not mentioned above.
 - (i) Automobile repair shops, including shops for general mechanical repairs, automobile body repair, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires.
 - (j) Establishments primarily engaged in specialized automobile repair, such as electrical, battery and ignition repair, radiator repair, glass replacement and repair, carburetor repair, and wheel alignment service.
 - (k) Community living arrangements, including day care.
 - (l) Highway passenger and motor freight transport.
 - (m) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed above in this section, shall be limited to vehicles of not over 10,000 pounds gross vehicle weight when located within 150 feet of a residential district boundary line.
 - (n) Conditional uses authorized in C-1, C-2 and M-1 district.
 - (o) Establishments engaged in renting and/or selling videocassettes and related items such as VCR's, DVD players, TV's and similar electronic equipment.

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- (p) Uses permitted in M-1 District.
- (q) Stores for the sale and installation of tire, batteries, mufflers or other automotive accessories.

(4) LOT, BUILDING AND YARD REQUIREMENTS.

Lot, frontage	Minimum 100 feet
Lot area	Minimum 12,000 square feet
Front yard.....	Minimum 50 feet
Side yard.....	Minimum 20 feet
Rear yard.....	Minimum 30 feet
Building height.....	Maximum 35 feet
Percent of lot coverage.....	Maximum 60%
Parking spaces required	See Sec. 24.42

* Requirements may be modified by conditional use permit.

Zero lot lines are permitted as follows:

- a) After June 1, 1996, to obtain approval for zero lot line construction on buildings for which the building permit was issued, each unit shall be required to have separate sewer and water lateral connections; separate sewer/water, electric and gas shutoffs; and, separate sewer/water, electric and gas meters.
- b) Prior to June 1, 1996, to obtain approval for zero lot line construction on buildings for which the building permit was issued, each unit shall be required to have separate sewer/water, electric and gas meters.
- c) All zero lot line construction shall also be required to obtain approval of and record a certified survey map or plat map, as appropriate under the Land Division Ordinance, and a satisfactory maintenance agreement. In addition to other land division and building construction requirements, the owner shall not be entitled to an occupancy permit until the owner (a) has had a surveyor verify that the zero lot line(s) on the map accurately depicts the actual center line for the common walls after the foundation of the building has been poured (through as-built plans or other means satisfactory to the Village Engineer) and (b) has provided confirmation of same to the building inspector.
- d) No occupancy will be granted without a satisfactory and approved maintenance agreement.

(5) OTHER REQUIREMENTS

Uses permitted and conditional in the M-1 District are subject to the following requirements:

- (a) Required buffer strips in industrial districts. Where an M-1 Industrial District abuts a residential district, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. The buffer strip shall be located in the C-M District. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the residential district shall be planted in the exterior twenty-five (25) feet abutting the residential district. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residential district shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than five (5) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to

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the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

- (b) The minimum landscape surface ratio (the area of the lot which is planted and continually maintained in vegetation) is 25 percent.
- (c) Cross reference: See Section 24.12(9), Environmental Performance Standards.

24.28 FLOODPLAIN CONSERVANCY- See Flood Plain Appendix

24.29 M-1 - INDUSTRIAL DISTRICT.

- (1) **PURPOSE.** This district is intended to provide an area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate, or shield the public from such conditions.
- (2) **PERMITTED USES.** The following uses are land are permitted in the M-1 District:
 - (a) State-assessed manufacturing operations including, but not limited to:
 - 1. Printing and publishing.
 - 2. Industrial machinery and equipment
 - 3. Dairy products.
 - 4. Plastic materials and synthetics.
 - 5. Fabricated metal products.
 - 6. Furniture and fixtures.
 - 7. Instruments and related products.
 - 8. Medicinal chemicals and biological products.
 - (b) Warehousing or distribution operations, not including predominantly retail sales to customers on site.
 - (c) Offices of construction firms, shops, display rooms and enclosed storage.
 - (d) Laboratories.
 - (e) Business services.
 - (f) Engineering and management services.
 - (g) Fire stations.
 - (e) Highway passenger and motor freight transport.
- (3) **CONDITIONAL USES.** The following are permitted as conditional uses within the M-1 District.

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- (a) Public utilities and public services.
- (b) Telecommunications facilities.
- (c) Ancillary retail sales and service operations that serve employees within the business park.
- (d) Sewage treatment plants.
- (e) Automotive Repair

(4) **LOT, BUILDING AND YARD REQUIREMENTS.***

Lot, frontage	Minimum 100 feet
Lot area	Minimum 21,780 square feet
Front yard.....	Minimum 50 feet
Side yard	Minimum 20 feet
Rear yard.....	Minimum 30 feet
Building height.....	Maximum 45 feet
Percent	Maximum 70%

* Requirements may be modified by conditional use permit.

(5) **OTHER REQUIREMENTS.** Uses permitted and conditional in the M-1 District are subject to the following requirements:

- (a) Required buffer strips in industrial districts. Where an M-1 Industrial District abuts a residential district, there shall be provided along any rear, side or front line, coincidental with any industrial-residential boundary, a buffer strip not less than forty (40) feet in width as measured at right angles to said lot line. The buffer strip shall be located in the M-1 District. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round, effective visual screen when viewed from the residential district shall be planted in the exterior twenty-five (25) feet abutting the residential district. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residential district shall be attractively maintained. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than five (5) nor more than eight (8) feet in height, and shall be of such materials as to effectively screen the industrial area. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.
 - (b) The minimum landscape surface ratio (the area of the lot which is planted and continually maintained in vegetation) is 25 percent.
 - (c) Cross reference: See Section 24.12(9), Environmental Performance Standards.
- (6) **NOTE:** For informational purposes, the Deerfield Business Park is deed restricted and has covenants listing requirements, including outside storage, parking and set backs.

24.30 A-1 - AGRICULTURAL DISTRICT.

- (1) **PURPOSE.** The A-1 Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development.

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It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban-oriented districts is required.

(2) **PERMITTED USES.**

- (a) General farming, including agriculture, dairying, floriculture, forestry, grazing, hay, orchards, truck farming, and viticulture (grape growing); provided, however, that farm buildings, housing animals, barnyards, and feed lots shall not be located in a floodland, and shall be at least one hundred (100) feet from any navigable water or district boundary.
- (b) Keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes incidental to the principal use of the premises, and for the use of the occupants of the premises provided that such use shall not be located within three hundred (300) feet of a dwelling unit other than the dwelling unit on the property in question.

(3) **PERMITTED NECESSARY USES.**

- (a) Attached or detached private garages and carports accessory to permitted or permitted accessory uses.
- (b) General farm buildings including barns, silos, sheds, storage bins, and including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign and other provisions of this chapter.
- (c) One (1) farm dwelling.
- (d) Private garages and parking spaces.
- (e) Private swimming pool and tennis court.
- (f) Home occupation.
- (g) Signs as required by the Village.
- (h) Buildings temporarily located for purposes of constructing on the premises for a period not to exceed time necessary for such constructing.
- (i) Gardening and other horticultural uses where no sale of products is conducted on the premises.
- (j) Decorative landscape features.

(4) **CONDITIONAL USES.**

- (a) Airports, airstrips, and landing fields provided that the site is not less than twenty (20) acres.
- (b) Commercial feed lots, livestock sales facilities, and fur farms.

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- (c) Home occupations and professional home offices.
- (d) Housing for farm laborers and seasonal or migratory farm workers.
- (e) Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios.
- (f) Campgrounds.
- (g) Veterinary clinics and kennels, provided that open animal structures shall not be located closer than three hundred (300) feet to a property boundary.
- (h) Public and parochial schools, provided no building shall be located within fifty (50) feet of any lot line.
- (i) Churches and cemeteries, including those related structures located on the same site which are an integral part of the church proper, convents or homes for persons related to a religious function on the same site, provided no more than ten (10) persons shall reside on the site and no building shall be located within fifty (50) feet of any lot line.
- (j) Golf courses, country clubs, tennis clubs or public swimming pools serving more than one (1) family. The principal structure for any of the above listed uses shall be one hundred (100) feet or more from any abutting lot in a residential district, and accessory structures shall be a minimum of fifty (50) feet of any lot line.
- (k) Essential service structures, including but not limited to buildings such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations and electrical power substations, provided no building shall be located within ten (10) feet from any lot line of an abutting lot in a residential district. Prior to granting such permit, it shall be found that the architectural design of service structures is compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
- (i) Hospitals for human care, sanitariums, rest homes, and nursing homes, provided that all structures, except fences, shall be located one hundred (100) feet or more from the lot line of any abutting lot in a residential district.

(5) **LOT, BUILDING AND YARD REQUIREMENTS.**

Lot frontage	Minimum 250 feet
Lot area	Minimum 3 acres
Principal building:	
Front yard.....	Minimum 65 feet
Side yards	Minimum 25 feet
Rear yard.....	Minimum 50 feet
Accessory building:	
Front yard.....	Minimum 80 feet
Side yard	Minimum 25 feet
Rear yard.....	Minimum 50 feet
Building height	Maximum 35 feet

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24.31 Co-1 - CONSERVANCY DISTRICT.

- (1) **PURPOSE.** This district is to provide for those areas dedicated to or owned by the village for purposes of use as public park or open space; to provide protection against problems which may result from development in areas where development is inappropriate by reason of unsuitable soils, wetlands, floodplains, or steep slopes; and to provide appropriate areas for commercially operated recreational uses of land within the village, including uses consistent with those of a recreational nature.
- (2) **PERMITTED USES.** The following uses of land are permitted in the Conservancy District, except as may be prohibited within a federal floodplain area:
 - (a) Conservancy parks, public parks, picnic areas, hiking trails, bridle paths, and areas of scenic, historic or scientific value.
 - (b) Forestry and the management of forest.
 - (c) Storm water management, detention, retention and infiltration.
 - (d) Geothermal utility facilities.
- (3) **CONDITIONAL USES.** The following are permitted as conditional uses in the Conservancy District:
 - (a) Dams, flowages, ponds, and water storage and water pumping facilities, power plants deriving their power from the flow of water and transmission lines and other facilities accessory thereto.
 - (b) Utilities such as but not restricted to telephone, telegraph, power or other transmission lines.
 - (c) Relocation of any watercourse or filling, draining or dredging of wetlands, in conformance with the Shorelands Zoning Ordinance enacted pursuant to Sec. 59.971, Wis. Stats.
 - (d) Removal of topsoil or peat.
 - (e) Cranberry bogs and agricultural and animal husbandry.
 - (f) Camping grounds and golf courses.
 - (g) Park shelters, pavilions, refreshment stands and rest rooms.
 - (h) Lighted recreational facilities and swimming pools.
 - (i) Bridle paths.
- (4) **LOT, BUILDING AND YARD REQUIREMENTS.** There are no setback, lot size, or other dimensional standards applicable in the Conservancy District.

24.32 PUD - PLANNED UNIT DEVELOPMENT DISTRICT

PURPOSE. PUD Districts (PUDs) allow development according to a comprehensive area site plan rather than per lot development typically found in platted developments. PUDs allow diversified location of structures

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and/or mixing of compatible uses in accordance with a plan that benefits both the specific development and the community as a whole. PUDs simultaneously permit flexibility in overall design and development, and to the full extent possible, maintain the land use density and other standards set forth in the Zoning Code for the underlying zoning district referenced by the type of PUD as well as the land division requirements set forth in the Land Division Code. The design requirements for development in PUDs are intended to provide a safe and efficient system for pedestrian and vehicle traffic; enable economic design in the location of principal and accessory structures, public and private utilities, community facilities, and park or conservation areas; and, ensure adequate standards for construction and land use planning.

- (1) **TYPES OF PLANNED UNIT DEVELOPMENTS (PUDs).** PUDs shall be categorized according to the underlying principal use and the related basic zoning district that most closely reflects the nature of the PUD. PUDs shall be reviewed as conditional use requests in accordance with the requirements set forth in this ordinance. The Village may allow the following types of PUDs:
 - (a) Residential PUD
 - (b) Commercial PUD
 - (c) Industrial PUD
 - (d) Mixed Compatible Use PUD

- (2) **REVIEW AND APPROVAL PROCESS FOR PUDs**
 - (a) **Overview.** All PUDs require a two step review and approval process by the Plan Commission and Village Board. This process includes (1) initial review of the Developer's Application and General Development Plan and conditional rezoning followed by (2) final review and approval of a Specific Implementation Plan and permanent rezoning, all as described herein.

