

CHAPTER 14.00 ZONING CODE

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14.01 INTRODUCTION.

- A. AUTHORITY. This Code is adopted under the authority granted by Sections 61.35, 62.23(7), and 87.30 of the Wis. Statutes and amended thereto.
- B. PURPOSE. The purpose of this Code is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Village of Jackson, Wisconsin.
- C. INTENT. It is the general intent of this Code to regulate and restrict the use of all structures, lands, and waters; and to address the following areas of concern:
 - 1. Lots and Structures. Lot size, location, types and sizes of structures are regulated so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
 - 2. Population Density and Distribution. Population and density are regulated to avoid sprawl or undue concentration and to facilitate the provision of adequate public services and utilities.
 - 3. Parking, Loading, and Access. Parking, loading and access are regulated so as to lessen congestion in and promote the safety and efficiency of streets and highways.
 - 4. Safety. To protect the Village and its residents from fire, flooding, pollution, contamination and other dangers.
 - 5. Property Values. To stabilize and protect property values. It is especially important to see that the aesthetics and stability of property values are maintained wherever single-family properties abut industrial or commercial properties. Extra precautions must be taken to prevent impairment or depreciation of existing single-family properties whenever new industrial or commercial properties are proposed.
 - 6. Aesthetics. To preserve and protect the natural as well as man made characteristics of the Village. The Plan Commission shall not recommend any application, unless it determines that the following facts and conditions exist and shall so indicate in the minutes of its proceedings that: the site plan is architecturally functional; that the exterior design is not unsightly or obnoxious and is not disharmonious or so similar to existing

neighboring developments that substantial depreciation of neighboring property or development will be caused by applicants proposal.

7. Erosion Control. To prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.
 8. Water. To provide safe and healthful water.
 9. Flood Damage. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
 10. Commercial and Industrial Areas. Provide for and protect suitable commercial and industrial sites.
 11. Streets and Roads. Protect the carrying capacity of existing and proposed arterial and collector streets and highways.
 12. Implementation. Implement those municipal, county, watershed, and regional plans or components of such plans adopted by the Village of Jackson.
 13. Enforcement. Provide for the administration and enforcement of this ordinance and to provide for penalties for violation of this ordinance.
- D. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Code 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 code imposes greater restrictions, the provisions of this Code shall govern.
- E. INTERPRETATION. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power possessed by the Village of Jackson.
- F. SEVERABILITY AND REPEAL. If any Section, clause, provision or portion of this Code is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Code shall not be affected thereby.

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

14.02 DEFINITIONS.

- A. GENERAL. For the purpose of this Code, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. The word “person”

includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word “shall” is mandatory, the word “should” is advisory and the word “may” is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

B. SPECIFIC WORDS AND PHRASES.

ACCESSORY USE OR STRUCTURE – A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

ALLEY – A public street or right-of-way affording only secondary access to abutting properties.

ARTERIAL STREET – A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways, and parkways.

AUTOMOBILE WRECKING YARD – Any premises on which more than one (1) automotive vehicle, not in running or operating condition is stored in the open.

BASEMENT – That portion of any structure located directly below the average adjoining lot grade.

BOARDING HOUSE – A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for five (5) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

BUILDING – Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

BUILDING AREA – The total living area bounded by the exterior walls of a building at the floor levels, but not including the basement, utility rooms, garage, porch, breezeway, or unfinished attic.

CHANNEL – A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

CONDITIONAL USE – A use, which is not permitted without application, review, and a public hearing. The approval shall be based on a list of requirements (conditions), which shall be complied with to retain the use.

CONDOMINIUM – A class or form of ownership wherein individual dwelling units are owned separately and other associated lands and/or facilities are owned in common. Condominium units may be individual units under individual ownership within a multiple family structure where the land on which the structure is located is in common undivided ownership, or in the case of a detached condominium, may consist of individual home sites owned by separate individuals with common open space lands owned by a cooperative or property owners' association.

DENSITY, GROSS – Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as “dwelling units per acre.” Gross areas, used in computing “gross density” are the net area devoted to the residential use plus the proportionate area devoted to all supporting land uses, including streets, public lands, or usable lands, school sites, and commercial sites in a given development.

DENSITY, NET – Density is the area required for a residence divided into an acre (43,560 square feet). The result is expressed as “dwelling units per acre.” Net areas, used in computing “net density” are the actual sites devoted to the residential use and consist of the ground floor area of the building plans, the required yards, and private drives.

DEPARTMENT – The Wisconsin Department of Natural Resources.

DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures, or accessory structures; the construction of additions or substantial improvements to buildings, structures, or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation, or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

DISTRICT – A part or parts of the Village for which the regulation of this Code governing the use and location of land and buildings are uniform (such as Residential, Commercial, and Industrial District Classifications).

DISTRICT, OVERLAY – Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the stricter of the conflicting requirements shall apply.

DOUBLEWIDE MOBILE HOME – A doublewide mobile home consisting of two (2) mobile home sections combined horizontally on the site while still retaining their individual chassis for possible future movement.

DWELLING – A residence or sleeping place in a building designed for such a use, having a separate address, but does not include boarding or lodging houses, motels, hotels, or tents.

DWELLING, SINGLE FAMILY – A detached dwelling designed for an occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY – A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

DWELLING, MULTIPLE FAMILY – A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

EQUAL DEGREE OF ENCROACHMENT – The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.

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

ESSENTIAL SERVICES – Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure: these services include natural gas, electricity, storm water drainage, sanitary sewerage, and communication systems.

EXPANDABLE MOBILE HOME – An expandable mobile home is a mobile home with one (1) or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

FAMILY – One (1) or more persons related by blood or marriage occupying the premises and living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FEMA – Federal Emergency Management Agency.

FENCE – A self supporting barrier enclosing or separating fields, yards, uses, etc.

FIXED HOUSEBOAT – As defined in Sec. 30.121(1) of Wis. Stats means a structure not actually used for navigation, which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.

FLOOD – A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

FLOOD HAZARD BOUNDARY MAPS – A map prepared for the municipality by FEMA designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations as well as floodway lines. The flood hazard areas are designated as numbered or unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOOD LANDS – For the purpose of this Ordinance, the flood lands are all lands contained in the regional flood or the 100-year recurrence interval flood. For the purpose of zoning regulation, the flood lands are divided into the Cedar Creek Floodway, Floodplain-Conservancy and Floodplain Fringe Overlay Districts.

FLOODPLAIN – That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe and general floodplain areas.

FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOOD PROOFING – Any combination of structural and nonstructural additions, changes or adjustments, which reduce or eliminate flood damage to unimproved or improved real estate, water and sanitary facilities, structures and their contents.

FLOOD PROTECTION ELEVATION – An elevation that corresponds to a point two feet of freeboard above the water surface profile associated with the regional flood. This safety factor, also called “freeboard”, is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, and obstructions of bridge openings.

FLOOD PROOFING – Measures designed to prevent and reduce flood damage for those uses which cannot be removed from, or which, of necessity, must be erected in the floodplain, ranging from structural modifications through installation of special equipment or materials to operation and management safeguards, such as the following: reinforcing of basement walls; underpinning of floors; permanent sealing of all exterior openings; use of masonry construction; erection of permanent watertight bulkheads, shutters, and doors; treatment of exposed timbers; elevation of flood vulnerable utilities; use of waterproof cement; adequate fuse protection; sealing of basement walls; installation of sump pumps; placement of automatic swing check valves; installation of seal-tight windows and doors; installation of wire reinforced glass; location and elevation of valuable items; waterproofing, disconnection, elevation, or removal of all electric equipment; avoidance of the use of flood vulnerable areas; temporary removal or waterproofing of merchandise; postponement of orders or rescheduling of freight shipments; operation of emergency pump equipment; closing of backwater sewer valves; placement of plugs and flood drain pipes; placement of moveable watertight bulkheads; and the shoring of weak walls or structures. Flood proofing of structures shall be extended at least to a point two (2) feet above the elevation of the regional flood. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

FLOODWAY ENCROACHMENT LINES – Represent the limits of obstruction to flood flows. These lines are designated to both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward (outside of the encroachment lines) will ultimately be developed in such a way that will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.

FRONTAGE – The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

GARAGE, PRIVATE – A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

GARAGE, PUBLIC OR COMMERCIAL – Any garage other than a private garage.

GROUP HOME – A household unit of more than five (5) unrelated persons living in a single dwelling unit under the supervision of a responsible adult or married couple. Examples of group homes are those housing autistic, or retarded persons; sightless or deaf persons; reformed or reforming alcoholics or drug

addicts; or other similarly disadvantaged persons for the purpose of adapting or acquainting such persons with normal social environments. Such households may also be referred to as halfway houses.

HIGH FLOOD DAMAGE POTENTIAL – Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

HOME OCCUPATION – Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 20 percent (20%) of the area of one (1) floor, employs no more than one (1) nonresident employee, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering, music teaching to not more than two (2) pupils at one time, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting from a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain, but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

JUNK OR SALVAGE YARD – An area consisting of buildings, structures, or premises where junk waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including automobile wrecking yards, house wrecking and structural steel materials, and equipment yards, but not including the purchase or storage of used furniture and household equipment or used card in operable condition.

LAND DEVELOPING ACTIVITY – The construction of building, roads, parking lots, paved storage areas and similar facilities.

LAND DISTURBING CONSTRUCTION ACTIVITY – Any man-made change of the land surface including removing vegetation cover, excavation, filling and grading, but not including agricultural land uses; growing and tending of gardens; harvesting of trees; and landscaping modifications.

LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

LOT – For the purpose of this Code, a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces; provided that no such parcel be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to

the public or reserved for roadway purposes shall be included in the computation of lot size for the purpose of this Code.

LOT, CORNER – A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.

LOT, DOUBLE FRONTAGE – A parcel of land, other than a corner lot, with frontage on more than one (1) street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this Code, shall be deemed to have two (2) front yards and no rear yard.

LOT WIDTH – The width of a parcel of land measured at the setback line.

MOBILE HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers.

MOBILE HOME LOT – A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK – A parcel of land which had been developed for the placement of mobile homes, and is owned by an individual, a firm, trust, partnership, public or private association, or corporation. Individual lots within a mobile home park are rented to individual mobile home users.

MOTEL – A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

NAVIGABLE WATERS – Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flows sufficient to support navigation by a recreational craft at the shallowest draft on an annually recurring basis.

NONCONFORMING USES OR STRUCTURES – Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Code or amendments thereto which does not conform to the regulations of this Code or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

NORMAL HIGH-WATER MARK – A line of reference commonly identified as being where the land is conterminous to the normal high-water elevation. For the

purposes of this Code, the normal high-water mark is defined as the line where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

OBSTRUCTION TO FLOW – Any development, which physically blocks the conveyance of floodwaters such as this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

OFFICIAL FLOODPLAIN ZONING MAP – The map, adopted and made part of this Code, as described in Section 14.06 C, which has been approved by the Department and FEMA.

OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGH-WATER MARK – The point on the bank or shore up to which the presence and action surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other recognized characteristic.

PARKING LOT – A structure or premises containing ten (10) or more parking spaces. Such spaces may be for rent or a fee.

PARTIES IN INTEREST – Includes all abutting property owners, all property owners within five hundred (500) feet and all property owners of opposing frontage.

PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PLANNING AGENCY – The Municipal Planning Commission, agency, committee or a board of public land commissioners of the municipality's governing body created under Sec. 62.23(1) of Wis. Stats. which acts on matters pertaining to planning and zoning.

PRIMARY FLOOR AREA – The floor area of a building for purposes of determining required parking ratios, which areas shall include only that portion of the total floor area devoted to customer service, sales and office space and shall not include warehouse, utility, hallways and other accessory space which does not generate parking demand.

PROFESSIONAL HOME OFFICES – Residents of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed twenty percent (20%) of the area of only one (1) floor of the residence and only one (1) nonresident person is employed.

REACH – A longitudinal segment of a stream generally including those flood lands wherein flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

REAR YARD – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

REGIONAL FLOOD – The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of the physical characteristics. The flood frequency of the regional flood is once in every one hundred (100) years; this means that in any given year, there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a twenty percent (20%) chance of occurrence.

RUNOFF – The rainfall, snowmelt, or irrigation water flowing over the ground surface.

SECTIONAL HOME – A sectional home is a dwelling made of two (2) or more modular units factory fabricated and transported to the home site where they are put on a foundation and joined to make a single home.

SETBACK OR STREET YARD – A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

SHORELANDS – Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond, or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

SIDE YARD – An open, unoccupied space on the same lot with a principal building located between the side of the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard. Each lot shall normally have two side yards. The required side yard dimension shall be measured from the furthest overhang of the building to the side lot line.

SHORELAND – WETLAND DISTRICT – The zoning district, created in this zoning Code, comprised of shorelands that are designated as wetlands on the wetlands inventory maps, which have been adopted and made a part of this Code.

SIGNS – Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association,

corporation, profession, business, commodity, or product, and which is visible from any public street or highway.

STORAGE CAPACITY – The volume of space available above an area of floodplain fringe land for the temporary storage of floodwater.

STREET – A public right-of-way providing primary access to abutting properties.

STRUCTURE – Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

STRUCTURAL ALTERATIONS – Any changes in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girder.

SUSTAINED YIELD FORESTRY – Management of forested lands to provide annual or periodic crops of forest products.

UNNECESSARY HARDSHIP – That circumstance where special conditions, which were self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as area, setbacks, frontage, or height) unnecessarily burdensome or unreasonable in light of the purpose of this Code. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

VARIANCE – An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from dimensional standards of this Code. A variance may not permit a use of property that is otherwise prohibited by the Code or allow construction not protected to the flood protection elevation.

WATER SURFACE PROFILE – A graphic representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

WETLANDS – Those lands which are partially or wholly covered by marshlands, flora, and generally covered with shallow standing water or lands which are wet and spongy due to a high water table.

