Title 17

ZONING*

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Chapter 17.04

INTERPRETATION AND PURPOSE

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17.04.010 Authority.

This Title is adopted under the authority granted by Sections 61.35, 62.23(7), and 87.30 of the Wisconsin Statutes and amendments thereto. (Ord. 82-5-1 (part)).

17.04.020 Title.

This Title shall be known as, referred to, and cited as the "Zoning Ordinance, Village of Twin Lakes, Wisconsin" and is hereinafter referred to as the "Title." (Ord. 82-5-1 (part)).

17.04.030 Purpose.

The purpose of this Title is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the Village of Twin Lakes, Wisconsin. (Ord. 82-5-1 (part)).

17.04.040 Intent.

It is the general intent of this Title to regulate and restrict the use of all structures, lands and waters; and to:

A. Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;

B. Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;

C. Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;

D. Secure safety from fire, flooding, pollution, contamination, and other dangers;

E. Stabilize and protect existing and potential property values;

F. Preserve and protect the beauty of the Village;

G. Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters;

H. Further the maintenance of safe and healthful water conditions;

I. Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;

J. Provide for a variety of suitable commercial and industrial sites;

K. Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;

L. Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village; and

M. Provide for the administration and enforcement of this Title; and to provide penalties for the violation of this Title. (Ord. 82-5-1 (part)).

17.04.050 Abrogation and Greater Restrictions.

It is not intended by this Title 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 Title imposes greater restrictions, the provisions of this Title shall govern. (Ord. 82-5-1 (part)).

17.04.060 Interpretation.

In their interpretation and application, the provisions of this Title 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 now possessed by the Village. (Ord. 82-5-1 (part)).

17.04.070 Severability and Nonliability.

If any Section, clause, provision, or portion of this Title is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Title shall not be affected thereby. In addition:

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

B. The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, sanitation problems, or structural damages that may occur as a result of reliance upon and conformance with this Title. (Ord. 82-5-1 (part)).

17.04.080 Repeal.

All other Ordinances or parts of Ordinances of the Village that are inconsistent or conflicting with this Title, to the extent of the inconsistency only, are hereby repealed. (Ord. 82-5-1 (part)).

17.04.090 Effective Date.

This Title shall take effect upon passage and adoption by the Village Board and the filing of proof of posting or publication as required by law. (Ord. 82-5-1 (part)).

Chapter 17.08

DEFINITIONS

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17.08.030 Alley.
17.08.040 Apartment House.
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17.08.610 Reach.
17.08.620 Regional Flood.
17.08.630 Substantial Improvement.

17.08.010 Definitions Generally.

A. For the purpose of this Title, certain words and terms are defined as follows in this Chapter.

B. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state and Village Building Code. (Prior Code § 7.3(1)).

17.08.020 Accessory Structure.

"Accessory structure" means a building or portion of a building subordinate to the principal structure and used for a purpose customarily incidental to the permitted use of the principal structure or the use of the premises. When an accessory structure is a part of the principal structure or is substantially attached thereto, the side yard and rear yard requirements of the principal structure shall be applied to the accessory structure. (Prior Code § 7.3(2)).

17.08.030 Alley.

"Alley" means a street or thoroughfare less than twenty-one (21) feet wide and affording only secondary access to abutting property. (Prior Code § 7.3(3)).

17.08.040 Apartment House.

For the definition of "apartment house" see Section 17.08.110. (Prior Code § 7.3(4)).

17.08.050 Basement.

"Basement" means a story partly underground.. (Prior Code § 7.3(5)).

17.08.060 Boarding House.

"Boarding house" means a building other than a hotel where meals, or lodging and meals, are furnished for compensation for three (3) or more persons not members of a family. (Prior Code § 7.3(6)).

17.08.070 Building.

"Building" means any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by non-perforated walls extending from the ground up, each part shall be deemed a separate building. (Prior Code § 7.3(7)).

17.08.080 Building Height.

"Height of building" or structure means the vertical distance measured from the mean elevation of the finished lot grade along the Street Yard or Shore Yard face of the building or structure to the highest point of the roof, whichever is greater. The basement shall be included in the height limitation only if 50% or more of the foundation is exposed. The precedent height shall be determined by scale of the building or structure blueprints submitted for review.

17.08.081 Dwelling — Condominium.

"Condominium dwelling" means property subject to a condominium declaration per Wisconsin Statutes Chapter 703. (Ord. 97-4-1).