 - (b) *Developer Submits Application and General Development Plan (GDP) for Review by Plan Commission.* The owner's duly authorized agent ("Developer") shall submit to the Zoning Administrator an Application, GDP and review fee.
 - (1) Application. The Application shall be made on a form prescribed by the Zoning Administrator and shall identify the type of PUD zoning requested.

 - (2) General Development Plan (GDP). The GDP must provide sufficient detail to satisfy the Plan Commission and Village Board as to the general character, scope and appearance of the proposed development. The GDP shall include the following:
 - a. Legal description of the boundaries of the property to be included in the proposed PUD.
 - b. Description of general character of development and type of PUD.
 - c. Relationship of PUD to Village's land use plan and anticipated development.
 - d. General schematic drawing showing the total area to be included in the PUD, the amount of open space, anticipated density, proposed number of dwelling units, availability of or requirements for municipal services.
 - e. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.

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- f. A general description of the Developer's experience and ability to complete the PUD, and evidence of the Developer's ability to act on the owner's behalf.
- g. Any proposed departures from the standards of development as set forth in the Zoning Code, Land Division ordinance, other Village ordinances or resolutions or relevant State statutes and regulations.
- h. The expected date of commencement of physical development as set forth in the proposal, an outline of the anticipated development sequence, and a time line for completion.
- i. Such additional information as is reasonably needed and/or requested by the Plan Commission and Village Board prior to approval or rejection of the GDP.

(3) Review Fee. The review fee shall be set by resolution of the Village Board and shall be paid prior to any further review.

(c) ***Plan Commission Reviews Application and General Development Plan (GDP) and Makes Recommendation to the Village Board regarding Conditional Zoning Change to PUD.***

The Zoning Administrator shall refer complete Applications and GDPs to the Plan Commission with notice of the referral being given to the Village Board. The Plan Commission shall review the Application and make its recommendation to the Village Board within forty-five (45) days of the date of referral.

The Plan Commission may also request review and input from the Village Engineer and/or Village Attorney prior to making its recommendations. If such review is requested at this stage, the Developer shall be so advised. The Developer shall be responsible for any fees incurred by the Village for such review.

(d) ***Public Hearing is Held on Application and General Development Plan (GDP).***

A public hearing shall be held on applications for PUD zoning as provided in the "Zoning Changes and Amendments" section of the Zoning Code. Public hearings shall be scheduled in such a manner as to permit the Village Board to receive the Plan Commission's recommendation at or before the time of the public hearing.

(e) ***Village Board Approves, Rejects or Requests Additional Information regarding Application and General Development Plan (GDP).***

The Village Board, following consideration of the recommendations of the Plan Commission, Village Engineer (if reviewed), Village Attorney (if reviewed) and public hearing, shall approve, reject or request additional information regarding the Application and GDP.

The Village Board may also request review and input from the Village Engineer and/or Village Attorney prior to making its decision. If such review is requested at this stage, the Developer shall be so advised. The Developer shall be responsible for any fees incurred by the Village for such review.

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The Developer receives no vested rights in later approval of its Specific Implementation Plan (SIP) or final rezoning as a result of the Village's approval at this stage. Approval of the Application and GDP is intended to be preliminary and shall be conditioned on receipt and final approval of the SIP. Therefore, any and all approvals at this stage are conditioned on the Developer's submission of a SIP within sixty (60) days and the Village Board's approval of the SIP, as described below. PUD rezoning approvals are also subject to the general requirements of the Zoning Code as well as any specific conditions that may be imposed by the Village Board at this stage or following review of the SIP.

(f) ***Developer submits Specific Implementation Plan (SIP) to Zoning Administrator, Village Engineer and Village Attorney within Sixty (60) Days of Conditional Rezoning Approval.***

- (1) Effect of Failure to Timely Submit SIP. If the Developer fails to timely submit the SIP and/or the SIP is not approved, the conditional PUD rezoning reverts to the zoning in existence at the time that the Application was submitted. Exceptions to the sixty (60) day time frame require a resolution of the Village Board.
- (2) Specific Implementation Plan (SIP) Requirements. The SIP shall supplement the GDP and provide sufficient detail to satisfy the Plan Commission and Village Board as to the specific character, scope and appearance of the proposed development. In addition, the SIP shall include the following:
 - a. Map including the legal description of the PUD area and its relationship to surrounding properties.
 - b. The location of public and private roads, driveways, sidewalks and parking facilities.
 - c. The size, arrangement and location of any individual building sites and proposed building groups on each individual site.
 - d. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.
 - e. The type, size and location of all structures.
 - f. General landscape treatment.
 - g. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 - h. The existing and proposed location of all private utilities or other easements.
 - i. Existing topography on the site with contours at no greater than two (2) foot intervals.
 - j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.

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- k. Confirmation that the development either does not pose environmental risks or that known environmental concerns have been considered and resolved in the plan.
- l. Evidence that the development complies with relevant Village ordinances, including relevant portions of the land division and erosion control ordinances.
- m. Such additional information as is reasonably needed and/or requested by the Plan Commission and Village Board prior to approval or rejection of the SIP.

(3) Review Fee. The Developer shall be responsible for engineering and legal review fees incurred by the Village in the SIP review and approval process. Final approval shall be subject to payment of all such fees.

(g) ***Plan Commission Reviews Specific Implementation Plan (SIP) and Makes Recommendation to the Village Board regarding SIP.***

The Zoning Administrator shall refer the SIP to the Plan Commission with notice of the referral being given to the Village Board. The Plan Commission shall review the Application and make its recommendation to the Village Board within forty-five (45) days of the date of referral.

(h) ***Village Board Approves, Rejects or Requests Additional Information regarding Specific Implementation Plan (SIP).***

The Village Board, following consideration of the recommendations of the Plan Commission, Village Engineer and Village Attorney, shall approve, reject or request additional information regarding the SIP. Notice of the final decision shall be provided to the Developer. All approvals shall be conditioned on and subject to payment of final review fees and execution of a Development Agreement, as described below.

(i) ***Village Attorney Prepares Development Agreement for Execution by Village and Developer.***

SIP approval is contingent on the Village and the Developer entering into a Development Agreement within sixty (60) days of approval of the SIP. The Development Agreement shall incorporate the SIP, formalize agreed-upon time lines and establish performance guarantees. The Village Attorney shall draft the Development Agreement, which shall be subject to final review and approval by the Village and the Developer. The Village shall require payment of any and all outstanding review fees prior to executing the Development Agreement.

(j) ***Developer May Obtain Building Permits and Otherwise Commence Development Following Recording of Required Easements and Execution of Development Agreement.***

At such time as the Developer has recorded required and approved easements and the Village and Developer have executed the Development Agreement, the Developer may obtain building permits and otherwise commence development.

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(3) **REQUIREMENTS AND STANDARDS FOR PUDs**

(a) ***Applicable Standards and General Requirements for PUDs, Public Services, Facilities and Maintenance.***

- (1) The PUD site shall be accessible from public roads or private driveways that are adequate to carry the traffic that can be expected to be generated by the development and approved by the Village Board.
- (2) The streets and driveways on the PUD site shall be adequate to serve the residents of the PUD and, in the case of streets dedicated to the public, will meet the minimum standards of all related Village ordinances and applicable State administrative regulations or as approved by the Village Board.
- (3) No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public area by the PUD.
- (4) The developer shall provide adequate drainage facilities for surface water and 100 year storm water in accordance with Village standards and sound engineering practice.
- (5) The developer shall provide public water and sewer facilities in accordance with Village standards and sound engineering practice.
- (6) To the full extent possible, and except by express resolution of the Village Board, the required improvements and standards applied to subdivisions in the underlying districts, as set forth in Chapter 25 of the Deerfield Village Code, shall be required for PUDs. Similarly, erosion control requirements, as set forth in the Deerfield Village Code, shall apply to PUDs.

(b) **Residential PUD**

- (1) Area: Minimum area is three (3) acres, unless otherwise approved by the Village Board.
- (2) Density: The density shall be determined by considering the underlying district and the following guidelines:
 - a. Single Family: 6 Residential Dwelling Units (RDUs) per acre
 - b. Two Family: 8 RDUs per acre
 - c. Multi Family: 12 RDUs per acre
 - d. Combination of Single Family and Two Family: 7 RDUs per acre
 - e. Combination of Two Family and Multi Family: 10 RDUs per acre
 - f. All other combinations: 9 RDUs per acre
- (3) Open Space: The Village generally recommends a minimum of 50% open space.
- (4) Building Height: The Village generally recommends building heights that do not exceed that of the underlying district.

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- (5) General Considerations: The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed Residential PUD, shall further consider whether:
- a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
 - b. The total net residential density within the planned unit development will be compatible with the Village master plan, or components thereof, and shall be compatible with the density of the district wherein located.
 - c. Structure types will be generally compatible with other structural types permitted in the underlying zoning district.
 - d. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of any such facilities that may be privately owned.
 - e. The population density of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - f. Adequate guarantee is provided for permanent preservation of open space areas as shown on the SIP as approved either by private reservation and acceptable maintenance provisions or by dedication to the public. (Note: Parkland dedication or fee requirements must be met in the detailed plan, as provided herein and in the Land Division ordinance.)

(c) **Commercial PUD**

- (1) Area: Minimum area is five (5) acres, unless otherwise approved by the Village Board.
- (2) Density: The density of the underlying and adjacent districts shall be used as a guideline in determining density requirements.
- (3) Open Space: The Village generally recommends a minimum of 50% open space.
- (4) Building Height: The Village generally recommends building heights that do not exceed that of the underlying district.
- (5) General Considerations: The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed Commercial PUD, shall further consider whether:
 - a. The economic practicality of the proposed development can be justified.
 - b. The proposed development will be served by off-street parking and truck service facilities in accordance with the Zoning Code.

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- c. The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
- d. The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
- e. The architectural design, landscaping, noise control, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.

(d) **Industrial PUD**

- (1) Area: Minimum area is ten (10) acres, unless otherwise approved by the Village Board
- (2) Density: The density of the underlying and adjacent districts shall be used as a guideline in determining density requirements.
- (3) Open Space: The Village generally recommends a minimum of 50% open space.
- (4) Building Height: The Village generally recommends building heights that do not exceed that of the underlying district.
- (5) General Considerations: The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed Industrial PUD, shall further consider whether:
 - a. The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
 - c. The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

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(e) **Mixed Compatible Use PUD**

- (1) Area: Minimum area is three (3) acres, unless otherwise approved by the Village Board.
- (2) Density: The density of the underlying and adjacent districts shall be used as a guideline in determining density requirements.
- (3) Open Space: The Village generally recommends a minimum of 50% open space.
- (4) Building Height: The Village generally recommends building heights that do not exceed that of the underlying district.
- (5) General Considerations: The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed Mixed Compatible Use PUD, shall further consider whether:
 - a. The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
 - b. The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
 - c. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

- (5) **CHANGES AND ADDITIONS.** Changes and additions to the GDP or SIP following Village Board approval require review and, depending on the nature of such changes, may require reapproval by the Village Board. The Developer shall submit a request for such changes to the Zoning Administrator prior to incorporating or implementing any such changes in the GDP or SIP.

If the Developer's request is minor and clearly falls within the intent of the approval granted by the Village Board, the Zoning Administrator may accept the requested change(s) and simply update the records regarding the GDP and SIP. If the Zoning Administrator believes that the Developer's request is not minor, the Zoning Administrator shall refer the Developer's request to the Plan Commission.

The Village Board hereby grants the Plan Commission discretion to monitor changes and/or additions to GDPs or SIPs that fall within the intent of the Village Board's initial approval. The Plan Commission may approve, conditionally approve, deny, request additional information or public hearings, or refer the Developer's request to the Village Board for consideration. All Plan Commission approvals must be by a 3/4 majority of the Plan Commission.

Additional review fees may be requested for review of changes and/or additions to GDPs or SIPs, including fees for additional public hearings, meetings and professional services.