WETLAND ALTERATION – Any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

YARD – An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

14.03 GENERAL ADMINISTRATIVE AND ENFORCEMENT PROVISIONS.

- A. JURISDICTION. The jurisdiction of this Code shall include all lands and water within the Village limits of the Village of Jackson, Wisconsin.
- B. ZONING OFFICER DESIGNATED. The Village shall appoint a Zoning Officer for the enforcement provisions of this Code. The duty of the Zoning Officer shall be to interpret and administer this Code and to issue, after on site inspection, all permits required by this Code. The Zoning Officer shall further:
1. Advise applicants as to the provisions of this Code, assist them in preparing permit applications and appeal forms, and insure that the regional flood elevation is shown on permit applications where appropriate.
 2. Maintain records of all permits issued, inspections made, work approved, and other official actions.
 3. Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood land districts.
 4. Establish that all necessary permits that are required for flood land uses by state and federal law have been secured.
 5. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Code.
 6. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Code. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wis. Statutes.
 7. Investigate and report violations of this Code to the appropriate municipal agencies and the district attorney or municipal attorney.
 8. Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.
 9. Assist the Village Attorney in the prosecution of Ordinance violations.
 10. Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
 - a. Submit copies of decisions on variances, Conditional Use Permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.

- b. Submit copies of floodplain text and map amendments and biennial reports to the regional FEMA office.

C. BUILDING PERMITS.

1. When Required. Unless another section of this Code specifically exempts certain types of development from this requirement, a building permit shall be obtained before any development, including any change in the use of an existing building or structure, is initiated.
2. Application. An application for a permit shall be made to the Village upon forms furnished and shall include the following information for the purpose of proper enforcement of these regulations:
 - a. General Information:
 - (1.) Name, address, and telephone number of applicant, property owner and contractor.
 - (2.) Legal description of the property and a general description of the proposed use or development indicating new construction or modification to existing structures.
 - b. Site Development Plan: The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - (1.) Location, dimensions, area and elevation of the lot noted on a copy of the Wetland Inventory Map, if applicable;
 - (2.) Location and boundaries of wetlands;
 - (3.) Specifications and dimensions for areas of proposed wetland alteration;
 - (4.) Location of the ordinary high-water mark of the abutting navigable waterways;
 - (5.) Existing and proposed topographic and drainage features and vegetative cover;
 - (6.) Location of any structures and distances measured from the lot lines and centerline of all abutting streets or highways;
 - (7.) Location of any existing or proposed on-site sewage systems or private water supply systems;

- (8.) Location and elevation of existing or future access roads; and
- (9.) Location of floodplain and floodway limits on the property as determined from the floodplain zoning maps used to delineate floodplain areas;
- (10.) The elevation of the lot, lowest floor of proposed buildings and fill using National Geodetic and Vertical Datum (NGVD).
- (11.) Data sufficient to determine the regional flood evaluation at the location of the development and to determine whether or not the requirements of Sec. 14.08(D)(5)(d) are met.

c. Data Requirements to Analyze Developments:

- (1.) The applicant shall provide all computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as “subdivision” is defined in Sec. 236 of Wis. Stats. and other proposed developments exceeding five (5) acres in area where the estimated cost exceeds \$125,000. The applicant shall provide:
 - Regional flood elevation data;
 - Vehicular access to lands outside the floodplain;
 - Adequate surface drainage to minimize flood damage.
 - The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonable applied to the overall development costs, but may not include land costs.
- (2.) The Department will determine elevations and evaluate the proposal where the applicant is not required to provide computations as above, and inadequate data exists. The municipality may transmit additional information, where appropriate, to the Department with the request for analysis.

3. EXPIRATION. All permits issued under the authority of this Code shall expire one year from the date of issuance.

D. COMPLIANCE. No structure, land, or water shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered

except in conformity with the regulations herein specified for the district in which it is located.

E. CERTIFICATE OF COMPLIANCE.

1. No Non-conforming Use, Conditional Use, or Planned Unit Development Use shall be maintained, renewed, changed, extended, or occupied until a Certificate of Compliance is issued by the Zoning Officer. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Code and conditions of approval on Conditional Use and Planned Unit Development actions. Such certificate shall be applied for prior to the time of occupancy of any land and/or building.
2. Application for a Certificate of Compliance shall be made in the same manner as for a building permit. Application for a Certificate of Compliance in the flood land districts shall include a certification by a registered professional engineer or land surveyor that the flood land regulations set forth in this ordinance have been fully complied with.
3. The Certificate of Compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms to all the provisions of this Code.
4. For floodplain development the applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued, including any required flood proofing. Flood proofing adequacy may also be certified by a registered professional architect.
5. The zoning officer may issue a temporary Certificate of Compliance for a building, premises or part thereof according to rules and regulations established by the municipality.

14.04 GENERAL SITE AND USE PROVISIONS.

A. LOT CONSTRUCTION AND FRONTAGE REQUIREMENTS.

1. No land shall be used or structure erected where the land is unsuitable for such use or structure, by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low 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 Village, in applying the provisions of this section, shall, in writing, recite the particular fact upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have the opportunity to present evidence contesting

such unsuitability findings if he so desires. Thereafter the Village may affirm, modify, or withdraw its determination of unsuitability.

2. All lots shall abut on a public street, and each lot shall have a minimum frontage at the setback line as required by the zoning district in which the lot is located.
3. Lots abutting upon a cul-de-sac or on the outside of a curve may be less than the required lot width at the street right-of-way, but in no case shall such lots be less than fifty (50) feet in width at the street right-of-way nor less than the required lot width at the setback line.
4. All principal structures shall be located on a lot; and only one (1) principal structure shall be located, erected, or moved onto a lot.
5. No building permit shall be issued for a lot, which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

B. EXISTING SUBSTANDARD LOTS.

1. A lot which does not contain sufficient area to conform to the dimensional requirements of this Code, but which is at least fifty (50) feet wide and six thousand (6,000) square feet in area may be used as a single family building site provided that the use is permitted in the zoning district, providing the lot is of record in the County Register of Deeds' office prior to the effective date of this Code, and provided that the lot is in separate ownership from abutting lands. The improvement of such a lot may only proceed upon the granting of a Conditional Use by the Village.
2. If two or more substandard lots with continuous frontage have the same ownership as of January 1, 1991, the lots involved shall be considered to be an individual parcel for the purpose of this Code. Substandard lots shall be required to meet the setbacks and other yard requirements of this Code.

C. EXCEPTIONAL CIRCUMSTANCES.

1. Pre-existing Exceptional Circumstances. Whenever the Village determines that a parcel of real estate, which parcel was in existence at the time of the adoption of the Village's Zoning Code (adoption date: 8/15/80), cannot be put to any use under the terms of the Zoning Ordinance, the Village may, after public hearing, allow such parcel to be put to such use as the Village determines.
2. Use Under Exceptional Circumstances. The Village shall list in writing what use and the terms and conditions of such use a parcel found to be exceptional might be put to. No alteration, expansion or other change may thereafter be made under the Zoning Ordinance for such parcel.

D. REDUCTION OF LOT SIZE AND JOINT USE.

1. 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 Code.
2. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use. The Village may grant a Conditional Use for the joint use of parking where one or more different uses having parking needs at differing times of the day can fulfill their parking needs by agreement through the use of a common facility.

E. FLOODWAY LANDS ELIGIBLE FOR MEETING AREA REQUIREMENTS.

Where a lot is located partially within the FW Cedar Creek Floodway District and partially within any adjoining use district, that portion of the lot in the FW Cedar Creek Floodway District may be utilized to meet the area requirements of the adjoining use district.

F. LOT, YARD AND SETBACK PROVISIONS.

1. Lots abutting more restrictive district boundaries shall provide side and rear yard setbacks not less than those required in the more restrictive abutting district.
2. The side yard requirement for corner lots shall be the same as the street yard requirement for other lots facing the same street.
3. The required street yard may be decreased in any residential or business district to the average of the existing street yards of the abutting structures, on but in no case shall the setback be less than fifteen (15) feet in any residential district or less than five (5) feet in any business district.
4. Yard requirements may be modified to accommodate the following:
 - a. Projections.
 1. Uncovered stairs, landings and fire escapes may project into any yard. These projections may not exceed six (6) feet and may not be closer than three (3) feet to any lot line. Stairs and landings shall be slatted to permit snow and rain to fall through them.
 2. Architectural projections such as chimneys, eaves, and ornaments may project into any required yard, but may not exceed three (3) feet.
 - b. Security Fences. Security fences shall not be permitted in residential districts. Security fences may be constructed in all

other zoning districts on property lines upon the Conditional Use approval.

c. Landscaping.

1. Landscaping, ornaments, and vegetation are generally exempt from the yard setback requirements of this Code, except where hedges and plant materials may conflict with reasonable safety provisions.
2. Deciduous shrubs and conifers shall be kept trimmed to the public right-of-way line to promote safe pedestrian and vehicular safety provisions.
3. Deciduous trees shall be pruned to permit a minimum seven (7) foot clearance over walks and as necessary over streets and alleys.

d. Accessory Uses. Accessory uses and detached accessory structures are permitted in the rear yard. They shall not be closer than ten (10) feet to the principal structure. However, they may be within five (5) feet of the principal structure when the accessory structure is provided with an adequate one-hour firewall. Accessory uses shall not exceed fifteen (15) feet in height, unless a Conditional Use Permit is granted by the Village Board. Accessory uses shall not be closer than three (3) feet to any lot line; and shall not be closer than five (5) feet to an alley right-of-way line.

Garages located in a residential district or where the principal use is residential, shall conform to the following:

1. No more than one private garage structure shall be permitted per lot.
2. No private garage shall have a floor area larger than seven hundred twenty (720) square feet unless a Conditional Use Permit is granted by the Village Board.
3. Construction shall conform to the Village of Jackson Building Code.

Utility sheds located in a residential district or where the principal use is residential, shall conform to the following:

- (a.) No more than one (1) utility shed structure shall be permitted per lot.

- (b.) No utility shed shall have a floor area larger than one hundred fifty (150) square feet unless a Conditional Use Permit is granted by the Village Board.
 - (c.) The utility shed shall be securely anchored to withstand wind uplift of twenty (20) pounds per square foot. (Recommend concrete slab with anchor bolts.)
 - e. Additions. Additions in the street yard to existing structures shall not project beyond the average of the existing street yards on abutting lots or parcels.
 - f. Essential Services. Utilities, electric power, and communication lines are exempt from the yard and distance requirements of this Code.
 - 5. Whenever a parcel zoned B-1, B-2, M-1, or M-2 abuts a parcel zoned residential, at the time construction of improvements on the commercial or industrial parcel begins, the owner shall construct a barrier on the lot line between the parcels consisting of fencing, shrubbery, plantings, berm or other means. The proposed barrier shall be approved by the Village, as part of the Conditional Use approval.
- G. HEIGHT PROVISIONS. The height limit on structures shall be determined from the averaged finished grades at the principle corners of the structure, as determined by the Zoning Officer. All uses requiring a modification of the height limitations specified in this Code shall be required to apply for a Conditional Use Permit.
- H. USE RESTRICTIONS. The following use regulations and restrictions shall apply:
- 1. Principal Uses. Only those principal uses specified for a district, Conditional Use, or Planned Unit Development, their essential services, and the following uses shall be permitted in that district.
 - 2. Accessory Uses. Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction.
 - a. Residential accessory uses shall not involve the conduct of any business, trade, or industry except the permitted home occupations and professional home offices as defined in this Code.
 - b. Accessory uses include incidental repairs, storage, parking facilities, gardening, servants, owners and watchmen's quarters

not for rent, private swimming pools, and private emergency shelters.

3. Conditional Uses and Planned Unit Development Uses. These uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Board in accordance with Sections 14.07(D) and 14.06.
4. Temporary Uses. Temporary uses (such as real estate offices or shelters for materials and equipment used in the construction of a permanent structure) may be permitted by the Village. Sales of goods or merchandise from a trailer shall not be permitted.
5. Unclassified or Unspecified Uses. These uses shall not be permitted until a zoning text change permitting the use has been reviewed and approved in accordance with the requirements of Section 14.05 of this Code.
6. Nonconforming Uses, Structures, and Lots.
 - a. Existing Nonconforming Uses. The lawful nonconforming use of a structure, land, or water existing at the time of adoption or amendment of this Code may be continued although the use does not conform with the provisions of this Code; however,
 - (1.) Only that portion of the land or water in actual use may be so continued and the structure may not be enlarged, extended, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or to comply with the provisions of this ordinance or upon recommendation of the Planning Commission and approval of the Village Board.
 - (2.) Total lifetime structural repairs or alterations shall not exceed fifty percent (50%) of the Village's equalized value of the structure unless it is permanently changed to conform to the use provisions of this Code.
 - (3.) Substitution of new equipment may be permitted by the Board of Appeals if, such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
 - b. Existing Nonconforming Structures. The lawful nonconforming structure existing at the time of this adoption or amendment of this Code may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Code; however, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Code.

- c. Nonconforming Characteristics of Residential Structures. Residential structures which encroach upon setback and other yard requirements, but which met setback and yard requirements at the time of construction, may be structurally altered provided that they do not create a greater degree of encroachment.
- d. Abolishment or Replacement. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Code. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty percent (50%) of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Code. Uses, which are nuisances under common law, shall not be permitted to continue as nonconforming uses.
- e. Changes and Substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.
- f. Floodplains – General Provisions.
 - (1.) No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this Code for the area of the floodplain it occupies. For the purpose of this Section, the words “modification” and “addition” shall include, but not be limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and replacement of doors, windows and other nonstructural components; and the maintenance, repair or replacement of existing private sewage or water supply systems, or connections to public utilities.
 - (2.) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Code and contiguous dry land access is provided in compliance with.

- (3.) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodplain, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, and the cost of the house additions or modifications which have been permitted.
- (4.) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the provisions are met. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty percent (50)% of the present equalized assessed value of the structure.

g. Floodway Areas.