17.08.090 Dwelling — One Family.

"One family dwelling" means a detached building designed for or occupied exclusively by one (1) family. (Ord. 2012-4-1 (part); Prior Code § 7.3(9)).

17.08.100 Dwelling — Two Family.

"Two family dwelling" means a detached building designed for and occupied exclusively by two (2) families. This term does not include a townhouse dwelling (Ord. 2012-4-1 (part); Prior Code § 7.3(10)).

17.08.110 Dwelling — Multiple.

"Multiple dwelling" means a building or portion thereof designed for and occupied by more than two (2) families including tenement houses, row houses, apartment houses and apartment hotels, but excluding a townhouse dwelling. (Ord. 2012-4-1 (part); Prior Code § 7.3(11)).

17.08.112 Dwelling – Townhouse.

"Townhouse dwelling" means any two (2) single-family dwelling units in a single building, with each dwelling unit situated on a separate lot and having separate entrances, where the dwelling units are joined together by a common wall along the dividing property line. To fall within this definition, a restrictive covenant must be filed with the Register of Deeds pursuant to Section 17.12.045. (Ord. 2012-4-1 (part))

17.08.117 Dwelling Unit.

"Dwelling unit" means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit providing complete, independent facilities which are used by one family for living, sleeping, cooking and eating. (Ord. 2012-4-1 (part))

17.08.120 Family.

"Family" means the body of persons who live together in one (1) dwelling unit as a single housekeeping entity. (Prior Code § 7.3(12)).

17.08.130 Frontage.

"Frontage" means all the property abutting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street. (Prior Code § 7.3(13)).

17.08.140 Garage — Private.

"Private garage" means an accessory structure or space for the storage only of not more than two (2) motor-driven vehicles. (Prior Code § 7.3(14)).

17.08.150 Garage — Public.

"Public garage" means any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored. (Prior Code § 7.3(15)).

17.08.160 Garage — Storage.

"Storage garage" means any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two (2) tons capacity shall be stored in any storage garage. (Prior Code § 7.3(16)).

17.08.170 Home Occupation.

"Home occupation" means an occupation for gain conducted entirely within a dwelling unit exclusive of attached garage area, by resident occupants, which occupation is clearly incidental and subordinate to the residential use of the premises. (Ord. 97-9-1 § 1).

17.08.180 Hotel.

"Hotel" means a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment. (Prior Code § 7.3(18)).

17.08.185 Household Stable.

"Household stable" means an accessory structure and/or land use that is designed, arranged, used, or intended to be used for the keeping of not more than two (2) equines. (Ord. 2006-4-2 § 2).

17.08.187 Indoor Riding Arena.

"Indoor riding arena" means a principal or accessory structure or land use that is designed, arranged, used, or intended to be used for exercising, riding, riding lessons, or training of equines.
(Ord. 2006-6-4 § 2 (part)).

17.08.190 Lodging House.

"Lodging house" means a building other than a hotel where lodging only is provided for compensation for not more than three (3) persons not members of the family. (Prior Code § 7.3(19)).

17.08.200 Lot.

"Lot" means a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal structure and its accessory structures, together with the open spaces required by this Title and abutting on a public street or officially approved place. (Prior Code § 7.3(20)).

17.08.210 Lot — Corner.

"Corner lot" means a lot abutting on two (2) or more streets at their intersection, provided that the interior angle of such intersection is less than one hundred thirty-five (135) degrees. (Prior Code § 7.3(21)).

17.08.220 Lot — Depth.

"Depth of lot" means the mean horizontal distance between the front and rear lot lines.
(Prior Code § 7.3(22)).

17.08.230 Lot — Interior.

"Interior lot" means a lot other than a corner lot.
(Prior Code § 7.3(23)).

17.08.240 Lot — Through.

"Through lot" means an interior lot having frontage on two nonintersecting streets. (Prior Code § 7.3(24)).

17.08.250 Lot Lines.

"Lot lines" means the lines bounding a lot as defined in Section 17.08.200. (Prior Code § 7.3(25)).

17.08.260 Nonconforming Use.

"Nonconforming use" means a building or premises lawfully used or occupied at the time of the passage of this Title or amendments thereto, which use or occupancy does not conform to the regulations of this Title or any amendments thereto. (Prior Code § 7.3(26)).