- (6) **SUBSEQUENT LAND DIVISION OR ZONING REQUEST.**

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Any subsequent division of any land or lands within a PUD must comply with the land division and subdivision ordinance in effect when the division is requested. In addition to meeting the requirements of said ordinance for the approval of such a division, the applicant must make arrangements acceptable to the Village to satisfy the obligations undertaken pursuant to any prior approval granted for PUD zoning. Similarly, any subsequent request for a zoning change must meet the requirements of the Zoning Code and include arrangements acceptable to the Village to satisfy the obligations undertaken pursuant to any prior approval granted for PUD zoning.

(7) ENFORCEMENT AND PENALTIES.

Citations for violations and/or orders of noncompliance regarding this section of the Zoning Code may be issued by the Zoning Administrator or the Building Inspector. In addition to the provisions for enforcement contained elsewhere in the Zoning and Building Code, no building permits or occupancy permits shall be issued or maintained if a Developer fails to comply with this section 24.32 of the Zoning Code. Any person violating this section may also be required to forfeit no less than \$100.00 and no more than \$1,000.00.

24.33 ADULT ORIENTED ESTABLISHMENTS

- (1) Definitions. The definitions contained in Deerfield Village Code §11.07 are hereby expressly incorporated herein and to be applied in this subsection.
- (2) Location of Adult-Oriented Establishments
 - (a) In C-1, C-2, C-3, and M-1 Zoning Districts adult-oriented establishments shall not locate within 1000 feet of any residential district, any school, religious institution, or park, youth center or boy's or girl's club and shall not locate within 500 feet of any other adult oriented establishment.

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- (b) Adult oriented establishments are prohibited in all zones except those listed in para. (2)(a) above.
- (3) Standards of Measurement. The distances provided in this ordinance shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult oriented establishment to the nearest point of the property parcel boundary or land use district boundary from which the proposed land use is to be separated.
- (4) Conformance with Chapter. In all zones where adult oriented establishments are permitted, all regulations and requirements of Chapter 24 must be met. Additionally, all provisions of the zoning district in which the establishment is located must also be met.
- (5) Severability. The sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and not effect the validity of all other provisions, sections or portions thereof directly specified in the decision and not effect the validity of all other provisions, sections, or portions thereof of the ordinance which shall remain in full force and effect.

24.34- 24.39 *Reserved for future zoning districts.*

TRAFFIC VISIBILITY, LOADING, PARKING AND ACCESS PROVISIONS

24.40 TRAFFIC VISIBILITY

- (1) On a corner lot 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 two and one-half (2½) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along side street lines twenty-five (25) feet from the point of intersection.
- (2) In the case of aerial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet, or upon request from the Zoning Administrator, shall comply with the requirements of the *Facilities Development Manual* from the Department of Administration.

24.41 REQUIREMENTS.

- (1) **LOADING SPACE REQUIREMENTS.** On every lot on which a business trade or industrial use described below is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

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Use	Floor Area (Square Feet)	Loading
		Space
Wholesale, warehouse	2,000 - 10,000	1
manufacturing, and	10,000 - 20,000	2
industrial establishments	20,000 - 40,000	1
	40,000 - 60,000	3
	Each additional 50,000	1
Motels, hospitals,	5,000 - 10,000	1
churches and schools	10,000 - 50,000	2
	50,000 - 100,000	2
	Each additional 25,000	1
Funeral homes	2,500 - 4,000	1
	4,000 - 6,000	1
	Each additional 10,000	1

- (2) **MULTIPLE OR MIXED USES.** Where a building is devoted to more than one use or for different uses, and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (3) **LOCATION.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (4) **DESIGN STANDARDS.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least sixty (60) feet, and a vertical clearance of at least fifteen (15) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height.
- (5) **SURFACING.** All open off-street loading berths shall be improved with a compacted macadam base, not less than ten (10) inches thick, surfaced with no less than three (3) inches of asphalt or treated with some comparable all-weather dustless material.
- (6) **REPAIR AND SERVICE.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence district.

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- (7) **UTILIZATION.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (8) **CENTRAL LOADING.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (a) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
 - (b) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (c) No zoning lot served shall be more than three hundred (300) feet removed from the central loading area.
 - (d) The tunnel or ramp connecting the central loading area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

24.42 PARKING REQUIREMENTS. All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board, after a recommendation from the Plan Commission. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

- (1) **ACCESS.** Adequate access to a public street shall be provided for each parking space.
- (2) **DESIGN STANDARDS.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Such space shall have a vertical clearance of at least six and one-half (6½) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall be not less than twenty-four (24) feet wide for ninety (90)-degree parking, eighteen (18) feet wide for sixty (60)-degree parking, fifteen (15) feet wide for forty-five (45)-degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. Aisles for two-way traffic shall be not less than twenty-four (24) feet wide for ninety (90) degree parking. No parking area of more than four (4) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (3) **LOCATION.**
 - (a) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
 - (b) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and multi-family residence districts, but shall not be closer than five (5) feet to a side lot line, right-of-way line, or rear lot line.

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- (c) Off-street parking in a single-family residence and multi-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line. Parking stalls for single- and two-family residences may be placed one behind the other.
- (d) ADA – stalls located per ADA requirements.
- (4) **SURFACING.** All open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000 pounds) “Dustless all-weather material” includes asphalt, concrete and brick, but not limited. Gravel or crushed stone is not an acceptable surface for off-street parking constructed after January 1, 2005. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (5) **LANDSCAPING REQUIREMENTS.**
 - (a) Landscaping. All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this code shall be provided with accessory landscape areas totaling not less than ten (10%) percent of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
 - (b) Location. Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (c) Plans. All plans for such proposed parking areas, at the discretion of the Zoning Administrator and Building Inspector, shall include a topographic survey or grading plan which shows existing and proposed grades and location or improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (d) Special Residential Requirements. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be 50 feet from the lot line and screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five (5) feet. When a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line. A street separation from the parking would exclude the screening requirements
 - (e) Reserved for future use.
 - (f) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.
 - (g) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot candles measured at the lot line.
- (6) **PARKING STALLS REQUIRED.** Parking stalls for particular buildings, businesses, uses and districts shall be set forth below. In the absence of a specific ratio for a particular business, building or

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use, the ratio or number of parking stalls shall be recommended by the Plan Commission and approved by the Village Board.

Single-family dwellings	See R-1 & R-2 District Requirements	See R-4 District Requirements
Mobile Homes	See R-1 & R-2 District Requirements	
Two-family dwellings	See R-3 District Requirements	
Hotels and motels	1 stall/room	1 extra stall/8 rooms or dwelling units
Clubs, lodges, sororities, dormitories, lodging and boarding houses	1 stall/room or dwelling unit plus	1 extra stall/8 rooms or dwelling units
Sanitariums, institutions, rest and nursing homes	1 stall/room or dwelling unit plus	1 extra stall/8 rooms or dwelling units
Hospitals, medical and dental clinics	1 stall/300 square feet of gross floor area	
Manufacturing and processing plants, laboratories and Warehouses	1 stall/FTE employee or a minimum of 4; plus one for each vehicle owned by the business; plus one visitor space for each 500 square feet of office space.	
Financial institutions, libraries, business, governmental and professional offices	1 stall/300 square feet of gross floor area	
Funeral homes	8 stalls/chapel or parlor plus one stall/business vehicle	
Bowling alleys	5 stalls/alley	
Repair, retail, service	1 stall/300 square feet of gross floor area	

24.43 COMMERCIAL DRIVEWAYS. All driveways installed, altered, changed, replaced or extended after the effective date of this chapter shall meet the following requirements:

- (1) **ISLANDS.** Islands between driveway openings in business and industrial areas shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.
- (2) **INGRESS AND EGRESS OPENINGS.** Openings for vehicular ingress and egress shall not exceed thirty (30) feet at the outer or street edge of the sidewalk, nor forty (40) feet in width at the curb.
- (3) **ENTRANCES AND EXITS.** Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than two hundred (200) feet from the pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

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24.44 HIGHWAY ACCESS.

- (1) **PRIVATE ACCESS RESTRICTED.** No direct private access shall be permitted to the existing or proposed rights of way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (2) **PUBLIC OR PRIVATE ACCESS PROHIBITED.** No direct public or private access shall be permitted to the existing or proposed rights of a way of the following:
 - (a) Freeways, interstate highways and their interchanges or turning lanes, nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (b) Arterial streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
 - (c) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (3) **PUBLIC ACCESS BARRIERS.** Access barriers such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (4) **TEMPORARY ACCESS.** Temporary access to the above rights-of-way may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be issued for a period not to exceed twelve (12) months.

24.45 - 24.49 Reserved for future traffic, loading, parking and access requirements.

SIGNS PROVISIONS

24.50 PURPOSE AND DEFINITIONS. The purpose of Vill. Ord. Sections 24.50-24.59 is to establish minimum standards to preserve health and safety of the Village and property within the Village and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs. The following definitions are used in Vill. Ord. Sections 24.50- 24.59:

- (1) **AWNING.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded, or collapsed against the face of a supporting structure.
- (2) **BILLBOARD.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (3) **BLANKETING.** The unreasonable obstruction of view of a sign caused by the placement of another sign.

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- (3m) **BUSINESS PARK.** Business Park shall refer to that land identified and defined as “Industrial Park” and depicted in the Boundary Map for the Industrial Park Covenants, Exhibit A in the document entitled First Amended Declaration of Covenants, Conditions, and Restrictions For the Industrial Park in the Village of Deerfield, and recorded as Document Number 3005616 in Volume 550 of the Dane County Register of Deeds office, Dane County, Wisconsin.
- (4) **SIGN.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product, including balloons, banners, streamer, strings of light bulbs, (excluding holiday lights).
- (5) **DIRECTLY ILLUMINATED SIGN.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (6) **DIRECTORY SIGN.** Shall mean a sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories.
- (7) **ELECTRONIC MESSAGE UNIT SIGN.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (8) **FLASHING SIGN.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (9) **GROUND AND/OR POLE SIGN.** Shall mean any sign which is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as "Free-Standing Sign.")
- (10) **IDENTIFICATION SIGN.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (11) **INDIRECTLY ILLUMINATED SIGN.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (12) **MARQUEE SIGN.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (13) **NONCONFORMING SIGN.** Shall mean any sign which does not conform to the regulations of this article.
- (14) **PORTABLE SIGN.** Any sign not permanently attached to the ground, which is designed to be easily moved from one location to another.
- (15) **PROJECTING SIGN.** Any sign extending more than eighteen (18) inches, but less than five (5) feet from the face of a wall or building.
- (16) **REAL ESTATE SIGN.** Shall mean any sign which is used to offer for sale, lease, or rent the property upon which the sign is placed.

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- (17) **ROOF SIGN.** Any sign erected upon or over the roof or parapet of any building.
- (18) **TEMPORARY SIGN.** Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative type displays or anything similar to the aforementioned.
- (19) **WALL SIGN.** Any sign attached to, erected on, or painted on the wall of a building or structure, and projecting not more than eighteen (18) inches from such wall.
- (20) **WINDOW SIGN.** Any sign attached to any window, located completely within an enclosed building and visible from a public way. Window signs must be located inside the window and shall be limited to only temporary advertisement of sales or specials. Window signs shall not be placed on door windows or other windows that need to be clear for pedestrian safety.

24.51 SIGN REGULATIONS.

- (1) **PERMIT REQUIRED; APPLICATION PROCESS.** A permit from the Building Inspector is required prior to the erection, relocation, reconstruction or maintenance of a sign in the Village. Applications for a sign permit shall be made in writing upon forms furnished by the Zoning Administrator. The applicant shall file with the application plans and specifications and provide information about the sign, including dimensions, materials, illumination, wiring, height above grade, distance from lot line, by whom the sign shall be erected, and such other information as may be requested by the Zoning Administrator, Village Administrator and Building Inspector. Permits are not required for a copy change to a sign when no change in business name is involved.
- (2) **PERMIT FEES.** A permit fee shall be paid to the Village Clerk-Treasurer for each sign permit application filed pursuant to this section, provided, however, that a fee shall not be charged for bringing an existing sign in conformity with this section, or for a copy change to a sign when no change in business name is involved. The permit fee shall be set by resolution of the Village Board.
- (3) **INSPECTION.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Building Inspector who will inspect the sign to confirm that it complies with this ordinance.
- (4) **VIOLATIONS; APPEAL.** If the Building Inspector determines that a sign does not comply with this ordinance, the Building Inspector shall notify the owner of the violation and require compliance. The Building Inspector shall provide notice of the violation and enforce the sign ordinance using the same process that is used for other zoning code violations. The same enforcement and penalty provisions shall apply. Appeals to determinations made by the Building Inspector shall be to the Zoning Board of Appeals.
- (5) **VARIANCES.** Following denial by the Building Inspection, variances or exceptions may be granted by the Zoning Board of Appeals. Applications for variances to the sign regulations shall be made in the same manner as other zoning variances.
- (6) **EXCEPTIONS TO SIGN REGULATIONS.** Permits shall not be required and the sign regulations set forth in Vill. Ord. Section 24.50 to 24.59, shall not apply to the following:
 - (a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names or occupants of premises.