- (1.) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - a. Has been granted a permit or variance; and
 - b. Meets criteria of Sec. 14.04(H); and
 - c. Will not increase the amount of obstruction to flood flows as provided in Sec. 14.08(D)(1)(e); and
 - d. Any addition to an existing structure shall be flood proofed, pursuant to Sec. 14.08(D)(1)(h), by means other than the use of fill, to the flood protection elevation;
- (2.) No new on-site sewage disposal system, or any addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all local ordinances and Ch. ILHR 83, Wisconsin Administrative Code.
- (3.) No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of this Code and Chs. NR 111 and NR 112, Wisconsin Administrative Code.

h. Flood Fringe Areas.

- (1.) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and, except where paragraph (b) below is applicable, the modification or addition is placed on fill or is flood proofed to the flood protection elevation in compliance with that applicable regulations of that particular use in a flood fringe area in Sec. 14.08(D)(4).
- (2.) Where compliance with the provisions of paragraph (a) above would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Sec. 14.11, may grant a variance from those provisions, for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted provided:
 - a. No floor is below regional flood elevation for residential or commercial structures;
 - b. Human lives are not endangered;
 - c. Public facilities, such as water or sewer, are not to be installed;
 - d. Flood depths will not exceed two (2) feet;
 - e. Flood velocities will not exceed two (2) feet per second; and
 - f. The structure will not be used for storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, plant, fish or aquatic life.
- (3.) An addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in a flood fringe area on a one-time basis only if the addition:
 - a. Has been granted by permit or variance;
 - b. Does not exceed (sixty) 60 square feet in area; and
 - c. In combination with other modifications or additions to the building, does not exceed fifty percent (50%) of the present equalized assessed value of the building.

- (4.) All new on-site sewage disposal systems, or addition to, replacement, repair or maintenance of an on-site sewage disposal system, in a flood fringe area shall meet all the applicable provisions of all local Ordinance in Ch. ILHR 83, Wisconsin Administrative Code.
 - (5.) All new wells, or addition to, replacement, repair or maintenance of a well, in a flood fringe area shall meet the applicable provisions of this Ordinance and Chapters NR 111 and NR 112, Wisconsin Administrative Code.
- i. Records. A file of all nonconforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a nonconforming use.

I. TRAFFIC, LOADING, PARKING, AND ACCESS.

1. General Traffic Visibility. No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 ½) feet and ten (10) feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley rights-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.

Arterial Street Visibility. Arterial 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.
2. Loading Requirements. On every lot on which a business or industrial use 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.
 - a. Businesses: One (1) space of at least 12 x 60 feet for each 3,000 square feet of floor area or part thereof.
 - b. Wholesale and Industrial: One (1) space of at least 12 x 60 feet for each one hundred thousand (100,000) square feet of floor area or part thereof.
 - c. Bus and Truck Terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.
3. Parking Requirements. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged,

extended, or increase off-street parking stalls for all vehicles in accordance with the following:

- a. Adequate Access to a public street shall be provided for each parking space, and driveways shall comply with Village standards on file with Village Engineer.
- b. Size of each parking space shall not be less than nine (9) feet wide and one hundred sixty-two (162) square feet in area exclusive of the space required for ingress and egress.
- c. Location shall be on the same lot as the principal use or not more than four hundred (400) feet from the principal area. No parking stall or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district.
- d. Surfacing. All off-street parking areas and/or driveways for more than five (5) vehicles shall be surfaced with an asphaltic or Portland cement pavement in accordance with the Village of Jackson standards and specifications so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulated within the area; and shall be so arranged and marked so as to provide for orderly and safe loading or unloading, parking, and storage of self-propelled vehicles.
- e. Curbs and Barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- f. Number of parking Stalls Required:

<u>Use</u>	<u>Minimum Parking Required</u>
Single-family dwellings, Two-family dwellings, Multiple-family dwellings, and mobile homes.	Two (2) spaces for each dwelling unit.
Motels, hotels.	One (1) space for each guest room plus one (1) space for each three (3) employees.
Rooming and boarding houses, fraternity and sorority houses dormitories, rectories.	One (1) space per bed.
Retirement homes, orphanages, Convents, monasteries.	One (1) space per 1,000 feet of principal floor area.

Hospitals, institutions, rest and nursing homes.	One (1) space for each three (3) beds plus one (1) space for each three (3) employees plus one (1) space for each physician.
Medical and dental clinics.	Seven (7) spaces for each doctor.
Churches, theaters, auditoriums, community centers, and night and night schools, and other places of public assembly.	One (1) space for each three seats.
Colleges, secondary and elementary schools.	One (1) space for each employee plus one (1) space for each five (5) students of 16 years of age or more.
Restaurant, bars, places of entertainment, repair shops, retail and service stores.	One (1) space for each 150 square feet of floor area, plus one (1) space for each two (2) employees.
Manufacturing and processing plants, (including meat and processing) laboratories.	One (1) space for each 500 feet of principal building area.
Financial institutions, business, government, and professional offices.	One (1) space for each 200 square feet of floor area plus one (1) space for each two (2) employees.
Funeral homes.	Twenty (20) spaces for each viewing room.
Bowling alleys.	Five (5) spaces for each.
Lodges and clubs.	One (1) space for each five (5) members.
Automobile repair garages	One (1) space for each reg-

and service garages. ular employee plus one (1) space for each 250 square feet of floor area used for repair work.

Motor vehicle sales (new and used) One (1) space for each 500 square feet of floor area used plus 300 square feet of outdoor display area for each motor vehicle to be displayed (this requirement does not include service garages – see above)

Gasoline filling stations. Three (3) spaces for each grease rack or similar facility plus one (1) space for each attendant.

Uses Not Listed. In the case of structures or uses not listed, the provisions for use, which is similar, shall apply.

Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

Where it can be demonstrated that due to differences in peak use times, a joint use of parking may be requested as a Conditional Use.

4. Driveways. All driveways installed, altered, changed, replaced, or extended after the effective date of this Code shall meet the following requirements:

a. Islands. The distance between driveways and approach openings shall be a minimum of six (6) feet. All approaches or driveways shall be measured from the top of the flare and three (3) feet ay all lot lines.

b. Openings for vehicle ingress and egress shall be as follows:

-Single family lots are allowed on twenty-four (24) foot opening, measured from the bottom of the flare.

-Two family lots are allowed up to twenty-four (24) foot openings, measured from the bottom of the flare. There must be an island between each approach or driveway.

-All other residential property will be allowed one twenty-four (24) foot opening per lot, measured from the bottom of the flare, unless otherwise approved by the Village Board.

-Commercial or industrial property will be allowed one thirty (30) foot opening per lot, measured from the bottom of the flare, unless otherwise approved by the Village Board. (#02-06)

- c. Vehicular Entrances and Exits to drive-in banks, and 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 any pedestrian entrances or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
5. Highway Access. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, or any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
- a. Freeways, Interstate Highways and their interchanges or turning lanes nor to intersecting or interchanging streets within one thousand five hundred (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. Access Barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
 - d. Temporary Access to the above rights-of-way may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

14.05 CHANGES AND AMENDMENTS.

- A. AUTHORITY. Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Code or amendments thereto.

- B. INITIATION. A change or amendment may be initiated by the Village Board, Planning Commission, or by petition of one (1) or more of the owners of property within the area proposed to be changed.
- C. PETITIONS. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village using a standard application form.
- D. RECOMMENDATIONS. The Village Planning Commission shall review all proposed changes and amendments within the Village limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.
- E. PUBLIC HEARINGS. Notice of any public hearing which the Village Board is required to hold under the terms of this Code shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once a week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The Village Clerk shall also give at least ten (10) days prior written notice to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed action and to all parties in interest as defined in Section 14.____ of this Code.
- F. VILLAGE BOARD'S ACTION. Following such hearing and after careful consideration of the Village Planning Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.
- G. PROTEST. In the event of a protest against such district change or amendment to the regulations of this Code, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet from the street frontage of such opposite land. Such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board.

14.06 ZONING DISTRICTS.

- A. ESTABLISHMENT. For the purpose of this Code, the Village of Jackson is hereby divided into use districts designated as follows:
 - A-1 Agricultural District
 - R-1 Single Family Residential District
 - R-2 Single Family Residential District
 - R-3 Single Family Residential District
 - R-4 Single Family Residential District
 - R-5 Single Family Residential District
 - R-6 Two-Family Residential District
 - R-8 Multiple Family Residential District

- R-9 Mobile Home Park District
- B-1 Community Business District
- B-2 Downtown Business District
- M-1 Limited Manufacturing District
- M-2 General Manufacturing District
- P-1 Park and Recreation District
- I-1 Institutional and Public Service District
- PUD Planned Unit Development District
- FW Floodway District
- FC Flood Plain Conservancy District
- FF Flood Fringe District
- GFP General Floodplain District

B. ZONING DISTRICT BOUNDARIES. Boundaries of these districts are hereby established as shown on the maps entitled “Zoning Map – Village of Jackson, Wisconsin” and “Supplementary Flood Land Zoning Map – Village of Jackson, Wisconsin” and are made a part of this Code.

1. Such boundaries shall be construed to follow: Village limits; U.S. Public Land Survey Lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
2. The boundaries of the Floodway District (FW), the Floodplain-Conservancy District (FC), and the Floodplain Fringe Overlay District (FFO) shall be determined by use of the scale contained on the Supplementary Flood Land Zoning Map. The flood stages, under floodway conditions, contained on the Supplementary Flood Land Zoning Map were developed from technical data contained in the “Flood Insurance Study – Village of Jackson, Wisconsin, Washington County, Wisconsin”, published by the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIA), and dated August 1980. The information contained in the flood insurance study is further illustrated in FIA Floodway and Flood Boundary Map and Flood Insurance Rate Map, both maps dated February 1981. Where a conflict exists between the flood land limits as shown on the map and actual field conditions, the elevations from the 100-year recurrence interval flood profile under floodway conditions shall be the governing factor in locating the regulatory flood land limits.
3. 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. Annexations to or consolidations with the Village subsequent to the effective date of this Code shall be placed in the A-1 Agricultural District, unless the annexation Ordinance temporarily places the land in another district. Within one (1) year the Village Planning Commission shall evaluate and recommend a permanent classification to the Village Board.

Annexations or consolidations containing flood lands shall be placed in the following districts:

- a. All floodways shall be placed in the Floodway District (FW).
- b. All other flood lands shall be placed in the Floodplain-Conservancy District (FC).

C. ZONING MAP. A certified copy of the Zoning Map, together with the Supplementary Flood Land Zoning Map, shall be adopted and approved with the text as a part of this Code and shall bear upon its face the attestation of the Village President and Village Clerk and shall be available to the public in the office of the Village Clerk. Changes, thereafter to the general zoning districts shall be entered and attested on the certified copy. Changes in the flood land districts shall not become effective until approved by the Wisconsin Department of Natural Resources (DNR) and the Federal Insurance Administration (FIA).

D. ZONING DISTRICTS.

1. A-1 AGRICULTURAL DISTRICT.

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. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban oriented districts is required.

Permitted Uses.

- There are no permitted uses in this zoning district.

Conditional Uses.

- All uses are conditional in this zoning district.

Lot Area and Width.

- Farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than five (5) acres and no farm parcel shall be less than three hundred (300) feet in width at the setback line.
- Accessory farm buildings, existing residential structures, and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than forty thousand (40,000) square feet and shall be not less than one hundred twenty (120) feet in width at the setback line.

Building Height and Area.

- No building or parts of a building shall exceed thirty-five (35) feet in height. No farm dwelling or other residential structure shall be less than one thousand one hundred (1,100) square feet in area with a first floor area of seven hundred fifty (750) square feet.

Setbacks and Yards.

- There shall be a minimum building setback of fifty (50) feet from the street right-of-way.
- There shall be a side yard on each side of the principal structure not less than twenty-five (25) feet in width.
- There shall be a rear yard of not less than fifty (50) feet.

2. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT.

The R-1 SINGLE FAMILY RESIDENTIAL DISTRICT is intended to provide for single family residential development, at densities not to exceed 2.7 dwelling units per net acre, served by municipal sewer and water facilities.

Permitted Uses.

- Single-family dwellings.

Permitted Accessory Uses.

- Private garages and carports.
- Gardening, tool, and storage sheds incidental to the residential use.
- Home occupations and professional home offices as specified in Section 14.02 of this Code.

Conditional Uses.

- No conditional uses may be applied for in this zoning district.

Lot Area and Width.

- Lots shall be a minimum of sixteen thousand (16,000) square feet in area and shall be not less than one hundred (100) feet in width at the setback line.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.
- The total minimum floor area of a dwelling shall be one thousand one hundred (1,100) square feet with a minimum first floor area of seven hundred fifty (750) square feet.

Setbacks and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a side yard on each side of all buildings not less than fifteen (15) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

3. R-2 SINGLE FAMILY RESIDENTIAL DISTRICT.

The R-2 SINGLE FAMILY RESIDENTIAL DISTRICT is intended to provide for single-family residential development at densities not to exceed 3.1 dwelling units per net acre, served by municipal sewer and water facilities.

Permitted Uses.

- Single-family dwellings.

Permitted Accessory Uses.

- Private garages and carports.
- Gardening, tool, and storage sheds incidental to the residential use.
- Home occupations and professional home offices as specified in Section 14.02 of this Code.

Conditional Uses.

- No conditional uses may be applied for in this district.

Lot Area and Width.

- Lots shall be a minimum of fourteen thousand (14,000) square feet in area and shall not be less than ninety (90) feet in width at the setback line.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.
- The total minimum floor area of a dwelling shall be one thousand one hundred (1,100) square feet with a minimum first floor area of seven hundred fifty (750) square feet.

Setbacks and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a side yard on each side of all buildings not less than twelve (12) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

4. R-3 SINGLE FAMILY RESIDENTIAL DISTRICT.

The R-3 SINGLE FAMILY RESIDENTIAL DISTRICT is intended to provide for single-family residential development at densities not top exceed 3.6 dwelling units per net acre, served by municipal and water facilities.

Permitted Uses.

- Single-family dwellings.

Permitted Accessory Uses.

- Private garages and carports.
- Gardening, tool, and storage sheds incidental to the residential use.
- Home occupations and professional home offices as specified in Section 14.02 of this Code.

Conditional Uses.

- No conditional uses may be applied for in this zoning district.

Lot Area and Width.