17.08.270 Professional Office.

"Professional office" means the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.
(Ord. 97-9-3; prior Code § 7.3(27)).

17.08.280 Public Airport.

"Public airport" means any airport which complies with the definition contained in Section 114.013(3), (6) or (9), Wisconsin Statutes, or any airport which serves or offers to serve common carriers engaged in air transport. (Prior Code § 7.3(28)).

17.08.290 Roadside Stand.

"Roadside stand" means a structure not permanently fixed to the ground, which is readily removable in its entirety, covered or uncovered and not wholly enclosed and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and there shall be not more than one (1) roadside stand on any one (1) premise. (Prior Code § 7.3(29)).

17.08.300 Setback.

"Setback" means the minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps. (Prior Code § 7.3(30)).

17.08.310 Stable.

"Stable" means a principal or accessory structure and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines. Breeding, livery, and boarding of equines may also be conducted. (Ord. 2006-6-4 § 2 (part)).

17.08.320 Street.

"Street" means all property dedicated or intended for public or private street purposes or subject to public easements there for and twenty-one (21) feet or more in width. (Prior Code § 7.3(32)).

17.08.330 Story.

"Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half (½) or more of its height above grade shall be deemed a story for purposes of height regulation. (Prior Code § 7.3(33)).

17.08.340 Story — Half.

"Half story" means the space under any roof except a flat roof. (Ord. 2001-1-2 § 3).

17.08.350 Street Line.

"Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street. (Prior Code § 7.3(35)).

17.08.360 Structure.

"Structure" means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground. (Prior Code § 7.3(36)).

17.08.365 Structure — Principal.

"Principal structure" means a structure in which is conducted the principal use of the lot on which it is situated.

17.08.370 Structural Alterations.

"Structural alterations" means any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls. (Prior Code § 7.3(37)).

17.08.380 Temporary Structure.

"Temporary structure" means a movable structure designed neither for human occupancy nor for the protection of goods or chattels and not forming an enclosure. (Prior Code § 7.3(38)).

17.08.390 Tourist Camp.

"Tourist camp" means a tract or parcel of land, with or without buildings, or other equipment, on which one or more camp cabins are located, or where temporary accommodations are provided for two (2) or more automobile trailers or house cars, open to the public free or for a fee. (Prior Code § 7.3(39)).

17.08.400 Vision Clearance.

"Vision clearance" means an unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (Prior Code § 7.3(40)).

17.08.410 Yard.

"Yard" means an open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein. (Prior Code § 7.3(41)).

17.08.420 Yard, Front.

"Front yard" means a yard extending the full width of the lot between the front lot line and the nearest part of the principal structure, excluding uncovered steps. (Prior Code § 7.3(42)).

17.08.430 Yard, Rear.

"Rear yard" means a yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the principal structure, excluding uncovered steps. (Prior Code § 7.3(43)).

17.08.431 Yard, Shore.

"Shore yard" shall be defined as the land between the Ordinary High Water Mark (OHWM) and the building setback line on properties within the District having frontage on a navigable waterway or other waterway defined in this Chapter. (Ord. 2012-8-1)

17.08.440 Yard. Side.

"Side yard" means a yard extending from the front yard to the rear yard, being the minimum horizontal distance between the principal structure and the side lot line. (Prior Code § 7.3(44)).

17.08.441 Yard. Street.

"Street yard" means a yard extending from the building or structure to a street or public right-of-way, being the minimum horizontal distance between the principal structure and the lot line.

17.08.450 A Zones.

"A zones" means areas of potential flooding shown on the Village's Flood Insurance Rate Map which would be inundated by the regional flood as defined herein. These areas may be numbered as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area. (Ord. 82-5-1 (part)).

17.08.460 Channel.

"Channel" means those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks. (Ord. 82-5-1 (part)).

17.08.470 Development.

"Development" means any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. (Ord. 82-5-1 (part)).

17.08.480 District. Basic.

"Basic district" means a part or parts of the Village for which the regulations of this Title governing the use and location of land and buildings are uniform. (Ord. 82-5-1 (part)).

17.08.490 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 more strict of the conflicting requirements shall apply. (Ord. 82-5-1 (part)).

17.08.500 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. (Ord. 82-5-1 (part)).

17.08.510 Flood.

"Flood" means a temporary rise in stream flow or stage in lake level that results in water over-topping the banks and inundating areas adjacent to the stream channel or lake bed. (Ord. 82-5-1 (part)).