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- (b) Flags and government insignias, except when displayed in connection with commercial promotion.
 - (c) Legal notices, identification information, or directional signs erected by governmental bodies.
 - (d) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
 - (e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 - (f) Temporary signs such as those for real estate (which advertise sale or rental or the premises upon which the sign is posted), political signs, construction site and similar type signs provided such signs do not exceed twenty-five (25) square feet of display surfaces.
 - (g) Window signs directing attention to a product, service or entertainment sold or offered on said premises.
 - (h) Seasonal and decorative holiday lights.
 - (i) Signs located in the Business Park. (Note: See Vill. Ord. Section 24.51(7) which applies to all signs located in the Business Park.)
 - (j) Signs owned by the Village and erected and maintained on Village property.
- (7) **SIGNS IN THE BUSINESS PARK.** Signs erected, relocated, reconstructed or maintained in the Business Park are subject to the same application and permitting requirements and enforcement guidelines set forth in Vill. Ord. Section 24.51, except as expressly modified by this Vill. Ord. Section 24.51(7):
- (a) All applications for permits for signs in the Business Park shall be reviewed by the Business Park Commission and the Village Board, rather than the Building Inspector. Following approval by the Business Park Commission and Village Board, the Building Inspector shall issue a permit as directed by the Village Board. Thereafter, signs in the Business Park shall comply with and conform to any and all requirements set forth in the final sign permit. Both the Business Park Commission and the Building Inspector shall have concurrent enforcement jurisdiction over signs in the Business Park.
 - (b) When reviewing applications for sign permits in the Business Park, the Business Park Commission and Village Board shall consider the standards set forth in Vill. Ord. Sections 24.50-24.59 and the standards set forth in the First Amended Declaration of Covenants, Conditions, and Restrictions For the Industrial Park in the Village of Deerfield, as may be amended from time to time. While these standards shall provide guidance, the Village recognizes that (i) these standards may not adequately consider relevant factors for signs in the Business Park and (ii) signs in the Business Park have a unique significance for both the Village and businesses located in the Business Park. Therefore, the standards applied to a particular application for a sign in the Business Park shall be determined by the Business Park Commission and Village Board on a case-by-case basis, with final approval or denial resting in the discretion of the Village Board.

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24.52 SPECIFIC SIGN STANDARDS.

- (1) **RESIDENTIAL.** In all residential districts established by this chapter, the following non-flashing, non-illuminated signs are permitted under the conditions specified:
 - (a) Nameplate and Identification Signs. Subject to the following:
 1. Area and Content--Residential. There shall be not more than one (1) nameplate, not exceeding one (1) square foot in area, for each dwelling unit, indicating the name or address of the occupant or a permitted occupation. On a corner lot, two (2) such nameplates for each dwelling unit--one facing each street--shall be permitted.
 2. Area and Content--Nonresidential. For nonresidential buildings, a single identification sign, not exceeding nine (9) square feet in area and indicating only the name and address of the building, may be displayed. On a corner lot, two (2) such signs--one facing each street--shall be permitted.
 3. Projection. Such signs shall be affixed flat against the wall of the building.
 4. Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
 - (b) "For Sale" and "To Rent" Signs. Subject to the following:
 1. Area and Number. There shall be not more than one (1) such sign per zoning lot, except that on a corner zoning lot two (2) signs--one facing each street--shall be permitted. No sign shall exceed twelve (12) square feet in area nor be closer than eight (8) feet to any other zoning lot.
 2. Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or free-standing signs shall be not more than four (4) feet in height.
 - (c) Signs Accessory to Parking Area. Subject to the following:
 1. Area and Number. Signs designating parking area entrances or exits are limited to one (1) sign for each such exit or entrance, and to a maximum size of two (2) square feet each. One (1) sign per parking area, designating the conditions of use or identity of such parking area and limited to a maximum size of nine (9) square feet, shall be permitted. On a corner lot two (2) such signs--one facing each street--shall be permitted.
 2. Projection. No sign shall project beyond the property line into the public way.
 3. Height. No sign shall project higher than seven (7) feet above curb level.
 - (d) Signs Accessory to Roadside Stands. Subject to the following:
 1. Content. The signs shall be only for the purpose of identification of the roadside stand, and advertising the agricultural products for sale therein.

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2. Area and Number. The signs shall be on the same zoning lot as the roadside stand, and there shall be not more than two (2) signs per lot. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
 3. Projection. No sign shall project beyond the property line into the public way.
 4. Height. No sign shall project higher than fifteen (15) feet above curb level.
- (e) Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential District. Subject to the following:
1. Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, or for the identification of other nonresidential uses under construction.
 2. Area, Number and Setback. Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 3. Height. No sign shall project higher than five (5) feet above curb level.
 4. Time Limitations. The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of the zoning certificate.
- (f) Subdivision identification Signs. Subject to the following:
1. Content. The signs shall bear only the name of the subdivision or development.
 2. Area and Number. There shall be not more than one (1) sign located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area.
 3. Height. No sign shall project higher than six (6) feet above curb level.
- (g) Non-flashing, illuminated Church Bulletins. Subject to the following:
1. Area and Number. There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs--one facing each street--shall be permitted. No sign shall exceed sixteen (16) square feet in area nor be closer than eight (8) feet from any other zoning lot.
 2. Projection. No sign shall project beyond the property line into the public way.
 3. Height. No sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower.
- (2) **BUSINESS.** Signs are permitted in all Business and Industrial Districts, subject to Vill. Ord. Section 24.51 and the restrictions listed below.

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- (a) Signs Prohibited in Public Ways. No sign shall be placed upon, over or in any public way, provided that this paragraph shall not be construed to prohibit the erection or placing of any authorized traffic sign, traffic signal or other traffic device, or any other signs authorized by law or specifically permitted to project into the public way by this chapter.
- (b) Signs Not to Constitute a Public Hazard. No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the words "stop," "look," "drive-in," "danger," or any other word which could be mistaken for an official sign.
- (c) Illuminated Sign. No sign shall be illuminated by intermittent, rotating or flashing lights.
- (d) Ground Signs. Ground signs shall be placed no closer than one (1) foot to the street right-of-way, shall have no projections and shall not exceed fifty (50) square feet in area. Ground signs shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (e) Vacant Lot Maintenance. Vacant lots upon which advertising signs now exist or which are erected pursuant to this section shall be maintained in orderly fashion by the frequent and periodic removal of rubbish and maintenance of any verdure growing on the lot.
- (f) Sign Projection Restrictions. No sign shall project over any part of any street except where a business structure is located on the front property line. In such case, a sign may not extend more than twelve (12) inches into any street.
- (g) Removal of Signs at Termination of Business. At the termination of a business, commercial or industrial enterprise, all signs shall forthwith be removed from the public view. Responsibility for violation shall reside with the property owner according to the latest official tax roll listings.
- (h) Shopping Center Sign Restrictions. In a shopping center, one free-standing identification sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. The area of said sign shall not exceed sixty (60) square feet. Said sign shall not be permitted within twenty (20) feet of the right-of-way line of the street.
- (i) Total Surface Display Area Restrictions. The total surface display area of business or industrial signs on the front facade of a building shall not exceed one square foot of signage per linear foot of length of the building frontage, with no permitted increase for parking lots except as set forth below. In the case of a building located on a corner lot with two facades, such square foot display area on one facade facing the secondary street may be increased by 1.0 times the number of linear feet of the length of the building which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street facade. Where the building abuts a parking lot, the total display area on the parking lot facade may be increased by 0.5 times the number of linear feet of the length of such parking lot facade. Such increased display area shall only be utilized by the erection of a permitted sign on the parking lot facade. In no case shall the wall area usable for sign display be in excess of two hundred (200) square feet and in no case shall more than one (1) of the above-mentioned criteria be used to calculate allowable sign area on any one (1) building facade.

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- (j) Projection of Signs Mounted on Buildings Restricted. Business and industrial signs mounted on buildings shall not be permitted to project more than twelve (12) inches beyond the building line.
- (k) Number of Sign Permitted. No more than one (1) business or industrial sign shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one (1) business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
- (l) Directional Ground Signs. Necessary directional ground signs which shall not exceed four (4) square feet in area shall be permitted. Permission to erect such signs must be obtained from the Police Department and the Village Board.
- (m) Lighting. Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare and no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.
- (n) Signs Causing Obstruction Prohibited. Any sign so erected constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as means of ingress or egress, or for fire fighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.
- (o) Signs at Intersection Prohibited. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (p) Canopy Signs Restricted. Signs shall be permitted to hang from canopies or covered walks in Business or Industrial Districts provided that there shall be only one sign, not to exceed five (5) square feet, for each business and that the sign shall be at least ten (10) feet above ground level.
- (q) Offsite Signs. Offsite signs are permitted only with approval of the Planning Commission.

(3) OTHER SPECIFIC REQUIREMENTS.

- (a) Temporary Sign Limitations.
 - 1. All temporary signs such as real estate, construction site and political signs shall be removed within ten (10) days after their use has discontinued.
 - 2. Temporary signs may be placed on a property, but shall not be located on a right-of-way terrace, and shall not interfere with driveway vision clearance.
- (b) Electronic Message Unit Signs.
 - 1. Such signs may be used only to advertise activities conducted on the premises or to present public service information.

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2. Segmented messages must be displayed for not less than one-half ($\frac{1}{2}$) second and more than ten (10) seconds.
 3. Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (c) Portable Signs.
1. Such signs shall be limited in use to thirty (30) days at a time.
 2. The maximum size shall be twenty-five (25) square feet on each face, back to back.
- (d) Location Adjacent to Residence District. No advertising signs shall be permitted within seventy-five (75) feet of any residence district boundary line unless said sign is completely screened from said residence district by a building, solid fence, or an evergreen planting, which planting shall be not more than two (2) feet shorter than the height of the sign at the time said evergreens are planted; said evergreens shall be spaced not more than one-half ($\frac{1}{2}$) the height of the tree for regular varieties and one-third ($\frac{1}{3}$) the height of the tree for columnar varieties of trees; said evergreen planting shall be continuously maintained; or said sign is facing away from the residence districts and the back is screened as provided below.
- (e) Sign Mounting. All signs shall be mounted in one of the following manners:
1. Flat against a building or wall.
 2. Back to back in pairs so that the back of the sign will be screened from public view.
 3. In clusters in an arrangement which will screen the back of the signs from public view.
 4. Or otherwise mounted so that the backs of all signs or sign structures showing to public view shall be painted and maintained a neutral color or a color that blends with surrounding environment.

24.53 CONSTRUCTION AND MAINTENANCE OF SIGNS.

(1) DANGEROUS AND ABANDONED SIGNS; VIOLATIONS.

- (a) Unsafe or Abandoned Signs. All signs shall be removed by the owner or lessee of the premises upon which the sign is located when a business which it advertises has not been conducted for a period of six (6) months or when in the judgement of the Building Inspector such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the Building Inspector's decision to the Village Board.
- (b) Alterations. Any sign which was erected before the adoption of this code of ordinances shall not be rebuilt or relocated without conforming to all of the requirements of this article.

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- (c) Violations. All signs constructed or maintained in violation of any of the provisions of this article are hereby declared public nuisances within the meaning of this code of ordinances. In addition to the above penalty provisions for violation of this chapter, the Building Inspector may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

(2) **CONSTRUCTION AND MAINTENANCE REGULATIONS FOR SIGNS.**

- (a) Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector.

(b) General Requirements.