- Lots shall be a minimum of twelve thousand (12,000) square feet in area and shall not be less than eighty (80) feet in width at the setback line.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.
- The total minimum floor area of a dwelling shall be one thousand (1,000) square feet with a minimum first floor area of six hundred (600) square feet.

Setbacks and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a side yard on each side of all buildings not less than twelve (12) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

5. R-4 SINGLE FAMILY RESIDENTIAL DISTRICT.

The R-4 SINGLE FAMILY RESIDENTIAL DISTRICT is intended to provide for single-family residential development at densities not to exceed 4.4 dwelling units per net acre, served by municipal sewer and water facilities.

Permitted Uses.

- Single-family dwellings.

Permitted Accessory Uses.

- Private garages and carports.
- Gardening, tool, and storage sheds incidental to the residential use.
- Home occupations and professional home offices as specified in Section 14.02 of this Code.

Conditional Uses.

- Group homes, foster homes, and halfway houses provided that there shall be a minimum lot area of two thousand (2,500) square feet per person (upon ultimate development) and a minimum principal building area of two hundred (200) square feet per person.

Lot Area and Width.

- Lots shall be a minimum of ten thousand (10,000) square feet in area and shall be not less than seventy-five (75) feet in width at the setback line.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.
- The total floor area of a dwelling shall be one thousand (1,000) square feet with a minimum first floor area of six hundred (600) square feet.

Setbacks and Yards.

- There shall be a minimum building setback of twenty-five (25) feet from the right-of-way of all local streets and a setback of thirty (30) feet from the right-of-way of all collector and arterial streets. (#94-10)
- There shall be a side yard not less than ten (10) feet in width on each side of the lot. (4/94)
- There shall be a rear yard of not less than twenty-five (25) feet.

6. R-5 SINGLE FAMILY RESIDENTIAL DISTRICT.

The R-5 SINGLE FAMILY RESIDENTIAL DISTRICT is to provide for a single-family residential development at densities not to exceed 5.4 dwelling units per net acre, served by municipal sewer and water facilities.

Permitted Uses.

- Single-family dwellings.

Permitted Accessory Usage.

- Private garages and carports.
- Gardening, tool, and storage sheds incidental to the residential use.
- Home occupations and professional home offices as specified in Section 14.02 of this Code.

Conditional Uses.

- Group homes, foster homes, and halfway houses provided that there shall be a minimum lot area of two thousand (2,000) square

feet per person (upon ultimate development) and a minimum principal building area of two hundred (200) square feet per person.

Lot Area and Width.

- Lots created after January 1, 1991 shall have a minimum of eight thousand (8,000) square feet in area and shall not be less than seventy (70) feet in width at the setback line.
- Lots created prior to January 1, 1991 shall have a minimum of eight thousand (8,000) square feet and shall not be less than fifty (50) feet in width at the setback line.
- Single lots created as an infill lot (the remaining space between the two (2) platted and zoned single-family residential lots; between one (1) platted and zoned single-family residential lot and a right-of-way boundary; or between a platted and zoned single-family residential lot and a lot zoned for other uses other than single-family residences) shall have a minimum area of eight thousand (8,000) square feet and shall not be less than fifty (50) feet in width at the setback line.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.
- The total minimum floor area of a one (1) bedroom dwelling shall be eight hundred (800) square feet; the total minimum floor area of a two (2) bedroom dwelling shall be nine hundred (900) square feet; and the total minimum floor area of a three (3) bedroom dwelling shall be one thousand (1,000) square feet.

Setbacks and Yards.

- There shall be a minimum building setback of twenty-five (25) feet from the right-of-way of all local streets and a setback of thirty (30) feet from the right-of-way of all collector and arterial streets.
- There shall be a side yard on each side of all buildings not less than eight (8) feet in width. (#94-10)
- There shall be a rear yard of not less than twenty-five (25) feet.

7. R-6 TWO FAMILY RESIDENTIAL DISTRICT.

The R-6 TWO FAMILY RESIDENTIAL DISTRICT is intended to provide for two family residential development at densities not to exceed 7.2 dwelling units per net acre, served by municipal sewer and water facilities.

Permitted Uses.

- Two family dwellings.
- Single-family dwellings.

Permitted Accessory Uses.

- Private garages and carports.
- Gardening, tool, and storage sheds incidental to the residential use.
- Home occupations and professional home offices as specified in Section 14.02 of this Code.

Conditional Uses.

- Group homes, foster homes, and halfway houses provided that there shall be a minimum lot area of one thousand five hundred (1,500) square feet per person (upon ultimate development) and a minimum principal building area of two hundred (200) square feet per person.

Lot Area and Width.

- Lots shall be a minimum of twelve thousand (12,000) square feet in area and shall not be less than eighty-five (85) feet in width at the setback line.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.
- The total minimum floor area of a one (1) bedroom dwelling shall be 700 square feet; the total minimum floor area of a two (2) bedroom dwelling shall be one thousand (1,000) square feet.

Setbacks and Yards.

- There shall be a minimum setback of twenty-five (25) feet from the right-of-way of local streets. There shall be a thirty (30) foot minimum setback from the right-of-way of all collector and arterial streets.
- There shall be a side yard on each side of all buildings not less than fifteen (15) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

8. R-8 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

The R-8 MULTIPLE FAMILY RESIDENTIAL DISTRICT is intended to provide for multiple-family residential development served by municipal sewer and water facilities.

Permitted Uses.

- There are no permitted uses in this zoning district.

Conditional Uses.

- All uses and accessory uses are conditional in this zoning district.

Lot Area and Width.

- Lots have the minimum of the larger of sixteen thousand (16,000) square feet in area or:

The total area required per dwelling unit, calculated as follows:

- a. Three thousand (3,000) square feet for each one (1) bedroom dwelling.
- b. Three thousand five hundred (3,500) square feet for each two (2) bedroom (or larger) dwelling unit.

- Lots shall not be less than eighty-five (85) feet in width.

Building Height and Area.

- No principal building or parts of a principal building shall exceed thirty-five (35) feet in height. No accessory building shall exceed fifteen (15) feet in height.

- No principal building shall have a floor area of less than the larger of two thousand (2,000) square feet.

The total required floor area per building, calculated as follows:

- a. Five hundred (500) square feet for each one (1) bedroom dwelling unit.
- b. Seven hundred (700) square feet for each two (2) bedroom dwelling unit.
- c. Nine hundred (900) square feet for each three (3) bedroom (or larger) dwelling unit.

Setback and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a minimum side yard on each side of all buildings not less than twenty (20) feet in width.
- There shall be a yard of not less than twenty-five (25) feet.

9. R-9 MOBILE HOME PARK DISTRICT.

The R-9 MOBILE HOME PARK DISTRICT is intended to provide for the location of mobile home parks in a residential setting that is compatible with or buffered from adjacent land uses. Mobile homes are declared herein to be residential structures and are entitled to the same protection from incompatible uses as is afforded residential uses in other residential districts.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Minimum park size shall be twenty (20) acres.
- Minimum lot area for a single module mobile home shall be five thousand (5,000) square feet.
- Minimum lot area for a doublewide mobile home shall be seven thousand two hundred (7,200) square feet. The mobile home lot shall be a minimum of sixty (60) feet in width.

Setbacks and Spacing Requirements.

- The minimum distance between a mobile home unit and all exterior park lot lines shall be thirty (30) feet.
- The minimum distance between mobile homes shall be fifteen (15) feet.
- The minimum setback for all mobile homes shall be fifty (50) feet from all public streets and thirty (30) feet from service roads.

Park Land Dedication and Open Space Requirements.

- Each mobile home park shall dedicate and construct recreation area(s) equal to the aggregate of one hundred (100) square feet per residential unit. Parkland or a park fee in lieu of a dedication shall be required. The Village shall have the sole discretion as to which option shall be exercised. Such fees shall be set forth by resolution.
- Minimum open space provided shall be twenty percent (20%) of the development area, exclusive of streets.

Screening Requirements.

- All mobile home parks shall be enclosed and screened using materials approved as part of the conditional use.

10. B-1 COMMUNITY BUSINESS DISTRICT.

The B-1 BUSINESS DISTRICT is intended to provide for individual or small groups of retail and customer service establishments. This type of District is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities, making such retail centers more compatible with the character of adjacent residential districts.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots shall have a minimum area of one (1) acre and shall not be less than one hundred fifty (150) feet in width.

Building Height.

- No building or parts of a building shall exceed thirty-five (35) feet in height.

Setbacks and Yards.

- There shall be a minimum setback of fifty (50) feet from the street right-of-way.
- There shall be a side yard of either side of the principal structure of not less than fifteen (15) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

11. B-2 DOWNTOWN BUSINESS DISTRICT.

The B-2 BUSINESS DISTRICT is intended to provide for the orderly continuation of the traditional central business district. The business activities are more of a general nature and are characterized by on-street parking. While continuing those existing businesses at their present level of service, new businesses located in the B-2 Business District should be required to provide for off-street parking and loading.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots shall have a minimum of seven thousand (7,000) square feet in area and shall be not less than sixty (60) feet in width at the setback line.

Building Height.

- No building or parts of building shall exceed thirty-five (35) feet in height.

Setbacks and Yards.

- There shall be a minimum building setback of ten (10) feet from the street right of way.
- No minimum side yard is required; however, where a side yard is provided, it shall not be less than ten (10) feet.
- There shall be a rear yard of not less than twenty-five (25) feet.

12. M-1 LIMITED MANUFACTURING DISTRICT.

The M-1 LIMITED MANUFACTURING DISTRICT is intended to provide for manufacturing, industrial, and related uses of a limited nature and size in situations where such uses are not located in basic industrial groupings and where the relative proximity to other uses requires more restrictive regulation.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots shall have a minimum area of ten thousand (10,000) square feet and shall not be less than sixty (60) feet in width at the setback line.

Building Height.

- No building or part of a building shall exceed thirty-five (35) feet in height.

Setbacks and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a side yard on each side of all buildings not less than twelve (12) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

13. M-2 GENERAL MANUFACTURING DISTRICT.

The M-2 GENERAL MANUFACTURING DISTRICT is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon residential districts less than ten (10) acres.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots shall have a minimum area of ten thousand (10,000) square feet and shall not be less than sixty (60) feet in width at the setback line.

Building Height.

- No building or part of a building shall exceed thirty-five (35) feet in height.

Setbacks and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a side yard on each side of all buildings not less than twelve (12) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

13. M-2 GENERAL MANUFACTURING DISTRICT.

The M-2 GENERAL MANUFACTURING DISTRICT is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than in the M-1 District in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon residential districts less than ten (10) acres in area.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots shall have a minimum area of one (1) acre and shall not be less than one hundred fifty (150) feet in width at the setback line.

Building Height and Area.

- No building or part of a building shall exceed forty-five (45) feet in height.

Setbacks and Yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.

- There shall be a side yard on each side of all buildings of not less than twenty-five (25) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

14. P-1 PARK AND RECREATION DISTRICT.

The P-1 PARK DISTRICT is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undo disturbance of natural resources and adjacent uses.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots in the P-1 Park District shall provide sufficient area for the principal structure and accessory structures, off street parking and loading areas, as required by Section 14.04(I) of this Code.

Building Height.

- No building or part of a building shall exceed thirty-five (35) feet in height.

Setbacks and Yards.

- All setbacks shall be part of the Conditional Use process.

15. I-1 INSTITUTIONAL AND PUBLIC SERVICE DISTRICT.

The I-1 INSTITUTIONAL DISTRICT is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

Permitted Uses.

- None; all uses are conditional uses.

Lot Area and Width.

- Lots shall be a minimum of eight thousand (8,000) square feet in area and shall not be less than seventy (70) feet in width at the setback line.

Setbacks and yards.

- There shall be a minimum building setback of thirty (30) feet from the right-of-way of all streets.
- There shall be a side yard on each side of all buildings not less than twelve (12) feet in width.
- There shall be a rear yard of not less than twenty-five (25) feet.

16. P.U.D. – PLANNED UNIT DEVELOPMENT DISTRICT.

- a. General Provisions. The owner or developer of a parcel of land of two (2) or more acres may follow the provisions of this Section in applying for development approval.
- b. Purpose. The Planned Unit Development (P.U.D.) procedure offers flexibility in design and layout for residential, commercial, and industrial developments and makes it possible for mixed uses to be integrated into a development. It may provide for open space and land for public purposes. It may permit the use of a more creative development approach, such as zero lot line development. This process offers flexibility, but demands strict compliance. Amendments to the Development Agreement shall be made by the Village Board.
- c. Compliance.
 - 1. The Planned Unit Development proposal shall be in compliance with the adopted plans and policies of the Village for development.
 - 2. The owner or developer shall provide assurance the approved Planned Unit Development (P.U.D.) project, including the conditions of approval and schedule will be complied with.
 - 3. The developer or owner shall sign and record a Development Agreement, a Development Plan showing all improvements to be constructed, and any deed restrictions or covenants required for approval.
 - 4. The owner or the owner's agent of commercial and industrial developments shall obtain approval of the Village for all leases of the PUD project prior to entering into a lease for the entire premise or portions thereof. This requirement is applicable to existing and future PUD commercial and industrial developments. Leasehold uses shall be in compliance with the Village's adopted plans and

policies for development. The owner shall incorporate the requirements of this paragraph in any Development Agreement required for the project. (#06-08)

- d. Density. The former zoning classification of the area under consideration shall serve as the primary requisite in determining the density of dwelling units within the proposed P.U.D. unless it was found that a reduction or increase would be in the best interest of the Village.

The density of residential development shall not be greater than the number of units permitted per acre on a total acreage basis and shall include wetlands, water bodies, storm water detention basins, dedicated park land, open space owned in common, etc. so as to maximize open space, wetlands, woodlands, and views, while giving the developer the units needed for the success of the project.

- e. Application Process. A pre-submittal conference with staff is required to familiarize the applicant with the process and to introduce the staff to the proposal.