17.08.520 Flood Insurance Study.

A "Flood Insurance Study" is an examination, evaluation, and determination of flood hazards, and if

appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mud flow) and/or flood-related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A zones. (Ord. 82-5-1 (part)).

17.08.530 Flood Profile.

"Flood profile" means a graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and manmade features along a stream. (Ord. 82-5-1 (part)).

17.08.540 Flood Protection Elevation.

"Flood protection elevation" means a point two feet above the water surface elevation of the one-hundred-year recurrence interval 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.
(Ord. 82-5-1 (part)).

17.08.550 Flood Stage.

"Flood stage" means the elevation of the floodwater surface above an officially established datum plane, which is mean sea level, 1929 adjustment, on the supplementary floodland zoning map.
(Ord. 82-5-1 (part)).

17.08.560 Floodlands.

"Floodlands" means all lands contained in the regional flood or one-hundred-year (100) recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway district, the floodplain conservancy district, and the floodplain fringe overlay district. (Ord. 82-5-1 (part)).

17.08.570 Floodplain Fringe.

"Floodplain fringe" means those floodlands, outside the floodway, subject to inundation by the one-hundred-year recurrence interval flood. For the purpose of this Title, the floodplain fringe includes the floodplain conservancy district and the floodplain fringe overlay district. (Ord. 82-5-1 (part)).

17.08.580 Flood Proofing.

"Flood proofing" means 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, disconnecting, elevation, or removal of all electric equipment; avoidance of the use of flood vulnerable areas; temporary removal or waterproofing of merchandise; operation of emergency pump equipment; closing of backwater sewer valve; placement of plugs and flood drain pipes; placement of movable watertight bulkheads; erection of sandbag levees; and the shoring of weak walls or structures. Floodproofing of structures shall be extended at least to a point two 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. (Ord. 82-5-1 (part)).

17.08.590 Floodway.

"Floodway" means a designated portion of the one-hundred-year recurrence interval flood that will safely

convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to one-tenth (1/10) foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
(Ord. 82-5-1 (part)).

17.08.600 Official Letter of Map Amendment.

"Official letter of map amendment" means official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
(Ord. 82-5-1 (part)).

17.08.610 Reach.

"Reach" means a longitudinal segment of a stream generally including those floodlands wherein flood stages are primarily and commonly controlled by the same manmade or natural obstructions to flow.
(Ord. 82-5-1 (part)).

17.08.620 Regional flood.

"Regional flood" means 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 like 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 thirty-year (30) mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence. (Ord. 82-5-1 (part)).

17.08.630 Substantial Improvement.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either:

A. Any project for improvement of a structure to comply with existing State or local health, sanitary or safety Code specifications which are solely necessary to assure safe living conditions; or
B. Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows, and other nonstructural components. (Ord. 82-5-1 (part)).

Chapter 17.12

GENERAL PROVISIONS

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17.12.010 Generally.

General zoning provisions, except as otherwise provided, are set forth in this Chapter. (Prior Code § 7.4 (part)).

17.12.020 Compliance.

No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, and without full compliance with the provisions of this Title and all other applicable local, county and state regulations. (Ord. 82-5-1 (part)).

17.12.030 Lot, Yard and Density Maintenance.

A. No lot area shall be so reduced that the yards or other area or dimension requirements shall be smaller than is required by this Title, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

B. No part of a yard or other area or dimension provided about any building for the purpose of complying with the provisions of this Title shall be included as a part of a yard or other area or dimension required for another building, except by easement. (Prior Code § 7.4(A)(2)).

17.12.040 One Lot, One Principal Structure.

Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot, townhome dwellings notwithstanding, and there shall be no more than one (1) principal structure on one (1) lot; provided that upon application made in writing, the Village Board may, after submitting the application to the Plan Commission for its recommendation, authorize more than one (1) principal structure on one (1) lot in the Residential, Rural Residential, Rural Estate Residential, Multiple Dwelling, Agricultural, Industrial, Institutional, and Commercial Districts in the Village. Before giving such authorization, the Village Board shall first find that the proposed building or buildings and their location on the lot will comply with all Village requirements as to land use, off-street parking and be in harmony with the general purpose of the Zoning Title of this Code and that the proposed building or buildings will promote the health, safety, aesthetics, prosperity and general welfare of the community. (Ord. 2012-4-1(part); Ord. 2011-5-1; Ord. 81-6-1; prior Code § 7.4(A)(3)).