1. Awnings. The lowest part of any awning shall be seven (7) feet above the sidewalk. Signs are allowed directly on the awning or hanging on the frame, but not below seven (7) feet.
2. Animated Signs. Signs with any moving parts or beacon lights shall not be permitted.
3. Flashing Signs. Flashing signs will not be permitted.
4. Roof Signs. No sign shall be located so as to project above the parapet line, unless approved by the Building Inspector.
5. Illuminated Signs. Any illuminated signs shall not interfere with surrounding properties or traffic.
6. Projection. Signs including supports shall not interfere surrounding properties or traffic.
7. Blanketing. Blanketing of signs shall not be allowed.
8. Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean.

(c) Requirements Per Zoning District.

1. Exceptions to Height and Setback Requirements. Signs may be allowed in the setback area if they are below three (3) feet or are pole mounted and above twelve (12) feet to the bottom of the sign. The pole diameter of pole-mounted signs shall not exceed twelve (12) inches and sign shall be located so as to project above the parapet line, unless approved by the Building Inspector.
2. Prohibitions.

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- a. No sign shall be erected so that any portion of the sign or its supports attach to or interfere with the free use of any fire escape, exit, and required stairway, door, ventilator or window.
- b. No sign shall be erected that will interfere with, obstruct, confuse, or mislead traffic.
- (d) Residential Development Identification Signs. Residential development identification signs shall not exceed thirty-two (32) square feet in sign area. A maximum of two (2) such signs is permitted per development after review and approval by the Building Inspector.
- (e) Search Lights. The Village Board may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6)-month period.
- (f) Signs on Public Rights-of-Way. Signs shall not be permitted on or projecting into public rights-of-way except for traffic control, parking and directional signs and as otherwise specified in this chapter. A sign in direct line of vision of any traffic signal, from any point in the traffic lane from a position opposite the near sidewalk line to a position one hundred fifty (150) feet before said sidewalk line, shall not have red, green, or amber illumination.
- (g) Wind Pressure and Dead-Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the Village.

24.54 NONCONFORMING SIGNS

- (1) **SIGNS ELIGIBLE FOR CHARACTERIZATION AS LEGAL NONCONFORMING.** Any sign located within the Village limits on the date of adoption of this code of ordinances, or located in an area annexed to the Village hereafter, which does not conform with the provisions of this article, is eligible for characterization as a legal nonconforming sign and is permitted, providing it also meets the following requirements:
 - (a) The sign was covered by a proper sign or building permit prior to the date of adoption of this sign ordinance.
 - (b) If no permit was required under the applicable law for the sign in question and the sign was in all respects in compliance with applicable law on the date of adoption of this sign ordinance.
- (2) **LOSS OF LEGAL NONCONFORMING STATUS.** A sign loses its nonconforming status if one or more of the following occurs:
 - (a) The sign is structurally altered in any way, except for normal maintenance or repair, which tends to or makes the sign less in compliance with requirements of this article than it was before alteration.
 - (b) The sign is relocated.

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- (c) The sign fails to conform to the ordinance regarding maintenance and repair, abandonment, or dangerous or defective signs.
 - (d) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this chapter with a new permit secured therefor or shall be removed.
- (3) **LEGAL NONCONFORMING SIGN MAINTENANCE AND REPAIR.** Nothing in this article shall relieve the owner or user of a legal nonconforming sign or the owner of the property on which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs.
- (4) **ABANDONED SIGNS.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Building Inspector shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Building Inspector may take any other appropriate legal action necessary to attain compliance.

24.55 - 24.59 Reserved for future sign use.

MISCELLANEOUS SPECIAL PROVISIONS

24.60 SPECIAL PROVISIONS.

- (1) **ACCESSORY USES AND STRUCTURES.**
- (a) Principal Use to be Present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction.
 - (b) Placement Restrictions. An accessory use or structure in a residential district may be established subject to the following regulations:
 - 1. **Accessory Building Number Limits.** In any residential district, in addition to the principal building, detached garage or attached garage and one additional accessory building, may be placed on a lot.
 - 2. **Accessory Building Size Limits.** Except as otherwise provided, no detached accessory building or structure shall exceed the height of the principal building or structure.
 - 3. **Attached Accessory Buildings.** All accessory buildings that are attached to the principal building shall comply with the yard requirements of the principal building.
 - 4. **Detached Accessory Buildings.** No detached accessory buildings shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than thirty (30%) percent of the required rear yard, or be located within three (3) feet of any other accessory building or lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure. In no event can the accessory

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uses or structures be forward of the front line of the principal structure. There shall be no garage doorway on an accessory building facing an alley unless there is a twenty (20) foot setback.

5. **Accessory Building Setbacks.** Accessory building setbacks shall be as prescribed for each zoning district.

- (c) **Use Restrictions--Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade, or industry except for home occupations as defined herein, and shall not be occupied as a dwelling unit.
- (d) **Placement Restrictions--Nonresidential Districts.** An accessory use or structure in a business or manufacturing district may be established in the rear yard or side yard and shall have setbacks as prescribed in each zoning district.
- (e) **Reserved Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure.
- (f) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sundials, bird baths, trees, shrubs and flowers and gardens.
- (g) **Temporary Uses.** Temporary accessory uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator.

(2) **OUTSIDE FIREWOOD STORAGE.**

- (a) 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 thirty (30) days, from the date of its delivery.
- (b) Firewood shall be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (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.
- (c) All brush, debris, and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles 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 Code of Ordinances.
- (e) Not more than fifteen (15%) percent of the side and rear yard may be used for storage of firewood at any one time.

(3) **FENCES AND HEDGES.**

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(a) Fences Defined. For the purpose of this section:

1. **Fence.** An enclosed barrier consisting of vegetation, wood, stone, PVC or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly materials or materials that would constitute a nuisance. For the purpose of this section, the term “fence” shall include plantings, such as hedges and shrubbery. All fences are required to be installed within the boundaries of the subject parcel and maintained by the owner of the parcel that it is installed within.
2. **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
3. **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
4. **Hedge.** A row of brush or small trees planted close together that may form a barrier, enclosure or boundary.
5. **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(b) Height of Fences Regulated.

1. Except as provided in Sec. 24.60, a fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six and one-half (6 ½) feet above the ground level, except that no such fence, wall, hedge, or shrubbery that is located in a required front or corner side yard shall not exceed a height of two and one-half (2 ½) feet. Where such lot line is adjacent to non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence or wall.
2. No fence or wall shall be erected, placed, maintained, or grown along a lot line on any business or industrially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet, except for security fences as in section 24.60(3)(d).
3. In any residence district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

(c) Setback for Residential Fences. Fences may be constructed within the parcel lot lines but shall not extend into the front setback area as extended to the side lot line.

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- (d) Security Fences. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of open type similar to woven wire or wrought iron fencing.
 - (e) Prohibited Fences. No fence shall be constructed that is of dangerous condition, or that conducts electricity or is designed to electrically shock or uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
 - (f) Fences to be Repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
 - (g) Temporary Fences. Fences erected for the protection of plantings, to warn of construction hazards or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (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 herein, but said fences shall not be erected for more than forty-five (45) days.
 - (h) Nonconforming Fences and Hedges. Any fence or hedge existing on the effective date of this municipal code and not in conformity with this section may be maintained, but no alteration, modification or improvement of said fence shall comply with this section.
 - (i) Fence Survey Requirement. Prior to any fence installation, a property survey shall be performed by a land surveyor registered in the State of Wisconsin. The survey shall be done in full conformance with Chapter A-E 7 of the Wisconsin Administrative Code and none of the requirements within Chapter A-E 7 may be waived by any agreement. Proof of such survey shall be provided to the Building Inspector. The owner shall be responsible to identify and verify all easements, covenants, restrictions or any other setback or installation requirements that may exist regarding the installation of a fence on the owner's property prior to commencement of construction.
- (4) **SWIMMING POOLS.** (See Chapter 6.09 of the Village Code)
- (5) **TELEVISION OR RADIO ANTENNA TOWERS.** (See Chapter 12.40 of Village Code for Satellite Earth Stations)
- (a) Radio or Television Antenna Towers.
 - 1. No radio or television antenna tower shall be erected or installed within the front yard or side yard except when attached to the side of the principal structure. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Village Board.
 - 2. No radio or television tower shall exceed a height of twenty (20) feet above the roof line of the building on the property upon which the antenna is located or

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sixty (60) feet above the ground measured at grade level, whichever is the minimum.

3. Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code and the instructions of the manufacturer; in cases of conflict the stricter requirements shall govern.

(6) **STORAGE AND PARKING OF RECREATIONAL VEHICLES.**

- (a) Definitions--Recreational Vehicles. For purpose of this section, the following definitions shall apply:

1. **Recreational Vehicle.** Recreational vehicle means any of the following:
 - a. **Travel Trailer** means a vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so called fifth-wheel units.
 - b. **Pick-up Coach** means a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
 - c. **Motor Home** means a portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
 - d. **Camping Trailer** means a canvas or folding structure mounted on wheels and designed for travel, recreation, vacation or other uses.
 - e. **Chassis Mounts, Motor Homes and Mini-Motor Homes** means recreational structures constructed integrally with a truck or motor-van chassis and incapable of being separated therefrom.
 - f. **Converted and Chopped Van** means recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
 - g. **Boat or Snowmobile Trailer** means a vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this article, is termed an unmounted boat or snowmobile.
2. **Boat.** Boat means every description of watercraft used or capable of being used as a means of transportation on water.

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- (b) Permitted Parking or Storage of Recreational Vehicles. In all residential and commercial district provided for in this zoning code, it is permissible to park or store a recreational vehicle or boat and boat trailer on private property in the following manner:
1. Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
 2. Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.
 3. Parking is permitted outside on a hard-surfaced or well-drained gravel driveway, provided:
 - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
 - b. A corner lot is always deemed to have reasonable access to the rear yard.
 - c. A fence is not necessarily deemed to prevent reasonable access.
 - d. Inside parking is not possible.
 - e. The unit is parked perpendicular to the front curb.
 4. The body of the recreational vehicle or boat must be at least fifteen (15) feet from the face of any curb.
 5. No part of the unit may extend over the public sidewalk or public right-of-way.
 6. Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
 - a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one calendar year. Cooking is not permitted at any time.
 - b. Permanently connected to sewer line, water lines, or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
 - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
 7. Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
 8. The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

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State Law Reference. Sec. 30.50, Wis. Stats. and HSS 177 and 178, Wisconsin Administrative Code.24.60

24.61 – 24.69 Reserved for future use.

24.70 REVIEW PROCESS IN DESIGN OVERLAY DISTRICT.

- (1) **PURPOSE.** The Design Overlay District is created to regulate the design and appearance of business development activities in the Village. The intent of this District is to preserve and enhance the historical quality of existing downtown buildings and to attain a consistent, visually pleasing image for the entire community.
- (2) **DISTRICT BOUNDARIES.** The Design Overlay District shall be defined to overlay the boundaries of all properties located on either side of Main Street between Liberty Street to Nelson Street.
- (3) **BUILDING PERMIT REQUIRED.** No building in this District shall be demolished or altered in architectural design until a building permit is issued by the Building Inspector. "Altered in architectural design" shall include any change in the design of windows or entryway's, facade design or siding.
- (4) **REVIEW OF BUILDING PLANS.** Within the Design Overlay District, all plans for new construction, exterior remodeling or demolition shall be reviewed and approved by the Plan Commission prior to the issuance of a building permit.
- (5) **APPLICATION REQUIREMENTS.** Any application for a building permit within the boundaries of the Design Overlay District shall be submitted to the Building Inspector who shall transmit it to the Plan Commission for review and approval. In addition to the information required by the Building Code, the applicant shall include building elevations and exterior architectural drawings, including enough detail to show the proposed building style, exterior materials, colors and location of signage.
- (6) **PLAN REVIEW GUIDELINES.** The Plan Commission shall use the following guidelines for reviewing proposed development activities to assure compliance with this subsection.
 - (a) The mass, volume and height or setback of proposed structures should appear to be compatible with existing buildings in the immediate area.
 - (b) The facade of new or remodeled structures should maintain a compatible relationship with those of existing structures in terms of window sill or header lines, proportion of window and door openings, horizontal or vertical emphasis or major building elements, and extent of architectural detail.
 - (c) Exterior remodeling should be designed to take into account the entire building facade. The ground floor exterior should be designed to harmonize with the upper stories.