Generally, submittal requirements are as follows:

1. All preliminary subdivision submittal requirements including erosion control plans.
 2. A Development Plan, showing all proposed improvements including landscaping, the sitting and elevations of all proposed primary structures, and details of any improvement deemed necessary by the staff.
 3. A proposal consisting of the restrictions, covenants, phasing, and assurances, which will assure the completion and the expectations of the project.
 4. The applicant is encouraged to submit a concept plan prior to a preliminary development plan in order to gain additional insight as to the acceptability of the concept.
- f. Development Agreement. The Development Agreement is a recordable document depicting all improvements to be constructed.
- g. Deed Restrictions and Conditions. The Village may require conditions and restrictions to be placed upon the property to be developed through properly recorded deed restrictions or restrictive covenants. The Village shall be named as a party of interest so that, if necessary, the deed restrictions or restrictive

covenants may be enforced through injunctive or other relief under the documents as recorded. Such conditions and restrictions shall provide, among other things, for the continuous maintenance of common areas together with the right of the Village to insure that such areas are maintained by assessing the cost of such maintenance to the developer, owner, or association responsible for the same.

h. Amenities and Conditions. Examples of amenities and conditions appropriate for consideration for this type of development are:

1. Recreational Areas and Parks.
2. Off-Street Parking.
3. Signing.
4. Landscaping.
5. Common Areas and their Treatment.
6. Maintenance on the Common Areas.
7. Color and Texture of all Building Materials.
8. Internal Pedestrian and Vehicular Circulation.
9. Grading and Drainage.
10. Buffering uses in the P.U.D. from Surrounding Areas and Vice Versa.
11. Setbacks in Planned Unit Development.

i. Approval. The approval of the Planned Unit Development proposal by the Village Board shall be based on the following:

1. Compatibility with Surrounding Development.
2. Compatibility with Plans and Policies Approved by the Village.
3. Assurance of Compliance, which shall include:
 - (a.) Development Agreement.
 - (b.) Development Site Plan.
 - (c.) Deed Restrictions or Restrictive Covenants as Required.

- (d.) Performance Bonds.
 - (e.) Proof of Financial Capability.
 - (f.) Schedule of Construction.
- j. Recision of Approval. The Village Board may rescind the approval of the Planned Unit Development if conditions of approval of the development are not being met. For example: if the time phasing of the development is not being met and an extension has not been mutually agreed to by the Village and developer, the Village may serve notice that if the project is not brought up to date within a specified time period, the Village, at its option may void all previous approvals. Where such action is taken, all bonds may be forfeited, unless anew agreement is approved upon re-application.
 - k. Special Planning Circumstances. Owners or developers of parcels of land less than two (2) acres which, in the determination of the Village, have special planning circumstances, may be requested to fulfill the Planned Unit Development procedures of this Section.
 - l. Fees. The schedule of fees shall be set forth in the Development Agreement. (#02-07)
- 17. FW – Floodway District. See Section 14.08(D)(1)(b)(1) and Section 14.08(D)(2) of this Code.
 - 18. FC – Floodplain – Conservancy District. See Section 14.08(D)(1)(b)(2) and Section 14.08(D)(3) of this Code.
 - 19. FF – Flood Fringe District. See Section 14.08(D)(1)(b)(3) and Section 14.08(D)(4) of this Code.
 - 20. GFP – General Floodplain District. See Section 14.08(D)(1)(b)(4) and Section 14.08(D)(5) of this Code. (#94-06)

14.07 CONDITIONAL USES.

- A. GENERAL. The Village Board may authorize a Conditional Use as specified in each district in Section 14.24 through 14.41 after the Planning Commission has made a recommendation and a public hearing has been held, provided that such conditional uses and structures are in accordance with the purpose and intent of this Code and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

- B. REVIEW AND APPROVAL. The Planning Commission and the Village Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access traffic generation and circulation, drainage, sewerage and water systems, the proposed operation, and the materials required for the application for such a request.

Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring or structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restriction, highway access restriction, increased yards, or parking requirements are among those conditions of approval which may be required by the Village Board to fulfill the purpose on intent of this Code.

Compliance with all other provisions of this Code, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 14.93.

- C. APPLICATION. Applications for Conditional Use permits shall be made on forms furnished by the Village and shall include the following:

1. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, a letter of content describing the request, all opposite and abutting property owners of record within two hundred (200) feet of the site, proof of ownership, and an impact statement.
2. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; landscape plan; a grading and drainage plan showing storm sewer plans; and the zoning district within which the subject site is located. For Flood Land Conditional Uses, such description shall also include information that is necessary for the Village Board to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, locations, and spatial arrangement of all existing and proposed structures on the site; locations and elevation of streets water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information.
3. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 14.15 for a Zoning Permit and, in addition, the following; mean and historic high water lines and flood lands on or within forty (40) feet of the subject premises, and existing and proposed landscaping.

4. Additional Information as may be required by the Planning Commission, Village Engineer, Village Administrator, Building Inspector, or Village Board.
- D. NOTICE TO DNR. The Village shall transmit a copy of each application for a Conditional Use in a flood land district to the Wisconsin Department of Natural Resources (DNR) for review and comment. Final action on Flood Land Conditional Uses shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions related to conditional uses in flood land districts shall be transmitted to the DNR within ten (10) days of the effective date of such decision.
- E. SPECIAL USE PERMITS.
1. Special Use Permits may be granted by the Administrator or designee.
 2. Special Use Permits are applicable to existing Conditional Use Permits and Planned Unit Development.
 3. Requests for Special Use Permits must be made in writing and be specific as to the type of Special Use Permit requested. The Administrator or designee may request plans, specifications, or other materials be submitted in addition to the written application.
 4. Denied requests may be appealed to the Planning Commission and Village Board and shall be treated and processed in the same manner as a Conditional Use Permit request. Appropriate processing fees shall be determined by the Village Board.
 5. Criteria for Special Use Permits:
 - a. The granting of a Special Use Permit shall not change the character of the principal use or conflict with the purpose and intent of the original Conditional Use or Planned Development approval.
 - b. Requests for a Special Use Permit shall be reviewed for impact on neighboring uses in addition to the neighborhood. Compatibility is a primary consideration.
 - c. Requests for Special Use Permits shall include, but not be limited to the following: Flagpoles, sign replacements (of same size or smaller), storage garages to house lawn care equipment or similar, paint schemes, landscaping modifications, minor changes to building facades, and minor lighting changes, setbacks, and users in multi-tenant structures. (#02-07)

14.08 FLOODPLAIN AND SHORELAND – WETLAND ZONING ORDINANCE, FLOODPLAIN AND WETLANDS.

A. PURPOSE. To promote the public health, safety, convenience and general welfare, and protect life, health and property this Code has been established to:

1. Maintain the storm and floodwater storage capacity of the wetlands;
2. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into waters of the state;
3. Protect fish spawning grounds, fish, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;
4. Prohibit certain uses detrimental to the shoreland – wetland area;
5. Preserve shore cover and natural beauty by restricting shoreland – wetland excavation, filling and other earth moving activities;
6. Minimize expenditures of public monies for costly flood control projects;
7. Reduce rescue and relief efforts, generally undertaken at the expense of the tax paying public;
8. Prevent business interruptions, which usually result in the loss of local incomes;
9. Reduce damage to public facilities such as utilities, municipal buildings, streets and bridges, which may be located in the floodplains;
10. Prevent the occurrence of future flood blight area on floodplains;
11. Discourage the victimization of unwary land and homebuyers; and
12. Prevent increases in regional flood heights which could increase damage during floods and which may result in conflicts or litigation between property owners.

B. GENERAL PROVISIONS AND ZONING MAPS

1. Compliance and Other Permits. Any development, as defined in Sec. 14.02, in floodplains and shoreland – wetlands shall be in full compliance with the terms of this Code. (However, see Sec. 14.04(H)(6) of this Code, for the standards applicable to nonconforming uses.) It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments and 1972, 22 U.S.C. 1334.

2. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, village, towns, and counties are required to comply with this Code and obtain all necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.12(4)(a), Wis. Stats., applies.
3. Abrogation and Greater Restrictions.
 - a. This Code supersedes all the provisions of any municipal zoning ordinance enacted under Sec. 62.23 for cities of 61.35 for villages or 87.30, Wis. Stats. which relate to floodplains and shoreland – wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Code, ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of either the Shoreland – Wetland District or Floodplain District regulations shall apply when a property is located in both zoning districts.
 - b. This Code is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Code imposes greater restrictions, the provisions of this Code shall prevail.
4. Interpretation. In their interpretation and application, the provisions of this Code shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Code is required by a standard in Ch. NR 116 or NR 117, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 116 or NR 117 standards in effect on the date of the adoption of this Code or in effect on the date of the most recent text amendment to this Code.
5. Warning and Disclaimer of Liability. The degree of flood protection provided by this Code is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes such as ice jams or bridge openings restricted by debris. Therefore, this Code does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages. Nor does this Code create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this Code.

6. Zoning Maps. The maps designated below are hereby adopted and made part of this Code. They are on file in the office of the Village Clerk.
 - a. Topographic Map of the Village of Jackson dated July 17, 1989.
 - b. Wisconsin Wetland Inventory maps stamped “FINAL” on July 14, 1989.
 - c. Floodplain zoning maps titled “Flood Boundary and Floodway Map of the Village of Jackson, Washington County, Wisconsin” and dated August 17, 1981 including the Flood Insurance Study and corresponding profiles from National Flood Insurance Program dated August 17, 1981 Donohue Insurance.
 - d. Comprehensive Zoning Base Maps titled Zoning Map of the Village of Jackson and dated November 17, 1988 (includes floodplain and floodway zoning).

7. Annexed Areas. The zoning of annexed lands shall comply with the provisions of Sec. 59.97(7) and 59.971(7), Wis. Stats. Annexed lands are designated on the municipality’s official zoning map. The Washington County shoreland and flood plain zoning map. The Washington County shoreland and floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator.
 - a. Annexed Floodplains. The Washington County Floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all areas annexed by the municipality for all areas annexed by the municipality until the municipality adopts and enforces an ordinance, which meets the requirements of Chs. NR 116, Wisconsin Administrative Code.
 - b. Annexed Shoreland. The Washington County shoreland zoning provisions in effect on the date of the annexation remain in effect administered by the municipality for all shoreland areas annexed by the municipality after May 7, 1982.

C. SHORELAND - WETLAND ZONING DISTRICT.

1. District Boundaries of Shoreland – Wetlands.
 - a. The shoreland – wetland zoning district includes all wetlands in the municipality which are five (5) or more acres in size and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Code in Sec. 14.06(C) and which are:

1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are listed in the Department publication “Surface Water Resources of Washington County” or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been made a part of this Code in Sec. 14.06(C).
 2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Code in Sec. 14.06(C). Floodplain zoning maps adopted in Sec. 14.06(C) shall be used to determine the extent of floodplain areas.
- b. When questions of navigability and ordinary high-water mark location arise, the zoning officer shall contact the appropriate district office of the Department for a determination of navigability or ordinary high-water mark.
 - c. When an apparent discrepancy exists between the shoreland – wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning officer shall contact the appropriate district office of the Department to determine if the shore-land – wetland district boundary as mapped, is in error. If Department staff concur with the zoning officer that a particular area was incorrectly mapped as a wetland, the zoning officer shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland – mapping errors shown on the official zoning maps, the zoning officer shall be responsible for initiating a map amendment within a reasonable period.
 - d. Under Sec. 144.26(2)(m), Wis. Stats. notwithstanding any other provision of law or administrative rule, wetland zoning ordinances required under Wis. Stats., Sec. 61.351 for villages and Ch. NR 117, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
 1. Such lands are not adjacent to a natural navigable stream or river;

2. Those parts of the drainage ditches adjacent to such lands were not navigable streams before ditching; and
 3. Such lands are maintained in nonstructural agricultural use.
2. Permitted Uses in Shoreland – Wetlands. (Note: Under NR 117.05(2), Wisconsin Administrative Code, village may permit, authorize as a Conditional Use or prohibit the following uses of shoreland – wetlands.)

The following uses are permitted subject to the provisions of Chs. 30 and 31, Wis. Stats. and the provisions of other local, state and federal laws, if applicable:

- a. Activities and uses, which do not require the issuance of a zoning, permit, provided that no wetland alteration occurs:
 1. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and seeds, in a manner that is not injurious to the natural reproduction of such crops;
 3. The practice of silviculture, including the planting, thinning and harvesting of timber;
 4. The pasturing of livestock;
 5. The cultivation of agricultural crops.
- b. Uses, which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 1. The practice of silviculture, including limited temporary water level stabilization measures, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 2. The maintenance and repair of existing drainage systems, where permissible under Sec. 30.20, Wis. Stats. to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, providing that the filling is permissible under Ch. 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;

3. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 4. The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 5. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland – wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland – wetland listed in Sec. 14.08(C)(4) of this Code; and
 6. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- c. Uses, which are allowed upon the issuance of a Conditional Use permit and which may include wetland alterations only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under Sec. 14.08(C) provided:
 - (a.) The road cannot, as a practical matter, be located outside the wetland;
 - (b.) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Sec. 14.08(C)(4)(a) of this ordinance;
 - (c.) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (d.) Road construction activities are carried out in the immediate area of the roadbed only;
 - (e.) Any wetland alteration must be necessary for the construction or maintenance of the road.

2. The construction and maintenance of nonresidential buildings provided that:
 - (a.) The building is used solely in conjunction with a use permitted in the shoreland – wetland district or for the raising of water fowl, minnows or other wetland or aquatic animals;
 - (b.) The building cannot, as a practical matter, be located outside the wetland;
 - (c.) The building does not exceed five hundred (500) square feet in floor area; and
 - (d.) Only limited filling and excavating necessary to provide structural support for the building is allowed.
3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - (a.) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - (b.) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction and maintenance of park shelters or similar structures is allowed;
 - (c.) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Sec. 14.08(C)(2)(c); and
 - (d.) Wetland alterations in refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
4. The construction and maintenance of electric and telephone transmission lines and water, gas and sewer lines, and

related facilities and the construction and maintenance of railroad lines provided that:

- (a.) The transmission and distribution lines and related facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- (b.) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- (c.) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Sec. 14.08(C)(4)(a).