17.12.041 Driveway, Access, and Parking Restrictions.

A. Access to public streets by properties located in residentially zoned districts shall be limited to one (1) such access or driveway for each lot in a platted subdivision, or one (1) such access or driveway for each unplatted lot or parcel of record as of the eighth day of May, 1989, or one (1) such access or driveway for each lot hereinafter created. Additional accesses or driveways are allowed on the aforementioned lots which are more than twice the minimum lot width as required by this Code on the basis of one (1) driveway or access per multiple of the minimum lot width. Exceptions to Paragraph A may be granted by the Village Building Inspector or Zoning Official based on safety or other specific articulated reason and upon review and recommendation of the Village Plan Commission.

B. No access or approach shall be located less than five (5) feet from the adjoining property line and shall be constructed in accordance with this Code.

C. All driveways installed on parcels of property where curbs, gutters and sidewalks exist shall be composed of concrete between the street and sidewalk.

D. Existing curb height at a proposed driveway entrance may be reduced by one (1) of the following methods, at the option of the property owner:

1. By making two (2) transverse sawcuts, removing a section of the existing curb and gutter, and installing a new depressed curb section in accordance with the attached specifications. Care shall be exercised to avoid damage to the adjacent street pavement. Damaged pavement shall be trimmed to neat lines by sawcutting vertically a minimum depth of two (2) inches prior to replacement of surface gradation bituminous concrete pavement material;
2. By making one (1) longitudinal sawcut through the curb head section along a horizontal plane sloped to match Section A-A of the specifications attached to the Ordinance codified in this subsection and on file in the Office of the Village Clerk. The sawing operation shall be made by a mechanically guided diamond bladed saw designed specifically for this purpose, and finished by diamond wheel grinding. Grinding, except for finishing, and chipping or milling are not acceptable methods to achieve the required curb section.

Reduction of curb height at driveway entrances is not required by Village Ordinances. Property owners desiring to do so shall make application through the Building Inspector. Work will be inspected by the Building Inspector or Department of Public Works. (Ord. 2007-10-1; Ord. 2002-5-2; Ord. 94-7-2; Ord. 94-5-3; Ord. 93-7-1; Ord. 90-8-1 (part); Ord. 89-5-1).

17.12.042 Sidewalks and Approaches.

All properties which require sidewalks to be constructed, shall have sidewalk forms inspected and approved by the Village Building Inspector or Public Works Superintendent prior to the placement of any concrete. Any concrete sidewalks completed without prior inspection approval shall be removed and replaced at the property owner's expense.

If sidewalks and approaches are not in at time of occupancy, temporary occupancy may be issued at the

discretion of the Building Inspector upon receipt of a bond (cash or certified check) in the amount of the sidewalk and approach cost, with a five hundred dollar ($500.00) minimum.
(Ord. 2007-10-1 § 2; Ord. 97-7-1).

17.12.045 Townhouse Dwellings.

Prior to the issuance of any Building or Occupancy Permit for a townhouse dwelling, (i) the building in question must comply with all applicable building codes, and (ii) the lot owner(s) shall prepare a Declaration of Covenants to be recorded against the title to the subject property setting forth the respective rights and obligations of the owner(s) of each dwelling with respect to maintenance of the common wall between them and any other rights and obligations the owner(s) may wish to include, in a form and substance satisfactory to the Zoning Administrator. The successors in interest and shall run with the land. (Ord. 2012-4-1 (part))

17.12.050 Nonconforming Uses / Structures / Lots.

A. The existing lawful use of a structure or premises at the time of the enactment of the Ordinance codified in this Title or any amendment thereto may be continued although such use does not conform to the provisions of this Title for the district in which it is located, but such nonconforming use shall not be extended.
B. If no structural alterations are made, a nonconforming use of a structure may be changed to another nonconforming use of the same or a more restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use of a conforming use, such use shall not thereafter be changed to a less restricted use.
C. If a nonconforming use of a structure or premises is discontinued for a period of twelve (12) months, any future use of the structure or premises shall conform to the regulations for the district in which it is located.
D. When a structure containing a nonconforming use is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located. The total structural repairs or alterations in any nonconforming use shall not during its life exceed fifty percent (50%) of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.
E. Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this Title shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a Registered Professional Engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood.
F. The Village Board and Plan Commission of the Village of Twin Lakes have the power to grant nonconforming uses / structures / lots for such things as those created by land divisions, dedicated roadways, or similar issues. (Section 62.34(7)(e) State Statute allows the Village Board to grant special exceptions to its Zoning Code provision.) (Ord. 95-12-3, 1995; Ord. 82-5-1 (part), 1982; prior Code § 7.4(A)(4)).