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- (d) The building materials and colors used should complement and be compatible with other buildings in the immediate area.
 - (e) Storefront window display areas should be considered an important part of the retail marketing strategy of the community. Large glass windows and street-level display areas should be retained or planned into new construction.
 - (f) Existing buildings and structures should be recognized as products of their own time. Alterations which have no historical basis should be discouraged.
 - (g) Demolition should occur only where it is found that the structure is structurally unsound or physically incapable of supporting a viable use.
 - (h) The sizing and placement of signs should fit the buildings.
 - (i) All off-street parking and service areas should be landscaped and screened as viewed from public rights-of-way.
- (7) **PLAN REVIEW PROCEDURE.** The Plan Commission Chairperson shall schedule a meeting of the commission to consider the application. The Plan Commission shall take final action to approve, deny or conditionally approve an application within a maximum of 30 days of the date of submittal. If no action is taken within this time frame, the building permit shall be automatically approved. Conditions of approval may include landscaping, modification to architectural design, type of construction, operational controls, sureties or deed restrictions upon the Plan Commission findings that these are necessary to fulfill the purpose and intent of this subsection.
- (8) **INFORMAL MEETING RECOMMENDED.** Applicants are encouraged to submit conceptual plans or meet with the Commission for preliminary review and discussion prior to formal submittal of detailed plans.
- (9) **ISSUANCE OF BUILDING PERMIT.** A building permit shall be issued to the applicant, stating the official action of the Plan Commission, and shall be referred to for the enforcement of this subsection. Approved building permits shall expire in 12 months unless substantial work has been completed. Permits issued under this subsection may be renewed or extended with the written approval of the Village Plan Commission.
- (10) **APPEAL.** If the project is not approved, the applicant may modify the proposal and resubmit, or may choose to appeal the Commission's decision within 30 days to the Village Board, which may affirm or modify the decision of the Plan Commission.

24.71 - 24.77 Reserved for future Overlay Zoning Districts.

24.78 PERFORMANCE STANDARDS

- (1) **COMPLIANCE.** This ordinance permits specific use in specific districts and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

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- (2) **AIR POLLUTION.** No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards.
- (3) **FIRE & EXPLOSIVE HAZARDS.** All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.
- (4) **GLARE & HEAT.** No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (5) **WATER QUALITY PROTECTION.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that 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.

- (6) **NOISE.** No activity in an M-1 or M-2 General Manufacturing District shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter.

Octave Band Frequency (Cycles per Second)	Sound Level (Decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
Above 4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency (Cycles per Second)	Sound Level (Decibels)
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0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

- (7) **TRAFFIC NOISE LIMITATIONS.** No owner of land adjacent to an existing freeway or adjacent to a planned transportation corridor shall commence or cause to be commenced construction of any structure that will be subject to traffic noise levels that exceed the following sound level measured by a sound level meter:

A. Construction Restrictions for Habitable and Institutional Structures:

1. No new single or two-family residential structure shall be approved for construction (excluding substantial repair or alteration) if any exterior hourly traffic sound level ($L_{eq}[h]$) anywhere within the proposed outdoor living area is projected to be equal to or in excess of 67 db (A) upon completion of the structure or anytime thereafter.
2. No new multi-family residence, dormitory, mobile home park, transient lodging, school, hospital, nursing home, or similar structure, or substantial modification of such existing structure, shall be approved if any exterior hourly traffic level ($L_{eq}[h]$) anywhere within the proposed outdoor living area is projected to be equal to or in excess of 67 db (A) upon completion of the structure or anytime thereafter.
3. Construction otherwise prohibited shall be permitted if there are no outdoor use areas on the site of the proposed structure projected to be exposed to an hourly traffic sound level ($L_{eq}[h]$) equal to or in excess of 67 db(A) provided that there is incorporated into the design and construction of the structure such sound attenuation measures as are necessary to reduce the maximum interior hourly traffic induced sound level ($L_{eq}[h]$) in a habitable room to 52 db(A) upon completion of the structure or anytime thereafter.

B. Construction Restrictions for Commercial and Industrial Structures:

1. No new commercial or industrial structure, or substantial modification of such existing structure, shall be approved if any exterior hourly traffic sound level ($L_{eq}[h]$) anywhere on the site is projected to be equal to or in excess of 72 db(A) upon completion of the structure or anytime thereafter.
2. Construction otherwise prohibited shall be permitted if there are no outdoor use areas on the site of the proposed structure (except parking lots and storage areas) projected to be exposed to an hourly traffic sound level ($L_{eq}[h]$) equal to or in excess of 72 db(A) provided that there is incorporated into the design and construction of the structure such sound attenuation measures as necessary to reduce the maximum interior hourly traffic induced sound level ($L_{eq}[h]$) in an interior work or public area to 59 db(A) upon completion of the structure or anytime thereafter.

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C. Noise Attenuation Plans:

1. If the Village of Deerfield Planning Commission has reason to believe that a report is necessary to determine whether a project will be exposed to excessive traffic induced sound levels, such report shall be made by the permit applicant prior to the approval of any subdivision, zoning, or building permit approval. The report shall be prepared by a registered professional engineer or other qualified noise control consultant, and shall contain the following information and any other information the Planning Commission may reasonably require:
 - (a) The existing maximum hourly traffic sound level ($L_{eq}[h]$) for a representative sample of locations, measured in accordance with guidelines set forth in “Sound Procedure for Measuring Highway Noise: Final Report,” dated August 1981, published by the US Department of Transportation, Federal Highway Administration (FHWA), Arlington, VA, or modeled according to a methodology consistent with the methodology set forth in the FHWA Highway Traffic Noise Prediction Model (Report No. FHWA-RD-77-108);
 - (b) The projected future ($L_{eq}[h]$) at the site resulting from future traffic increases; and
 - (c) Where applicable, plans for sound attenuation measures on the site and/or within the structure proposed to be constructed or altered, and the amount of sound attenuation anticipated as a result of these measures. Sound attenuation may be achieved by separation from noise sources, berms, barriers, landscaping, building construction materials, insulation, and other building measures, or any combination thereof.
2. In determining whether an applicant should be required to submit a noise attenuation plan Pursuant to Section 9.07© of this Ordinance, the Planning Commission shall consider the Wisconsin Department of Transportation’s Administrative Code TRNS 405 and the Federal Highway Administrations Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR Chapter I, Subchapter J, Part 772.

D. Appeals. Any person aggrieved by a decision of the Village of Deerfield Planning Commission to prohibit a use or structure by reason of its excessive hourly traffic sound level ($L_{eq}[h]$); or by a decision of the Planning Commission to require a Noise Attenuation Plan may appeal such decision to the Board of Zoning Appeals in accordance with Section 11.0 of this Ordinance. Such appeal shall be made within 30 days following the Planning Commission decision.

- (8) **ODORS.** No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.
- (9) **RADIOACTIVITY & ELECTRICAL DISTURBANCES.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or would adversely affect the use of neighboring premises.
- (10) **VIBRATION.** No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

<u>Cycles Per Second</u>	<u>Outside the Premises</u>	<u>Outside the District</u>
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0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

(11) LIGHTING. No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill-over as set forth in the standards, restrictions and regulations below on operators of motor vehicles, pedestrians, and uses of land in the vicinity of light source. These requirements shall not apply to lighting placed in a public right-of-way for public safety.

- A. Orientation. No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
- B. Minimum Lighting Standards. All areas designated on approved 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 0.4 footcandles, exclusive of approved anti-vandal lighting.
- C. Intensity of Illumination. The intensity of illumination measured at the property line, shall not exceed 0.5 footcandles.
- D. Location. Light fixtures shall not be permitted within required setbacks.
- E. Flashing, Flickering and Other Distracting Lighting. Flashing, flickering and other distracting lighting which may distract motorists are prohibited.
- F. Accent Lighting. Accent lighting and low voltage lighting (12 volts or less) is exempt from these requirements.
- G. Nonconforming Lighting. All lighting fixtures approved prior to the adoption of this Ordinance shall be treated as and regulated as legal nonconforming uses.

(12) LANDSCAPING. The Village of Deerfield requires all new developments, including substantial exterior modifications of existing developments, to submit and have approved a landscape plan as specified in “Development Review Information.” Approved landscape plans shall be completed within twelve (12) months of an occupancy permit being granted, unless otherwise set forth in an agreement between the developer and the Village.

A. Basic Requirements:

Requirement	R-4	C-1	C-2	C-M	M-1
Green Space	55%	N/A	25%	25%	25%
Street Trees Every	35 ft	Note 1	50 ft	50 ft	50 ft
Front Yard Plantings	1 tree per unit	Note 1	4 trees per 100 ft of building	6 trees per 100 ft of building	6 trees per 100 ft of building

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Front Building Corners	N/A	Note 1	Required	Required	Required
Front Yard Foundations	Required	Note 1	Required	Required	Required
Front Yard Building Entry	Required	Note 1	Required	Required	Required
Landscaped Parking Islands	N/A	Required	Required	Required	N/A
Side Yard Foundation	Required	Note 1	Note 2	Note 2	N/A
Dumpster Area	Required	Required	Required	Required	Required
Buffer to Restrictive Uses	N/A	Required Note 3	Required Note 3	Required Note 3	Required Note 3-4

Note 1: The Planning Commission may require landscaping dependent upon each development's specific circumstances.

Note 2: Required if abutting a residential land use.

Note 3: Required if abutting any residential land use.

Note 4: Required if abutting any commercial land use.

B. Requirement Specifications: Further information regarding planting types and sizes can be found in

1. **Green Space:** Areas without structures, parking surfaces, patios, decks, pools, driveways, accessory structures and shall include lands in the Conservancy, Floodplain and Shoreland Zoning classifications. However, Conservancy, Floodplain and Shoreland classified areas shall only comprise 30% of total Green Space required by this Ordinance.
2. **Street Trees:** See specification and requirements in Chapter 25.

ADMINISTRATION AND ENFORCEMENT PROVISIONS

24.80 GENERAL ADMINISTRATION AND ENFORCEMENT SYSTEM

- (1) **OVERVIEW AND RESPONSIBLE OFFICIALS.** The Plan Commission shall review and recommend and the Village Board shall have final approval for all site plans subject to §24.80(4), conditional use permits, changes to the zoning districts and maps, amendments of the Zoning code and general matters related to zoning and land use policy. The Zoning Administrator has the primary responsibility to interpret and administer the zoning code. The Zoning Board of Appeals has the exclusive authority (a) to hear and decide appeals that allege an error in interpretation of the zoning code and (b) to grant special exceptions or variances to the zoning code.
- (2) **ZONING ADMINISTRATOR.** The Village Administrator is designated as the Zoning Administrator. The Zoning Administrator shall:
 - (a) Maintain permanent and current records relating to this zoning code, including all amendments, all maps, conditional use permits, variances, appeals and application related hereto;
 - (b) Receive, file and forward to the Plan Commission all applications for conditional use permits, site plan approvals, changes to the zoning district and maps, amendments of the zoning code and general matters related to zoning and land use policy;
 - (c) Receive, file and forward to the Zoning Board of Appeals all applications for appeals, variances or other matters related to the Zoning Board of Appeals;
 - (d) Receive, file and refer required on-site inspections and issuance of building permits to the Building Inspector, as appropriate;
 - (e) Assist and provide information to the Building Inspector, Plan Commission and Zoning Board of Appeals regarding this ordinance.
- (3) **VIOLATIONS AND PENALTIES.**
 - (a) Violations. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation, may cause appropriate action or proceeding to be instituted to enjoin a violation of this chapter or cause a structure to be vacated or removed.
 - (b) Remedial Action. Whenever an order of the Building Inspector or Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning

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Administrator, or the Village Attorney may institute appropriate legal action or proceedings.

- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this chapter or any order of the Building Inspector or Zoning Administrator issued in accordance with this chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Sec. 23.04 of this code of ordinances, except that the minimum forfeiture shall be one thousand (\$1000.00) dollars per day. Each day a violation is permitted to exist shall constitute a separate offense. Compliance may also be enforced by injunction or other appropriate relief in circuit municipal court. It shall not be necessary to prosecute for forfeiture before resorting to injunction or other court proceedings.

(4) FILING FEES.

All applications for zoning changes, conditional use permits, variances and site plan approvals shall be accompanied by a non-refundable filing fee. All filing fees shall be set by Village Board resolution. No fee shall be required if the Village Board or Plan Commission is the applicant.