3. Prohibited Uses in Shoreland – Wetlands.

- a. Any use not listed in Sec. 14.08(C) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Sec. 14.08 and Sec. 14.08(D).
- b. The use of a houseboat for human habitation and the construction or placement of a houseboat or fixed houseboat below the ordinary high-water mark of any navigable waters is prohibited.

4. Rezoning Shoreland – Wetlands.

- a. Rezoning of a shoreland – wetland shall require amendment of the Final Wisconsin Wetland Inventory map adopted in Sec. 14.06(C) of this Code pursuant to procedures established in Sec. 14.08(D). In order to insure that any amendment will be consistent with the shoreland protection objectives of Sec. 144.26, Wis. Stats. the municipality shall not rezone a wetland in a shoreland – wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 1. Storm and flood water storage capacity;
 2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 3. Filtering, storage, or sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

4. Shoreline protection against soil erosion;
 5. Fish spawning, breeding, nursery or feeding grounds;
 6. Wildlife habitat; or
 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.
- b. Upon notification of a proposed amendment as required by Sec. 14.08(D), if the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Sec. 14.04(C)(4), that proposed amendment, if approved by the municipality shall not become effective until more than thirty (30) days have elapsed since written notice of the council or board approval was mailed to the Department, as required by Sec. 14.08(D). If within the thirty (30) day period, the Department notifies the council or board that the Department intends to adopt a superseding shoreland – wetland zoning ordinance for the municipality under sec. 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until that ordinance adoption procedure is completed or otherwise terminated. The record of the council or board decision on the proposed amendment shall advise the petitioner of the provisions of this section.

D. FLOODPLAIN ZONING DISTRICTS.

1. General Provisions For All Floodplains.

- a. Areas to be Regulated. Areas regulated by this Code shall include all areas, within the incorporated limits of the municipality, that would be covered by the “regional flood” as defined in Sec. 14.02, and include “floodplain islands” as defined in Sec. 14.02.
- b. Establishment of Districts. The regional floodplain areas within the jurisdiction of this Code are hereby divided into three districts defined as follows:
 1. The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional floodwaters.

2. The Floodplain-Conservancy District (FC) is that part of the Floodway District, which is unsuitable for intensive development and is intended to preserve lands in natural and open space uses.
 3. The Flood Fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.
 4. The General Floodplain District (GFP) consists of all areas, which have been or may be hereafter covered by floodwater during the regional flood. It includes both the floodway and flood fringe districts.
- c. Locating Floodplain Boundaries. Where an apparent discrepancy exists between the location of the outermost boundary of the flood fringe district or general floodplain district shown on the official floodplain zoning map and actual field conditions, the location of the district boundary lines shall be initially determined by the zoning officer using the criteria set forth in paragraphs (1.) and (2.) below. Where the zoning officer finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in Sec. 14.08(D). Disputes between the zoning officer and an applicant over the location of the district boundary line shall be settled by the Board of Appeals according to Sec. 14.11.
1. Where flood profiles exist, the location of the district boundary line shall be determined by the zoning officer using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the boundary line location shown on the map and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The zoning officer shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The zoning officer shall be responsible for initiating any map amendments required under this section within a reasonable period of time.
 3. Where flood profiles do not exist, the location of the district boundary line shall be determined by the zoning officer using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there

is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment had been approved by both the municipal governing body and the Department, the zoning officer shall have the authority to grant or deny a land use permit.

- d. Removal of Lands from Floodplain. Compliance with provisions of this Code shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to lands outside the floodplain district, and the map is amended pursuant to Sec. 14.08(D). To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map, or issue a Letter of Map Amendment or Revision.

- e. Hydraulic and Hydrologic Analyses.
 - 1. Except as provided in paragraph (2.) below, no development shall be allowed in floodplain areas which will:
 - a. Cause an obstruction to flow, defined in Sec. 14.02 as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or
 - b. Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot;
 - 2. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Code, the official floodplain zoning maps, including floodway lines and water surface profiles, according to Sec. 14.08(D), and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.
 - 3. The zoning officer shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

- f. Mobile Homes and Manufactured Homes.
 - 1. Owners or operators of all new and existing manufactured or mobile home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage.

2. All new, replacement or substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall:
 - (a.) Be elevated to the flood protection elevation;
 - (b.) Meet the residential development standards for the flood fringe in Sec. 14.08(D)(4); and
 - (c.) Shall be anchored so they do not float, collapse or move laterally during a flood.

- g. Watercourse Alterations. Prior to any alteration or relocation of a watercourse, and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the local zoning official shall notify adjacent municipalities, district office of the Department and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carry capacity within the altered or relocated portion of any watercourse shall be determined.

- h. Flood Proofing.
 - a. Where flood proofing measures are required, they shall be designed to:
 - (a.) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood; and
 - (b.) Assure protection to the flood protection elevation; and
 - (c.) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
 - (d.) Shall insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to the flood protection elevation.

 - b. No permit or variance shall be issued until the applicant submits a plan or document certified by a certified professional engineer or architect that the flood proofing measures are adequately designed to protect the structure or development to the flood protection elevation for the particular area.

 - c. Flood proofing measures could include:
 - (a.) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

- (b.) Addition of mass or weight to structures to prevent flotation;
- (c.) Placement of essential utilities above the flood protection elevation;
- (d.) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
- (e.) Construction of water supply wells, and waste treatment systems to prevent the entrance of floodwaters into such systems;
- (f.) Cutoff valves on sewer lines and the elimination of gravity flow basement drains.

I. Amendments:

1. When amendments are required the procedures in Sec. 14.11 shall apply. Actions which require an amendment include, but are not limited to, the following:
 - (a.) Any change to the official floodplain map including the floodway line or boundary of the floodplain area;
 - (b.) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
 - (c.) Any fill in the floodplain, which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (d.) Any fill or encroachment into the floodplain that will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood; and
 - (e.) Any upgrading of floodplain zoning ordinances required by Sec. NR 116.05, Wisconsin Administrative Code, or otherwise required by law, or for changes by the municipality.
2. No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the Department of Natural Resources.
3. All persons petitioning for a map amendment which involves an obstruction to flow causing an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding

easements, or other appropriate legal arrangements, from all adversely affected property owners and notify affected local units of government before the municipality may approve an amendment which would result in such an increase to the regional flood elevation.

4. When considering amendments to the official flood plain zoning map, in areas where no water surface profiles exist, the zoning agency shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other valuable information.

2. Floodway District (FW).

- a. Applicability. The provisions of this section apply to all areas mapped as floodway on the official floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway.
- b. Permitted Uses. The following open space uses are allowed within the floodway district, and in the floodway portion of the general floodplain district, provided that they are not prohibited by any other regulations, that the standards contained in paragraph (c) below are met, and that all permits or certificates required under this Code have been issued:
 1. Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, silviculture, truck farming, forestry, sod farming and wild crop harvesting.
 2. Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing g strips.
 3. Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas and hiking and horseback riding trails.
 4. Use or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions in Sec. (c) and (d) below.
 5. Extraction of sand, gravel or other materials, according to Sec. (c)(4) below.

6. Functionally water-dependant uses such as docks, piers or wharves, including those used as part of a marina; other water related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines may be allowed if all other necessary local, state and federal permits are secured including Ch. 30 or 31 permits from the Department.
7. Public utilities, streets and bridges, according to Sec. (c)(3) below.

c. Standards for Development in Floodway Areas.

1. General:

- (a.) Any development in floodway areas shall meet all the provisions of Sec. 14.08(D); and have a low flood damage potential.
 - (b.) The structures are constructed and placed on the building site to cause less than 0.01 foot increase in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of floodwater, and approximately on the same line as those of adjoining structures;
 - (c.) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (d.) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for the particular area.
3. Public utilities, streets and bridges may be allowed by permit, provided that:
- (a.) Adequate flood proofing measures are provided to the flood protection elevation;
 - (b.) Construction does not cause an increase in the height of the regional flood according to Sec. 14.08(D)(1)(e), except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulting from such construction.

4. Fills or deposition of materials may be allowed by permit, provided that:
 - (a.) The requirements of Sec. 14.08(D)(1) are met;
 - (b.) The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a Ch. 30 permit has been granted by the Department and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 22 U.S.C. 1334 has been issued, if applicable, and the other requirements of this Section are met;
 - (c.) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading sufficient to prevent erosion; and
 - (d.) Such fills are not associated with private or public solid waste disposal.
- d. Prohibited Uses. All uses not listed as permitted uses in Sec. 14.08(D)(2)(b) are prohibited, in addition to the following uses which are always prohibited, in floodways and the floodway portions of the general floodplain:
 1. The storage of any materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or other aquatic life;
 2. Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
 3. All private or public on-site sewage disposal systems except portable latrines that are removed during flooding, and systems associated with public recreational areas and Department approved campgrounds, that meet the applicable provisions of Ch. ILHR 83, Wisconsin Administrative Code;
 4. All public or private wells which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local ordinances and Chs. NR 111 and NR 112, Administrative Code;

5. All solid or hazardous waste disposal sites, whether public or private;
 6. All wastewater treatment ponds or facilities except those permitted under Ch. NR 110.15(3)(b), Wisconsin Administrative Code.
 7. All sanitary sewer or waterlines except those used to service existing or proposed development outside of the floodway, which complies with the regulations for the floodplain area occupied.
3. Floodplain-Conservancy District (FC).
- a. Applicability. The provisions of this section apply to the part of the FW Floodway District that is intended to remain essentially in natural and open space use due to poor natural soil conditions and periodic inundation.
 - b. Permitted Uses. Any structures, land use, or development, including accessory structures and uses, are allowed within the flood fringe district and flood fringe portions of the general floodplain district, provided that the standards contained in Sec. 14.08(D) and (c) below are met, that the use is not prohibited by any other ordinance or local, state or Federal regulation and that all permits or certificates required under this ordinance have been issued.
 - c. Standards of Development in Flood Fringe Areas. All of the provisions of Sec. 14.08(D) shall apply in addition to the following requirements according to the use requested:
 1. Residential Uses: Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards:
 - (a.) The lowest floor elevation excluding the basement or crawl way, shall be placed on fill at or above the flood protection elevation (which is a point two feet above the regional flood elevation) except where paragraph (b) is applicable. The fill elevation shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The

Department may authorize other flood proofing measures where existing streets or sewer lines are at elevations, which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.

- (b.) The basement or crawl way floor may be placed at the regional flood elevation providing it is flood proofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawl way below the regional flood elevation.
 - (c.) Contiguous dry land access defined in Sec. 14.02 as a vehicular access route above regional flood elevation, shall be provided from a structure or building to land which is outside the floodplain, except as provided in paragraph (d).
 - (d.) In existing developments where existing streets or sewer lines are at elevations which make compliance with paragraph (c) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:
 - The municipality has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
 - The municipality has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.
2. Accessory Structures or Uses: An accessory structure or use (not connected to a principal structure) including non-residential agricultural structures, shall meet all the applicable provisions of Sec. 14.08(D)(2). A lesser degree of protection, compatible with these criteria and the criteria in paragraph (3.) below may be permissible for an accessory structure or use provided the site is not inundated to a depth greater than two (2) feet or subjected to flood

velocities greater than two feet per second during the regional flood.

3. Commercial uses: Any commercial structure or building, which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area, shall meet the requirements of Sec. 14.08(D)(4)(c).

Residential Uses: Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of paragraph (5.) below. However, no such area in general use by the public shall be inundated to a greater depth than two (2) feet or subjected to flood velocities greater than two (2) feet per second during the regional flood. Inundation of such yards or parking areas to depths greater than two (2) feet may be approved provided an adequate warning system exists to protect life and property.

4. Manufacturing and Industrial Uses: Any manufacturing, or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, or other adequate flood proofing measures according to Sec. 14.08(D)(1)(h), or any combination of these. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal operations. A lesser degree of protection, compatible with the criteria in paragraphs (3.) and (5.) may be permissible for storage yards, parking lots and other similar uses.
5. Storage or Processing of Materials: The storage or processing of materials that are buoyant, flammable, explosive, or which in times of flooding, could be injurious to human, animal, or plant life, shall be at or above the flood protection elevation for the particular area or flood proofed in compliance with Sec. 14.08(D)(1)(h). Adequate measures shall be taken to assure that these materials will not enter the river or stream during flooding.

6. Public Utilities, Streets and Bridges: Should be designed to be compatible with the local comprehensive floodplain development plans and:
 - (a.) When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly function of the area, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed to the flood protection elevation in compliance with Sec. 14.08(D)(1)(h).
 - (b.) Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
7. Sewage Systems, Wells, Solid Waste Sites.
 - (a.) All on-site sewage disposal systems shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Ch. ILHR 83, Wisconsin Administrative Code.
 - (b.) All wells, whether public or private, shall be flood proofed to the flood protection elevation, and shall meet the applicable provisions of Chs. NR 111 and NR 112, Wisconsin Administrative Code.
 - (c.) All solid or hazardous waste disposal sites, whether public or private, are prohibited.
8. Deposition of materials for any purpose may only be allowed if the provisions of this ordinance are met.
5. General Floodplain District (GFP)
 - a. Applicability. The provisions for this district shall apply to all floodplains, for which regional flood data is not available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be

placed in the flood fringe district or floodway district, as appropriate.

- b. Permitted Uses. The general floodplain district encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to paragraph (d), to determine whether the proposed use is located within a floodway or flood fringe area.

Those uses permitted in floodways Sec. 14.08(D)(2) and flood fringe areas Sec. 14.08(D)(3) are allowed within the general floodplain district, according to the standards of paragraph (c) and provided that all permits or certificates required under this ordinance have been issued.

- c. Standards for Development in the General Floodplain District. Once it is determined according to paragraph (d) that a proposed use is located within a floodway, the provisions of Sec. 14.08(D) shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of Sec. 14.08(D) shall apply. All provisions of the remainder of the ordinance shall apply to either district.