17.12.060 Permits Issued Before Effective Date of Title.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which a Building Permit has been issued before the effective date of the Ordinance codified in this Title and the construction of which shall have been started within six (6) months from the date of such permit. (Prior Code § 7.4(A)(5)).

17.12.080 Regulation of Off-Street Parking for Motor Vehicles.

A. Except as provided in Section 17.12.080 (B) of this Code, in all districts and in connection with every use, there shall be provided, at such time any use or structure is erected or at any time any principal structure or structure is altered, enlarged, changed to a different use or increased in capacity by

adding dwelling units, guestrooms, floor areas or seats, off-street parking area in accordance with the following:

1. Adequate Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one, two family, and townhouse dwellings and at least twenty-four (24) feet wide for all other uses;
2. Size. The size of each parking space shall be not less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress;
3. Location. The location of each parking space shall be on the same lot as the principal use unless parking space is provided on another parcel, in which case, all parking lots shall have the same zoning district as the principal use and, if not contained on the same parcel as the principal use, shall not be over four hundred (400) feet from the principal use. All parking lots located more than four hundred (400) feet from the principal use shall be approved through the design review process (Section 17.42.040), with appropriate requirements to assure continued parking availability in the event of approval through the design review process. 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;
4. Surfacing. All off-street parking areas shall be graded and surfaced as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have aisles and spaces clearly marked;
5. Screening. Any off-street parking area, other than that provided for a residence which abuts or faces a Residential Zoning District and where the vehicles will travel or be parked within fifty (50) feet of the Residential District line, shall provide a planting screen, landscaped earth berm, landscaped fence or wall at least three (3) feet in height at time of planting along the side abutting or fronting on a Residential District. Plans for such screen shall be submitted to the Building Inspector for approval before installation;
6. Lighting. Exterior lighting provided in any parking area shall be shielded or directed in such a manner so as to prevent light from glaring or shining directly onto abutting properties. All exterior lighting shall be compatible with existing lighting in the area;
7. Curbs or Barriers. Curbs or barriers shall be installed so as to prevent parked vehicles from extending any closer than five (5) feet from any side and rear lot line, except where the parking space abuts a Residential District it shall be no less than ten (10) feet;
8. Semi-Trailers and Travel Trailers. Semi-trucks, trailers and cabs, specialized construction equipment and vehicles such as, but not limited to, backhoes, tow trucks, bulldozers, dump trucks and mobile homes shall not be permitted to be parked in Residential Zoning Districts. This subsection shall not prohibit parking of motor homes and travel trailers on private property in Residential Zoning Districts;
9. Driveways and Highway Access. All driveways installed, altered, changed, replaced or extended after the effective date of the Ordinance codified in this Section shall meet the following requirements:
    a. Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway.
    b. Islands between driveway openings shall be provided with a minimum of ten (10) feet between all driveways and six (6) feet at all lot lines.
    c. Vehicle entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicle sales and service, car washes, service stations, garages, or public parking lots shall be not less than one hundred (100) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park playground, library or other place of public assembly.
    d. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways, and interchanges and their entrances or exit ramps or within five hundred (500) feet of the most remote end of the taper of the entrances or exit ramp.

e. No direct public or private access shall be permitted to any existing or proposed federal, state trunk, or county truck highway within one hundred (100) feet of its intersection with another highway.

f. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicle ingress or egress to the above specified streets or highways.

g. Temporary access to the rights-of-way in subsections (A)(9)(d), (e), and (f) of this Section may be granted by the Board of Appeals 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.

h. Drive-up windows shall provide one hundred fifty (150) feet of on-premises vehicle space prior to the drive-up window.