24.801 DEVELOPMENT CONTROL

- (1) **PURPOSE & INTENT.** For the purpose of promoting development that is aesthetically compatible with the character of existing development in the Village, and to further stabilize property values and prevent their depreciation, no person shall commence development of or alter any building or structure in a manner which is in conflict with the principles set forth in the zoning Code and the criteria set forth in the Zoning code of this ordinance. This section shall apply to development of or altering of any building or structure in the Village.
- (2) **DEVELOPMENT REVIEW INFORMATION (See Appendix A).** The following development review information shall be required by the Planning Commission for developments in all Zoning districts excluding single-family and two-family districts to aid in the determination of whether a development is aesthetically compatible with the character of existing development and desired development:
- A. **Site Plan** (one 24"x36" and seven 11"x17" sets of plans required)
1. Area map depicting proximity to nearest roadway intersection.
 2. Plot plan of proposed development/parcel and all abutting parcels indicating zoning, building location, parking and driving surfaces, lighting, utility easements, and surface water flow patterns.
 3. Two (2) foot interval topography of subject parcel.
- B. **Building Plans** (one 24"x36" and seven 11"x17" sets of plans required)
1. Elevations of proposed structure or modified structure.
 2. An accurate 24"x36" color rendition of proposed structure or modified structure.
 3. Sample colors and building materials shall be submitted by the applicant for review by the Planning Commission. In addition, a listing of all exterior materials shall be submitted which shall include the following:

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*Type of material, manufacturer of material, style and specific color.

*All physical samples of building materials shall be retained by the applicant after approval of the Planning Commission.

4. Landscape plan, including common and species names, sizes, and type of planting stock.

(3) DESIGN REVIEW PRINCIPLES. To implement and define criteria for the purposes set forth in the Zoning Code, the following principles are established:

- A. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- B. No building shall be permitted the design or exterior as to create excessive monotony or drabness.
- C. No building shall be permitted where any exposed façade is not constructed or faced with a finish material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- D. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse affect on the beauty and general enjoyment of existing structures on adjoining properties.
- E. Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical.
- F. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- G. Buildings and uses shall provide adequate parking and loading areas.
- H. Buildings and uses shall be provided with adequate public services.

(4) DESIGN REVIEW CRITERIA. In accordance with in the Zoning Code, the Planning Commission will utilize the following design review criteria:

- A. Multi-Family Residential Zoning Districts
 1. Public or Private Street Yard elevations of principal structures shall be constructed of a minimum 30% brick or stone veneer or decorative block or other decorative masonry material such as EIFS, or Dryvit, or Hardi-plank or other similar decorative cement siding material (calculations to be provided by developer/applicant with submittal).
 2. Refuse and recycling areas shall be screened with appropriate vegetation or privacy fencing of a material compatible with the principal structure and the surrounding area.
 3. Mechanical equipment shall be screened from the public view from any elevation.

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B. Commercial Zoning Districts

1. All elevations of principal structure fronting a public street shall be constructed of a minimum 30% brick, stone veneer or decorative block facing or decorative block or other decorative masonry material such as EIFS, or Dryvit or Hard-Plank or other similar decorative cement siding material excluding windows and doorways.
 - a. Expansion walls shall be exempt from the above masonry material requirements.
 - b. The Developer or Applicant shall provide calculations showing how each elevation complies with the above requirements. Such calculations shall be provided on the elevation plan sheet(s) submitted for approval.
2. Parking surfaces shall be constructed in conjunction with the criteria established in Section 5.00 of this code.
3. Landscaping shall be done so in accordance with a plan approved by the Planning Commission in conjunction with Article 9, Section 9.12 of this Chapter.
4. Refuse and recycling areas shall be screened with appropriate vegetation or privacy fencing of a material compatible with the principal structure and the surrounding area.
 - a. Refuse receptacles installed and maintained for patrons are required for all new food establishments located in these districts as deemed necessary by the Planning Commission. In addition, during plan review, the Commission will determine:
 - (1) site location;
 - (2) total number of receptacles;
 - (3) and will require a minimum 30 gallon container.
 - b. Existing businesses will have 6 months from the date of adoption to comply if found to be required by the Planning Commission.
 - c. All refuse receptacles must be dumped regularly and maintained to sufficiently store refuse at all times.
5. Mechanical equipment shall be screened from the public view from any elevation.
6. Mechanical equipment shall be screened from the public view from any elevation.

C. Manufacturing Zoning Districts

1. Elevations of principal structure fronting a public street shall be constructed of a minimum 30% brick, stone veneer or decorative block facing, or decorative block or other masonry material such as EIFS or Dryvit or Hardi-Plank or other similar decorative cement siding materials, excluding windows and doorways.
 - a. Expansion walls shall be exempt from the above masonry material requirements.

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- b. The Developer or Applicant shall provide calculations showing how each elevation complies with the above requirements. Such calculations shall be provided on the elevation plan sheet(s) submitted for approval.
2. Other elevations of principal structure not fronting a public street shall be constructed of a minimum 20% brick, stone veneer or decorative block facing, excluding windows and doorways(calculations to be provided by developer/applicant with submittal).
3. Rear elevations of principal structure shall be constructed with a minimum four (4) foot brick or decorative block facia, excluding windows and doorways.
4. Parking surfaces shall be constructed in conjunction with the criteria established in Section 5.00 of this code.
5. Landscaping shall be done so in accordance with a plan approved by the Building Review Committee in conjunction with Article 9, Section 9.12 of this Chapter.
6. Refuse and recycling areas shall be screened with appropriate vegetation or privacy fencing of a material compatible with the principal structure and the surrounding area.
7. Mechanical equipment shall be screened from the public view from any elevation.
8. Outside storage of inventory, materials, equipments, supplies, scrap, etc. utilized in the day-to-day operation of the principal use shall be screened from public view with appropriate vegetation or privacy fencing of a material compatible with the principal structure and the surrounding area.

(6) ADMINISTRATION

- A. The Planning Commission shall review site and architectural plans for compliance with this Section. The Planning Commission's review shall apply to all new buildings, major building additions or improvements and site improvements, except for single and two-family dwellings which are approved as indicated in separate code, the Planning Commission shall approve plans only after determining that the buildings and structures are consistent with the principles and criteria set forth in separate code of this ordinance. The Planning Commission may deny approval of building plans, but shall inform the permit applicant of any decision in writing.
- B. Duration and Lapse of Site Plan Approval – Within one year of the date of initial approval, the developer of the project shall obtain a building permit and shall begin construction of the project. If a permit is not obtained and construction is not started within one year, the site plan approval shall lapse. Upon application by the developer, the Planning Commission may renew its approval of the site plan as initially approved or may require changes deemed appropriate.
- C. Retroactivity – The provisions of this ordinance shall be retroactive to all site plan approvals for which as of the date of enactment of this ordinance the developer has not obtained a building permit and has not started construction in accordance with the initial site plan approval.
- D. Single and Two-family Dwellings – The zoning Administrator shall review and approve all single and two-family dwelling unit building and site plans consistent with the principles set forth in separate code.

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(7) APPROVAL OF MINOR ACCESSORY STRUCTURES

Minor accessory structures being constructed as an addition to an existing development may be permitted without approval by the Planning Commission after review and approval by Village staff. Such approval for minor accessory structures may include uses such as, but not limited to storage sheds, patios, decks, trash enclosures, flag poles, and mechanical equipment.

(8) ADMINISTRATIVE APPEALS

Any person aggrieved by a decision of the Planning Commission in regard to this Section may appeal the decision to the zoning Board of Appeals within 30 days after the Planning Commission has filed its decision. The Zoning Board of Appeals may affirm, modify or reverse the decision of the Planning Commission.

24.81 PLAN COMMISSION.

- (1) **ESTABLISHMENT OF PLAN COMMISSION.** The Village of Deerfield hereby establishes a Village Plan Commission as permitted by Wis. Stat. §61.35 and §§62.23 (1)-(5), as may be amended, which are incorporated by reference. Where provisions in the ordinance are found to be inconsistent with provisions in the state statutes, the state statutes shall control.
- (2) **MEMBERSHIP.** The Plan Commission shall consist of seven members: the Village President, who shall be its presiding officer; one at-large Village Trustee; the Chair of the Parks Committee or an additional citizen member; and four citizen members.
- (3) **APPOINTMENT.** A Village Trustee(s) appointed to the Plan Commission shall be appointed by the Village President, subject to approval by a two-thirds vote of the Village Board. Village Trustee appointment(s) shall occur in April of each year. The citizen members of the Plan Commission shall be appointed in the same manner as all other appointments.
- (4) **TERM OF OFFICE.**
 - (a) Village President. The Village President shall be a member of the Plan Commission for as long as he or she holds the office of Village President.
 - (b) Village Trustee(s). The at-large Village Trustee member of the Plan Commission shall hold the position for one year, and shall be subject to reappointment on an annual basis in April. If the Chair of the Parks Committee is a Village Trustee and is appointed to the Plan Commission, his/her appointment to the Plan Commission shall be dependent on maintaining his/her appointment as Chair of the Parks Committee.
 - (c) Chair of Parks Committee. The resignation or other removal of the Chair of the Parks Committee from his/her position as Chair shall simultaneously result in resignation and/or removal from the Plan Commission.
 - (d) Citizen Members. The citizen members shall be appointed for a term of three years. Upon the creation of the Commission, appointments shall be made for periods ending one, two and three years, respectively, to permit staggering of the terms for citizen members.

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- (5) **QUORUM.** Four members present shall constitute a quorum competent to transact business.
- (6) **PUBLIC HEARINGS.** Except for the public hearings necessary prior to action by the Zoning Board of Appeals, the Plan Commission shall hold all public hearings that are required under this ordinance or state statute. The Zoning Administrator shall give notice of the time, place and purpose of the public hearing to the general public by publication as a Class 1 notice in the official Village newspaper. The Zoning Administrator shall also send such notice to the applicant, members of the Village Board and Plan Commission, and owners of property located within the Village limits and in whole or in part within approximately two hundred (200) feet of the boundaries feet of the boundaries of the property that is the subject of the hearing. Such notices shall be delivered or mailed to the last known address no less than ten (10) days prior to the public hearing.
- (7) **FINAL AUTHORITY VESTED WITH VILLAGE BOARD.** The Village Board, as the governing body of the Village, and following consideration of recommendations by the Plan Commission and public hearings, has final authority to make decisions on matters presented to the Plan Commission.

24.82 BOARD OF APPEALS.

- (1) **ESTABLISHMENT OF ZONING BOARD OF APPEALS.** There is hereby established a Zoning Board of Appeals for the Village of Deerfield or the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this Zoning Ordinance.
- (2) **MEMBERSHIP.** The Zoning Board of Appeals shall consist of five (5) members appointed by the Village President and confirmed by the Village Board.
 - (a) Terms shall be staggered three-year periods.
 - (b) Chairman shall be designated by the village president.
 - (c) Alternate members may be appointed by the village president for a term of three (3) years and shall act only when a regular member is absent or refused to vote because of a conflict of interest.
 - (d) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
 - (e) Official oaths shall be taken by all members in accordance with section 19.01 of the Wisconsin statutes within ten (10) days of receiving notice of their appointment.
 - (f) Vacancies shall be filled for an unexpired term in the same manner as appointments for a full term.

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- (3) **ORGANIZATIONAL RULES, MEETINGS AND MINUTES.** The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of the Ordinance AND STATE STATUTES.
- (a) Meetings. Meetings shall be held at the call of the chairman or at such other times as the Board may determine and shall be open to the public.
 - (b) Official Record. Minutes of the proceedings and a record of all actions shall be kept, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be public record.
 - (c) Voting. A quorum is a majority of the members of the Board. If a quorum is present, the Board may take action under this ordinance by majority vote of the members present.
- (4) **POWERS OF ZONING BOARD OF APPEALS.** The Zoning Board of Appeals shall have the following powers:
- (a) Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or any other administrative official acting to enforce this ordinance.
 - (b) Variances. To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
 - (c) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.
 - (d) Substitutions. To hear and grant applications for substitution of more restrictive non-conforming uses for existing non-conforming uses, provided no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (e) Floodplain Mapping Disputes. To hear and decide upon the delineation of the F-1 floodplain district where it is alleged there is a difference between elevation of the floodplain and lands shown within the floodplain based upon field surveys, or for determining the precise location of the floodplain in unnumbered a zones.
 - (e) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue of direct the issuance of a permit.
 - (f) Assistance. The Board may request assistance from other village officers, departments, commissions, and boards.