- d. Determining Floodway and Flood Fringe Limits. Upon receiving an application for development within the general floodplain district, the zoning officer shall:

1. Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.
2. Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal

upon flood height and flood flows, the regional flood elevation and where applicable, to determine the boundaries of the floodway:

- (a.) A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, and cross-sectional area to be occupied by the proposed development, and all historic high water information.
 - (b.) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - (c.) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - (d.) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
3. Transmit one (1) copy of the information described in paragraphs (1.) and (2.) to the Department along with a written request to have that agency provide technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 14.03(C)(2) "Data Requirements" apply; the applicant shall provide all required information and computations.
- e. Public Information.
1. Where useful, marks on bridges or buildings or other markers may be set to

show the depth of inundation during the regional flood at appropriate locations with the floodplain.

2. All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
3. All legal descriptions of property in the floodplain should include information designating the floodplain zoning classification when such property is transferred.
4. Nonconforming Uses and Structures. See Section 14.04(H)(6) General Site and Use Provisions, of this Code.
5. Appealing Decisions of the Zoning Officer. See Section 14.11, Board of Appeals, of this Code.
6. Conditional Uses. See Section 14.06, Conditional Uses, of this Code.

E. AMENDING FLOODPLAIN AND SHORELAND – WETLAND ZONING REGULATIONS – PROCEDURES. The municipal governing body may supplement or change the district boundaries and the regulations contained in this Code according to Sec. 62.2(7)(d)(2), Wis. Stats. NR 116 and 117, Wisconsin Administrative code, and the following:

- a. The shoreland – Wetland District amendment provisions of Sec. 14.08(C)(4) and the Floodplain District amendment provisions of Sec. 14.08(D) apply.
- b. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the municipal planning agency;
- c. All proposed text and map amendments shall be referred to the municipal planning agency and a public hearing shall be held as required by Sec. 62.23(7)(d)(2), Wis. Stats. following publication of a Class 2 notice as defined in Sec. 14.02. The appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- d. A copy of the decision on each amendment shall be provided to the department district office within ten (10) days of the decision.

- F. ENFORCEMENT AND PENALTIES. Any development as defined in Sec. 14.02 or use established after the effective date of this ordinance in violation of this ordinance, by any person, firm, association; corporation (including building contractors or their agents) shall be deemed a violation. The zoning officer shall refer violations to the planning agency and the municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Ordinance shall be subject to a forfeiture per offense, together with the taxable costs of such action as set forth in Sec. 21.04 and by Resolution. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Sec. 87.30(2), Wis. Stats.

14.09 EROSION CONTROL.

- A. GENERAL. This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Village and within its extra-territorial plat approval jurisdiction under Chapter 236, Wis. Stats. All of the provisions governing Erosion Control as set forth in Chapter 15, Subdivision Regulations, are hereby adopted in Chapter 14 by reference.

14.10 SIGNS.

- A. PURPOSE AND INTENT. The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, and express the identity of individual proprietors and the community as a whole. For the purposes of this section, sign structures shall be classified as:
1. Awning Sign: A non-illuminated identification is affixed flat to the surface of an awning and which does not extend vertically or horizontally beyond the limits of such awning.
 2. Banners: A flexible graphic that may only be displayed by commercial and institutional establishments, delineating a special area or depicting a special announcement. (#02-12) See temporary signs. (#03-04)
 3. Canopy Sign: A sign suspended from or forming part of a canopy or marquee and which does not extend horizontally beyond the limits of such canopy or marquee.
 4. Changeable Copy Sign: Any sign, which is characterized by changeable copy, letters, or symbols, regardless of method of attachment.
 5. Flags: Devices generally made of flexible materials, such as cloth, paper, or plastic, and displaying on strings. They may or may not include copy. This definition does not include the flag of any country or state.

6. Ground Sign: A sign attached to the ground independent of any buildings.
7. Marquee: (see Canopy Sign).
8. Projecting Sign: A sign projecting more than twelve (12) inches from the face of the building.
9. Roof Sign: A sign erected on or over the roof of the building.
10. Temporary Sign: A graphic granted by a Special Use Permit, to be displayed not longer than sixteen (16) consecutive days. (#03-04)
11. Wall Sign: A sign which is attached to a wall of a building and projects not more than twelve (12) inches from such wall and shall not extend above the ceiling line of the top floor of the building.
12. Window Sign: A sign painted on or affixed to a window. Materials affixed to a window shall be affixed to the inside surface of the window to eliminate scattering of copy by wind action.

B. SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT. The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

1. Real Estate Ground or Wall Signs not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. Such signs may not be placed in the right-of-way. (#02-12)
2. Ground Signs Identifying the Name and Address of the Resident not to exceed two (2) square feet in area when located on the premises. Such signs may be placed at the right-of-way line.
3. Home Occupation and Professional Home Office Wall Signs not to exceed two (2) square feet in area and mounted flush against the dwelling.
4. Bulletin Boards on Ground Signs or Wall Signs for public, charitable, or religious institutions not to exceed fifty (50) square feet in area located on the premises. Such signs shall meet the setback requirement of the District in which they are located.
5. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
6. Official Ground Signs such as traffic control, parking restrictions, information, and notices. Such signs may be placed at the curb line or pavement edge.

C. SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT. Signs are permitted in all Business and Manufacturing Districts subject to the following restrictions:

1. Temporary Signs when seeking a Special Use Permit. Shall in each case, describe the material of the sign to be permitted; the size of the sign to be permitted; the time period the sign is to remain in place (#02-12); and how the sign will be displayed, including the location. Signs may meet the definition of a non-permanent sign, but is anticipated to be recurring, shall be approved as a Conditional Use or a Planned Unit Development site plan amendment. (#03-04)
2. Wall Signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed in area thirty (30) percent of the signable area of the building, as defined in Section 14.10(D) herein or 300 square feet, whichever is smaller, for any one (1) premise. Wall signs shall not extend beyond the ceiling level of the top floor of the building upon which they are located.
3. Projected Signs, Awning Signs, Canopy Signs, and Marquees fastened to, suspended from, or supported by structures shall not exceed one hundred (100) feet in area for any one (1) premise; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
4. Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall not exceed eighty (80) square feet on one (1) side nor 160 square feet on all sides for any one (1) premise. No ground sign shall be placed closer than eighty (80) feet to another ground sign or projecting, awning, canopy, or marquee sign unless permitted by Conditional use. The Conditional Use application shall include scaled drawings or renderings showing the sign relative to the site and structure(s), photos or videotapes of the proposed sign at both twenty (20) feet in height and the proposed height from all directions that are deemed necessary by the Village. (#95-02)
5. Roof Sign shall not exceed ten (10) feet in height above the roof, shall meet the height requirements for the district in which it is located, and shall not exceed three hundred (300) square feet on all sides for any one (1) premise.
6. Window Signs shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

7. The Total Area of all Signs except window signs, erected or placed on any one (1) premise shall not exceed sixty (60) percent of the signable area of a building as defined in Section 14.10(D) herein or four hundred (400) square feet, whichever is smaller.
- D. SIGNS WHICH MAY BE ERECTED OR PLACED IF A CONDITIONAL USE IS GRANTED. The Village may permit the erection of a ground sign in excess of the requirements as set forth in Section 14.10(C)(4) and the total signage square footage in excess of the requirements as set forth in Section 4.10(C)(7) of this code through the granting of a Conditional Use Permit when the sign(s) is/are erected on property adjacent to an arterial street, or highway with a posted speed limit of forty (40) mph or greater. (#95-02)
 - E. SIGNABLE AREA. The signable area of a building is designated as the area of the façade of the building up to the roofline, which is free of windows and doors, or major architectural detail on which signs may be displayed. In computing signable areas, any façade, which faces and abuts upon a public street right-of-way, may be utilized.
 - F. SEARCH LIGHTS. The Village Board may by Special Use Permit, allow the temporary use of a search light for advertising purposes in any non-residential district provided that the search light will not 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. Special Use Permits for search lights shall not be granted for a period of more than five (5) days in any six-month period. (#02-12)
 - G. FACING. No sign except those permitted in Section 14.10(C) shall be permitted to face a residential district within one hundred (100) feet of such district boundary.
 - H. LIGHTING AND COLOR. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility upon public ways. Signs may be illuminated but non-flashing.
 - I. CONSTRUCTION AND MAINTENANCE STANDARDS.
 1. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area; and shall be constructed to receive dead loads as required in the Village of Jackson Building Code or other ordinance.
 2. Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or

maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.

3. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign is erected in a clean, sanitary, and in offensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
4. Supporting Members Or Braces of all signs shall be constructed of galvanized iron, properly treated steel, copper, brass, or other non-corrosive incombustible material. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such non-corrosive metal bolts, anchors, cable, or other metal attachments as shall insure permanent and safe construction and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Zoning Administrator determine the safe and permanent support of such sign so required and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the under side of two (2) or more roof or ceiling joists in the walls or to bearings on the under side of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector. Small flat signs containing less than ten (10) feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.
5. No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or stand pipe and no such sign or any part of any sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window so as to hinder or prevent the raising or placing of ladders against such building by the Fire department of the Village of Jackson, as necessity therefore may require.

J. EXISTING SIGNS.

1. Non-Conforming Signs. Signs (except for Temporary Signs) lawfully existing at the time of the adoption or amendment of this Code may be continued although the size or location does not conform to this Code. However, all non-conforming signs shall be deemed to have exhausted their economic life after seven (7) years from the time they become a non-conforming use. Non-conforming signs, after this seven (7) year period, shall either be made to conform to the terms of this Code, or shall be removed by the owner, agent or person having beneficial use of the property. Non-conforming signs, during the seven (7) year grace period, shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the seven (7) year grace period. The Zoning Officer or Building Inspector shall, after the seven (7) year grace period, notify the owner, agent or person having beneficial use of the

property, of the expiration of the grace period. After thirty (30) days, if the sign has not been made to conform to this Code or removed, the Zoning Officer shall initial the appropriate punitive action. (#02-12)

2. Vacated / Abandoned Signs. Any sign or banner that is not removed within thirty (30) days of the discontinuance of business operations or activities at the premises shall be considered a Vacated/Abandoned Sign. The Zoning Officer or Building Inspector shall, after thirty (30) days, notify the owner, agent, or person having beneficial use of the property to remove the Vacated/Abandoned Sign within ten (10) days of receiving a “notice of intent to remove”. Should the Vacated/Abandoned Sign not be removed by the owner, or his agent within ten (10) days, the sign will be removed by the Village of Jackson and all costs for removal, storage and disposal will be assessed to the property owner. Vacated/Abandoned Signs removed by the Village of Jackson may be disposed of at the discretion of the Zoning Officer or Building Inspector after forty-five (45) days of removal. Disposal may include destruction, sale, and sale at auction or any other means deemed necessary. (#09-01)

K. SIGN PERMIT PROCEDURES. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs accepted in Section 14.58 of this Code; and all signs shall fully conform to the requirements of this Code.

1. Application for a sign permit shall be made on forms provided by the Zoning Officer or Building Inspector and shall contain or have attached thereto the following information:
2. Name, Address and telephone number of the applicant. Location of building, structure, or lot to which or upon the sign is to be attached or erected.
3. Name of Person, firm, corporation, or association erecting the sign.
4. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
5. A Scale Drawing of such sign indicating the dimension, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
6. A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
7. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the same complies with the Village of Jackson Electrical Code.

8. Additional Information as may be required by the Building Inspector, Zoning Officer, or Village Planning Commission.
9. Sign Permit Applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within thirty (30) days of receipt from the Zoning Administrator unless the time is extended by written agreement with the applicant. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance.

14.11 ADULT-ORIENTED ESTABLISHMENTS. (#94-08)

- A. INTENT. The Village Board intends that the enforcement of this section shall be used primarily to combat the obscenity industry and shall never be used for harassment or censorship purposes against materials or performances having serious artistic, literary, political, educational or scientific value. The Village Board further intends that the enforcement of this section shall be consistent with the first amendment of the United States Constitution; Article I, Section 3 of the Wisconsin Constitution; and the compelling state interest in protecting the free flow of ideas.
- B. DEFINITIONS. The terms used herein shall be defined as follows:
 1. Adult-Oriented Establishments. Includes, but is not limited to, adult entertainment stores, adult theaters, adult mini-theaters, adult cabarets and any premises to which public patrons or members are invited or admitted and which are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult entertainment, whether or not such adult entertainment is held, conducted, operated or maintained for commercial gain.
 2. Adult Entertainment Store. An establishment, including in its stock in trade for sale, rent, lease, inspection or viewing books, films, video cassettes, novelties, magazines or other periodicals which have as their dominant theme or are distinguished or characterized by their emphasis on matters depicting, describing or relating to “specific sexual activities” or “specified anatomical areas.”
 3. Adult Theater. An enclosed building with a capacity of fifty (50) or more persons used for presenting adult entertainment having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons.
 4. Adult Mini-Theater. An enclosed building with a capacity of less than fifty (50) persons used for presenting adult entertainment having as its

dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” for observation by patrons.

5. Adult Cabaret. An establishment, which features topless dancers, strippers or similar entertainers.
6. Adult Entertainment. Any exhibition of any motion picture, videocassette, live performance, display or dance of any type which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated “specified sexual activities,” “specified anatomical areas,” the removal of articles of clothing or partial or total nude appearance.
7. Operator. Any person, partnership, corporation or other organization operating, conducting, maintaining or owning any adult-oriented establishment.
8. Specified Anatomical Areas.
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernable turgid state, even if opaquely covered.
9. Specified Sexual Activities. Simulated or actual:
 - a. Showing of human genitals in a state of sexual stimulation or arousal.
 - b. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus.
 - c. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

B. ADULT-ORIENTED ESTABLISHMENT LICENSE.

1. No person may engage in, conduct or carry on the operation or maintenance of an adult-oriented establishment without first obtaining a valid adult-oriented establishment license issued under this chapter.
2. A license may be issued only for one adult-oriented establishment located at a fixed and certain place. Any person desiring to operate more than one adult-oriented establishment must have a license for each adult oriented establishment.

3. Any adult-oriented establishment existing at the time of the passage of this section must submit an application for a license within sixty (60) days of the passage of this section.