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- (g) Oaths. The chairman may administer oaths and compel the attendance of witnesses.
- (5) **APPEALS & APPLICATIONS.** Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this ordinance may be made by any person aggrieved or by any officer, department, board, or bureau of the Village. Such appeals shall be filed with the secretary within thirty (30) days after the written notice of the decision or order of the zoning Administrator. Applications may be made by the owner or the lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:
- (a) Name & address of the appellant or applicant and all abutting and opposite property owners of record.
 - (b) Plat of survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under Section 2.04 for a Zoning Permit.
 - (c) Additional information required by the Village Plan Commission, Village Engineer, Zoning Board of Appeals, or Zoning Administrator.
- (6) **HEARINGS.** The Zoning Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give customary and statutorily required notice. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- (7) **FINDINGS.** No variance to the provisions of this ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
- (a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations of the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 - (b) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that does not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
 - (c) Economic Hardship & Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 - (d) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

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- (e) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.

- (8) **DECISION.** The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and the Village Plan Commission.
 - (a) Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
 - (b) Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

- (9) **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 thirty (30) days after the filing of the decision in the office of the Zoning Board of Appeals.

24.83 ZONING CHANGES AND AMENDMENTS.

- (1) **AUTHORITY.** The Village of Deerfield Zoning Ordinance may be amended pursuant to procedures provided by Wis. Stats. 62.23.

- (2) **WHO MAY INITIATE PETITIONS.** Petitions to amend the Zoning Ordinance may be initiated by the Village Board or Plan Commission. Petitions to amend zoning districts may, in addition, be initiated by any person owning real estate, provided that the proposed amendment affects real estate owned by such person or a larger parcel that includes real estate owned by such person.

- (3) **FORM OF APPLICATION.** The Plan Commission shall direct that application forms for Zoning Ordinance amendment petitions be developed and approved by the Plan Commission and that application forms substantially that form be used to initiate amendment petitions.

- (4) **PROCEDURES.**
 - (a) All petitions for amendment shall be submitted to the Zoning Administrator and referred to the Plan Commission with notice of the petition given to the Village Board.
 - (b) The Plan Commission shall establish a date for public hearing before the Village Board on all petitions for zoning amendments. Class 2 notice shall be given prior to such hearing in accordance with Wis. Stats. 985, which requires two consecutive insertions, the last of which shall be at least one week before the hearing. At least ten (10) days' prior written notice shall be given to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by a proposed change in zoning district boundaries. Failure to give such notice to nearby municipalities shall not invalidate the hearing or the

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change, if adopted. The public hearing shall be conducted by the Plan Commission in accord with the notice, unless recessed and rescheduled in accord with state law.

- (c) At least ten (10) days' prior written notice shall be given by ordinary mail to owners of record of all lots or parcels within two hundred (200) feet of the area proposed to be rezoned.
 - (d) Prior to the public hearing or following the public hearing (in the case of a joint Village Board/Plan Commission Meeting), the Plan Commission shall issue its recommendations on the proposed amendment to the Village Board.
 - (e) Following receipt of the recommendations and report of the Plan Commission, the Village Board may take action upon the proposed amendment.
 - (f) If the Village Board does not receive recommendations and a report from the Plan Commission within sixty (60) days of the Plan Commission's receipt of the zoning petition or receipt of the referral from the Village Board, the Village Board may hold hearings and act on the proposed zoning amendment without first receiving the Plan Commission recommendation and report.
 - (g) Where allowed by Wisconsin zoning law, rezonings may be conditioned where the Village Board deems imposition of such conditions a necessity to achieve the public interest and the intent of this Ordinance.
- (5) **STATUTORY PROTESTS.** Protest petitions may be lodged regarding amendments to zoning district maps in accord with provisions of state law (Sec. 62.23(7), Wis. Stats.).

24.84 APPLICATION FOR CONDITIONAL USE PERMIT.

- (1) **PURPOSE.** The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use at a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.
- (2) **WHO MAY INITIATE APPLICATION.** Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located. In addition to requests initiated directly by the applicant, the need for conditional use permit(s) may also be initiated by the Plan Commission while reviewing any application before it or by referral from the Village Board.
- (3) **APPLICATION FOR CONDITIONAL USE.** An applicant shall file for a conditional use permit by submitting the application form prescribed by the Village. The application shall include:

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a plan showing the location, size and shape of the lot(s) involved and of any proposed structure, the existing and proposed use of each structure and lot, and, a written statement by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in this ordinance. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this ordinance, including a plan showing contours and soil types; high water mark and groundwater conditions: bedrock, vegetative cover; specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

(4) **PROCEDURES.**

- (a) All requests for conditional uses permits shall be submitted to the Zoning Administrator and referred to the Plan Commission with notice of the referral being given to the Village Board. The Plan Commission shall review the application and make its recommendations to the Village Board. The Plan Commission shall report its recommendation to the Village Board within thirty (30) days of the date that a complete application has been referred to the Plan Commission.
- (b) Public hearings shall be held on applications for conditional use permits as provided in the "Plan Commission" section of this zoning ordinance. Public hearings shall be scheduled in such a manner as to permit the Village Board to receive the Plan Commission's recommendation at or before the time of the public hearing.
- (c) Following consideration of the Plan Commission's recommendations and the public hearing, the Village Board may take actions on the conditional use permit.

(5) **STANDARDS.** When reviewing, recommending and granting applications for conditional use permits, the Plan Commission and Village Board shall act so that the spirit of the zoning ordinance is observed, public safety and welfare secured, and substantial justice done. Both the Plan Commission and Village Board shall consider the evidence presented to it and determine whether the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) The proposed use is compatible with the use of adjacent land.
- (c) The use, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- (d) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

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- (e) The overall site adequately describes existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (f) Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (g) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (h) The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (i) The proposed use does not violate flood plain regulations governing the site.
- (j) Adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (k) If the proposed conditional use necessitates any new construction or addition(s) to an existing building, the new construction or addition does not defeat the purposes and objective of the zoning district.
- (l) That the Village be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing such services.

In evaluating an application, the Plan Commission and/or Village Board may obtain such technical assistance as it deems necessary to determine whether the standards have been met.

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.

Where all or a majority of the foregoing conditions are present and the overall context of the application merits a conditional use permit, the Plan Commission shall recommend a conditional use permit (with special conditions and restrictions, as appropriate) and the Village Board shall exercise its discretion to find that such a conditional use permit (with special conditions and restrictions, as appropriate) is not contrary to the public interest and, therefore, shall grant same.

(6) LIMITATIONS, CONDITIONS AND GUARANTEES APPLIED TO CONDITIONAL USE PERMITS.

Prior to the granting any conditional use, or where it becomes necessary during the term of a conditional use permit, the Village Board may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as the Village Board deems necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration, the following:

1. Landscaping
2. Type of Construction
3. Construction Commencement and Completion Dates
4. Sureties
5. Lighting
6. Fencing

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7. Operational Control
8. Hours of Operation
9. Traffic Circulation
10. Deed Restrictions
11. Access Restrictions
12. Setbacks and Yards
13. Drainage Ways
14. Specified Sewage Disposal and Water Supply System
15. Planting screens
16. Erosion and Runoff Control
17. Increased Parking
18. Time or Duration Limitations.
19. Retaining Walls, Terracing, Oversized Foundations, etc. to address slope and unsuitable soil problems. When slopes exceed six (6%) percent and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil conditions or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
20. Specific Architectural Treatments. So that proposed architectural treatment is in general harmony with surrounding uses and the landscape, the use of certain general types of exterior construction materials and/or architectural treatments may be required.
21. Other Requirements necessary to fulfill the purpose and intent of this ordinance.
22. Noise.

In all cases in which conditional uses are granted and limitations or conditions are stipulated, the Board may require, at the time of issuance and throughout the duration of the conditional use permit, such evidence and guarantees as it may deem necessary to confirm that the required conditions are being met.

(7) **AUTHORIZATION; ALTERATION OR AMENDMENT OF CONDITIONAL USE PERMITS.**

- (a) Authorization of Conditional Use Permits. Conditional use permits shall be issued by the Village Board, following compliance with this ordinance. The permit shall specify the application to which it refers, the name of the permittee, the location of the property subject to the conditional use permit, any amendments made to the application during the course of review, findings of the Village Board based on the required standards and evidence presented, and any limitations, conditions or guarantees specified at the time that the conditional use permit is issued.
- (b) Alteration or Amendment of Conditional Use Permits. No alteration of a conditional use permit or amendment of conditions to be applied to a conditional use permit shall be permitted unless approved by resolution of the Village Board, after recommendation from the Plan Commission. Applications for alteration or amendment may be made by the applicant, or by referral from the Plan Commission or the Village Board. The procedure for alteration or amendment shall be substantially the same as for initial authorization of the permit.

(8) **DENIAL OF A CONDITIONAL USE PERMIT APPLICATION.** When a conditional use application is denied, the minutes of the Village Board meeting where the decision to deny was made shall reflect the reasons that the Village Board denied the application.

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- (9) **EXPIRATION OF PERMIT AFTER TWO YEARS.** In any case where a conditional use has not been established within two (2) years after the date of granting thereof, unless otherwise specified in the conditional use permit, then, without further action by the Plan Commission or the Village Board, the conditional use or authorization shall be null and void.

24.85 APPLICATION FOR VARIANCE. Refer to Sec. 24.83.

DEERFIELD ZONING CODE DISTRICT
PERMITTED (P) AND CONDITIONAL (C) USES

SIC #	C-1*	C-2	M-1	A-1		SIC #	C-1	C-2	M-1	A-1
01-07	----	---	---	P		60-67	P	----	---	---
074-8	---	C	---	P		701	P	P	---	----
08 ¹	---			P		702-3		C		
14			C			721 ²	P/C		C	
15-17			P			722-5	P			
20, 20-28			P			726 ³				
30, 32-39			P			729	C			
2711	C		P			731-2	P			
41			C			734			C	
42, 47	P		C			735-6	P			
431			P			737	P			
45				C		738	P			
48			C	C		751		P		
49			C	C		752	P	P		
50-51		C	P			753	C	C		
521			C			754		P		
523-5	P					762	C			
526				P		763	P			
527		P				764-9	C			
53	P					783	P			
54	P	C				791-3	P			
551-9		P				794-9				C
56	P					801-4	P			
57	P					805-9 ⁴				C

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58	exc. drive -in	P				81	P			
						823, 835-6	P			
59	P					82-85 ⁵				C
						86-87	P			
*All permitted and conditional uses in C-1 are allowed in C-3.						823- 91-96 ⁵	P			
						92				

¹See Co. District.

²See C-1 District text.

³See R-s District.

⁴See also R-3 and R-4 Districts.

⁵See also R Districts.

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DEERFIELD ZONING CODE DISTRICT STANDARDS

Zoning District	Lot Area Sq. Ft.	Lot Front feet	Minimum Yard Requirements (Ft.)					Max	Max.	Min Lot Area Per
			Principal Building			Accessory Bldg.		Bldg.	% Lot	Dwelling
			Front	Side	Rear	Side	Rear	Height	Coverage	Unit
E-1 Estate 1-Family Residential	40,000	150	40	15	40	3	3	35	30	---
R-1 1-Family Residential	10,000	85	30	10 ¹	40	3	3	35	30	10,000
R-2 1-Family Residential	8,000	60	25	8	25	3	3	35	30	8,000
R-3 2-Family Residential	12,000	90	30	10	25	3	3	35	30	6,000
R-4 Multi-family Residential	12,000	100	30	10	25	3	3	35	70	---
C-1 Community Business	6,000	50	25	10	10	---	---	45	90	---
C-2 Highway Business	12,000	80	35	10	30	---	---	35	40	---
C-3 Central Business	See section 24.28									
C-M Business Park	12,000	100	50	20	30	---	---	35	60	---
M-1 Industrial	21,780	100	50	20	30	---	---	45	70	---
A-1 Agricultural	130,680	250	65	25	50	25	50	35	---	---
Co-1 Conservancy	--	---	--	--	--	--	--	--	--	--

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¹25 feet in combination

²See Section 24.25(4) by number of bedrooms