C. APPLICATION FOR ADULT-ORIENTED ESTABLISHMENT LICENSE.

1. Any person desiring an adult-oriented establishment license shall pay the required fee of \$250 to defray the costs of administration and investigation of the application.
2. Any person desiring an adult-oriented establishment license shall file a written application with the Village Clerk on a form provided by the Clerk's office. The information provided to the Clerk shall be given under oath.
 - a. Corporations. If the applicant is a corporation, the name of the corporation shall be set forth exactly as set forth in its articles of incorporation, together with the date and state of incorporation, the names and residence addresses to each of its officers, directors and each stockholder holding five percent (5%) or more of the stock or beneficial ownership of the corporation. The application shall also be verified by an officer of the corporation.
 - b. Partnership. If the applicant is a partnership, the application shall set forth the name of the partnership, the name and residence address of each of the partners, including limited partners, and be verified by each partner. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate application shall apply to a corporate partner.
 - c. Others. If the applicant is neither a corporation nor a partnership, the application set forth the true full name and residence address of the applicant and be verified by the applicant. The application shall also include any other name by which the applicant has been known during the previous five (5) years.
3. The application also set forth the proposed place of business of the adult-oriented establishment by business address, including suite number, and not by post office box, shall contain a description of the nature and scope of the proposed business operation. In addition, the following information shall be furnished concerning the applicant if an individual; concerning each officer and director and all stockholders who own five percent (5%) or more of the stock or beneficial ownership if the applicant is a corporation; and concerning each partner, including limited partners, if the applicant is a partnership:
 - a. The previous residence address, if any, for a period of three (3) years immediately prior to the date of application and the dates of such residence.

- b. Written proof that the individual is at least eighteen (18) years of age.
 - c. A complete set of fingerprints.
 - d. The business, occupation or employment history for three (3) years immediately preceding the date of application, including, but not limited to, whether such a person previously operated under any permit or license in another municipality in this or another state and whether any such permit or license had ever been suspended or revoked.
 - e. All convictions in any state or Federal court within the past five (5) years, including municipal ordinance violations, exclusive of traffic violations, with a brief statement of the nature of the convictions and the jurisdiction in which the convictions occurred.
 - f. All pending criminal charges in any state or Federal court, with a brief statement of the nature of the pending charges and the jurisdiction in which the charges are pending.
 - g. The names of persons who will have custody of the business records, at the business location.
 - h. The name and address of the person who will be the agent for service of process.
 - i. Such other information relating to the application as may be required by the Public Safety Committee.
4. The application shall include the proposed hours of the operation and a detailed floor plan.
5. The Village Clerk shall notify the Chief of Police, and the Building Inspector of any adult-oriented establishment license application and these officials shall inspect or cause to be inspected each such application and the premises to determine whether the applicant and the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto.

These officials shall furnish to the Public Safety Committee, in writing, the information derived from such investigation and a statement as to whether the applicant and the premises meet the requirements of the department for whom the officer is certifying within five (5) business days of the receipt of notice from the Village Clerk. Upon receiving the information from said officials, the Public Safety Committee shall, within ten (10) days, file its written recommendation with the Village Board.

6. Upon receiving a recommendation of the Public Safety Committee, within thirty (30) days of receiving an application for a license, the Village Board shall grant with conditions or deny a license to the applicant. The Village Clerk shall notify the applicant whether the application is granted or denied.
7. Whenever an application is denied, the Village Clerk shall advise the applicant, in writing, of the reasons for such action. If the applicant requests a hearing within ten (10) days of the receipt of notification of denial, a public hearing shall be held within ten (10) days thereafter before the Village Board.
8. Failure or refusal of the applicant to give any information relevant to the application, failure or refusal to appear at any reasonable time and place for examination under oath regarding said application or refusal to submit to or cooperate with regard to any information required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial.

E. STANDARDS FOR ISSUANCE OF AN ADULT-ORIENTED ESTABLISHMENT LICENSE. The Village Board shall issue an adult-oriented establishment license if, upon recommendation by the Public Safety Committee, it finds that:

1. The required fee has been paid.
2. The application conforms in all respects to this section.
3. The location of the adult-oriented establishment is not within 1,000 feet of any such church or synagogue building, school building or park nor within two hundred (200) feet of any residential district.
4. The applicant has not knowingly made a material misstatement in the application.
5. The applicant has supplied all the information required under sub. (3) above and the information requested by the Public Safety Committee regarding the investigation of his or her application.
6. The adult-oriented establishment, as proposed by the applicant, would comply with all applicable laws, including, but not limited to, the Village's Building and Zoning Codes.
7. The applicant has not had an adult-oriented establishment license or permit or other similar license or permit revoked or suspended in this State or any other state within thirty (30) years prior to the date of application.
8. The applicant, if an individual; any of the stockholders holding five percent (5%) or more of the stock or beneficial ownership of the

corporation, and any officers, agents, or directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership, does not, at the time of application, have pending any criminal charge for, or within five (5) prior to the date of application has not been convicted of, any offense involving dishonesty, fraud, deceit, robbery, the use or threatened use of force or violence upon the person of another, or sexual immorality under Chs. 944 or 948 Wis. Stats., as amended, or the laws of another state similar in nature to said Chs. 944 or 948, Wis. Stats. or other offenses, subject to #111.335, Wis. Stats., as mentioned.

9. The applicant, if a corporation, is licensed to do business and is in good standing in the State.
 10. All individual applicants; all stockholders holding 5% or more of the stock or beneficial ownership, directors and officers, if the applicant is a corporation; and all partners, including limited partners, if the applicant is a partnership, are at least eighteen (18) years of age.
- F. DISPLAY OF ADULT-ORIENTED ESTABLISHMENT LICENSE. The adult-oriented establishment license shall be displayed in a conspicuous place in the adult-oriented establishment.
- G. RESTRICTIONS ON CORPORATE LICENSES. Any corporation holding an adult-oriented establishment license under this section shall report to the Village Clerk, in writing, within fifteen (15) days of the event described herein, any of the following:
1. Any change of officers of the corporation.
 2. Any change in the membership of the board of directors of the corporation.
- H. SALE OR TRANSFER. Upon the sale or transfer of any interest in an adult-oriented establishment, the license shall be void. Any person desiring to continue to operate an adult-oriented establishment following sale or transfer shall apply for a license.
- I. RESPONSIBILITIES OF THE OPERATOR OF AN ADULT-ORIENTED ESTABLISHMENT.
1. Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended or renewed.
 2. No employee of an adult-oriented establishment shall allow any minor to loiter around, to frequent an adult-oriented establishment, or to allow any minor to view adult entertainment.

3. The operator shall maintain the adult-oriented establishment in a clean and sanitary manner at all times.
4. The operator shall maintain at least ten (10) foot candles of light in the public portions of the adult-oriented establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
5. No alcohol beverage may be served or permitted on the premises.
6. No sexual activity of any kind shall be permitted on the premises.
7. The operator shall insure compliance of the adult-oriented establishment and its patrons with the provisions of this section.
8. No person licensed as an adult-oriented establishment may, in any manner, advertise its establishment as licensed by the Village.

J. PHYSICAL LAYOUT OF ADULT-ORIENTED ESTABLISHMENT. Any adult-oriented establishment, having available for customers, patrons or members, any booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

1. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock or other control-type devices.
2. Every booth, room or cubicle shall meet the following construction requirements:
 - a. Each booth, room or cubicle shall be separated from adjacent booths, rooms or cubicles and any nonpublic areas by a wall.
 - b. Each booth shall have at least one side totally open to a lighted public aisle so that there is an unobstructed view at all times of anyone occupying the same.
 - c. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, nonabsorbent, smooth textured and easily cleanable.
 - d. The floor must be light colored, nonabsorbent, smooth textured and easily cleanable.

- e. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot candles at all times, as measured from the floor.
3. Only one (1) individual shall occupy a booth, room or cubicle at any time. No occupant shall engage in any type of sexual activity.

K. RENEWAL.

1. Every license issued pursuant to this section shall terminate at the expiration of one (1) year from the date of issuance unless sooner revoked and must be renewed before operation is allowed in the following year. All applications for the renewal of adult-oriented establishments licenses issued by the Village shall be filed with the Village Clerk's office on a form to be provided by the Clerk no later than sixty (60) days prior to the expiration of the license. The renewal application shall contain such information and data, given under oath or affirmation, as is required for an application for a new license. Applications to renew licenses shall be processed by the Village in the same fashion as new applications. No license shall be renewed without a re-inspection of the premises as required under sub. (3)(e) above.
2. A license renewal fee of \$250 shall be submitted with the renewal application. In addition to the renewal fee, a late penalty of \$100 shall be assessed against any applicant who files for renewal less than sixty (60) days before the license expires, if the application is denied, ½ of the total fees collected shall be returned.

L. SUSPENSION OR REVOCATION.

1. Any adult-oriented establishment license may be suspended for not more than ninety (90) days or revoked by the Village Board for any of the following reasons:
 - a. Any of the grounds that would warrant the denial of the original application for the license.
 - b. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
 - c. The operator or any employee of the operator violates any provision of this section or any rules or regulations adopted by the Village Board pursuant to this section; provided, however, that in the case of a first offense by an operator where the conduct was solely that of an employee, the penalty shall not exceed a suspension of thirty (30) days if the Village Board shall find that the operator had no actual or constructive knowledge of

such violation and could not, by the exercise of due diligence, have had such actual or constructive knowledge.

- d. The operator becomes ineligible to obtain a license permit.
 - e. Any cost or fee required to be paid by this section is not paid.
 - f. Any intoxicating liquor or fermented malt beverage is served or consumed on the premises of the adult-oriented establishment.
 - g. The establishment is operated outside of operation hours established by the Village Board.
 - h. There is any substantial change in the floor plan approved by the Village Board without the approval of the Board.
2. An adult-oriented establishment license may be suspended or revoked after notice and hearing before the Village Board to determine if grounds for such suspension or revocation exist. Notice of the hearing shall be in writing and may be served by certified mail addressed to the licensee at the current address of the licensee on file with the Village Clerk's office. The notice shall be served at least ten (10) days prior to the date of the hearing. The notice shall state the grounds of the complaint against the licensee and shall designate the time and place where the hearing will be held.
 3. Any operator whose license is revoked shall not be eligible to receive a license for one (1) year from the date of revocation. No location or premises for which a license has been issued shall be used as an adult-oriented establishment for six (6) months from the date of revocation of the license.

14.12 BOARD OF APPEALS.

- A. ORGANIZATION. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Code.
 1. Meetings shall be held at the call of the Chairman and shall be open to the public.
 2. Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question. These records shall be immediately filed in the office of the Board and shall be a public record.

3. If a quorum is present, the board of appeals may take any action authorized by this ordinance by a majority vote of the members present.
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B. POWERS. The Board of Appeals shall have the following powers:

1. Errors. To hear and grant appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Officer.
2. 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 purposes of this Code shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
3. Interpretation. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Planning Commission has made a review and recommendation.
4. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Planning Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
5. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
6. Oaths. The chairman may administer oaths and compel the attendance of witnesses.

C. Appeals and Applications. Appeals from the decision of the Zoning Officer concerning the literal enforcement of this Code 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 date or written notice of the decision or order of the Zoning Officer. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

1. Name and Address of the appellant or applicant and all abutting and opposite property owners of record within five hundred (500) feet of the subject property.
2. Plat of Survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required on the standard Village application.

3. Additional Information required by the Village Planning Commission, Village Engineer, Board of Appeals, or Zoning Officer.
- D. Hearings. The Board of Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in Chapter 20 of this Code. At that hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- E. Findings. No variance to the provisions shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
1. Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 2. Exceptional Circumstances. There must be exceptional, extra-ordinary, or unusual circumstances or conditions applying to lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
 3. Economic Hardship and Self-Imposed Hardship not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 4. Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 5. Absence of Detriment. No variance shall be granted that will create substantial detriment to the adjacent property and will materially impair or be contrary to the purpose and spirit of this Code or the public interest.
 6. Additional Requirements in Flood Districts.
 - a. No variance shall be granted where:
 - (1.) Filling and development contrary to the purpose and intent of the FW Cedar Creek Floodway District would result.

- (2.) A change in the boundaries of the FW Cedar Creek Floodway District, the FC Floodplain – Conservancy District would result.
 - (3.) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval flood for the particular area would result.
 - (4.) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result.
 - (5.) Damage the rights or property values of other persons in the area.
- b. For appeals concerning increases in regional flood elevation the Board shall:
- (1.) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
 - (2.) Grant the appeal where the Board agrees that the data properly demonstrate that the project does not cause an increase equal to or greater than 0.01 foot provided no other reason for denial exists.
- F. Decision. The Board of Appeals shall decide all appeals and application 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 Officer, Village Planning Commission, and Village Board.
1. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
 2. Variations, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- G. Notice to DNR. The Zoning Board of Appeals shall transmit a copy of each application for a variance to flood land regulations to the Department of Natural Resources (DNR) for review and comment. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to flood land regulations shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

- H. Notice to Applicant. When a variance is granted in a floodplain area the applicant shall be notified in writing, by the Board of Appeals, that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.
- I. Review by Court of Record. Any person or persons aggrieved by any decision of the 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 Board of Appeals.

14.13 FEES AND PENALTIES.

- A. Application. All persons, firms, or corporations performing work, which by this Code required the issuance of a permit or approval, shall pay a fee for such action to the Village Treasurer to help defray the cost of administration, investigation, advertising, and processing of the application and review. The fees shall be depicted on a resolution, on file with the Village Administrator/Clerk.
- B. Enforcement and Penalties. Any building or structure hereinafter erected, moved, placed, or structurally altered or any use hereinafter established in violation of the provisions of this Code by any person, firm, association, corporation, (including building contractors, or his or their agent) shall be deemed an unlawful structure or use. The Village Board may direct the Village Attorney to bring an action to enjoin, remove, or vacate any use, erection, moving, alteration, or placement of any building or use in violation of this Code. Any person who violates this Code shall forfeit a sum as set forth by Resolution. Each day of violation shall constitute a separate offense.