B. Parking Requirements. Except as provided in Section 17.12.080 (B) of this Code, in all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, changed, extended or increased, off-street parking stalls for all vehicles in accordance with the following:

1. Residential Uses;

a. Single-family dwellings: two (2) spaces for each dwelling.

b. Mobile homes: two (2) spaces for each mobile home.

c. Two (2) family dwellings: four (4) spaces per building.

d. Multiple-family dwelling of over two (2) units: two (2) spaces for one (1) and two (2) bedroom units; plus one (1) space for every eight (8) units for guest parking.

e. Housing for the elderly: one (1) space for each dwelling unit plus one (1) space for every eight (8) units for guest parking.

2. Commercial Uses;

a. Automobile repair garages and service garages: one (1) space for each regular employee plus one (1)

space for each two hundred fifty (250) square feet of floor area used for repair work.

b. Financial institutions and professional offices: one (1) space for each three hundred (300) square feet of primary floor area plus one (1) space for every two (2) employees.

c. Funeral homes: twenty (20) spaces for each potential viewing room.

d. Gas stations: two (2) spaces for each grease rack or similar facility plus one (1) space for each attendant on duty at any given time.

e. Gas stations with a convenience store and/or fast food restaurant: one (1) space for each one hundred and fifty (150) square feet of primary floor area plus one (1) space for every two (2) employees.

f. Hotels, motels: one (1) space for each guest room plus one (1) space for each three (3) employees.

g. Motor vehicle sales (new and used): one (1) space for each five hundred (500) square feet of floor area plus three hundred (300) square feet of outdoor display area for each motor vehicle to be displayed. This subsection does not include service garages, which are regulated through subsection (B)(2)(a) of this Section.

h. Restaurants, bars, clubs, lodges, and places of entertainment: one (1) space for each one hundred (100) square feet of floor area plus one (1) space for every two (2) employees.

i. Shopping centers, discount family stores and full service food stores: one (1) space for each two hundred (200) square feet of floor area plus one (1) space for every two (2) employees.

j. Freestanding retail and service stores, convenient food stores: one (1) space for each two hundred

(200) square feet of primary floor area plus one (1) space for every two (2) employees.

3. Manufacturing and Industrial;
   a. Manufacturing, processing plants and warehouses shall provide parking as follows:
      i. One (1) space per employee for the work shift with the largest number of employees;
      ii. One (1) visitor parking space for every ten (10) employees, except that the Plan Commission may authorize fewer visitor parking spaces if it finds that a fewer number will be sufficient for the operation anticipated;
      iii. One (1) parking space shall be provided for each company owned or leased truck, passenger car or other vehicle located or principally based on the premises.
4. Institutional Uses;
   a. Churches, auditoriums, community centers, vocational and night school and other places of public assembly: one (1) space for every five (5) seats.
   b. Secondary and elementary schools: one (1) space for every employee plus one (1) space for every ten (10) students between the ages of sixteen (16) and eighteen (18) and one (1) space for every five (5) students over eighteen (18) years of age. In addition, where a gymnasium or stadium is provided, there shall be added one (1) space for each five (5) seats based on the facility which has the greater number of seats.
   c. Governmental offices: one (1) space for every three hundred (300) square feet of floor area.
   d. Medical and dental clinics: five (5) spaces for every doctor plus one (1) space for every employee.
   e. Orphanages, convents, rectories, monasteries: one (1) space for every two thousand (200) square feet of floor area.
   f. Sanatoriums, hospitals, institutions, rest and nursing homes: one (1) space for every three (3) beds plus one (1) space for every three (3) employees.
5. Recreational Uses (Commercial and Noncommercial);
   a. Bowling alleys: six (6) parking spaces for each lane plus additional spaces as may be required herein for affiliated uses such as restaurants and other accessory uses.
   b. Health salons, skating rinks, etc.: one (1) parking space for every three (3) persons, based on the maximum number of persons that can be accommodated at the same time in accordance with such design capacity and fire department regulations, and one (1) parking space for every two (2) employees.
   c. Park, recreation areas and community centers: one (1) parking space for every two (2) employees, plus spaces in adequate number, as determined by the Building Inspector, to serve the visiting public.

C. Calculation of Spaces. In determining automobile parking spaces, if not shown by actual plan and count, three hundred (300) square feet of gross area per parking space shall be used. Where the calculation results in a fractional number, the parking spaces required shall be construed to be the next highest whole number.

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

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

F. Existing Structures. Off-street automobile parking spaces being maintained in connection with any existing principal structure or structure shall be maintained so long as said principal structure remains, unless an equivalent number of such spaces are provided, conforming to the requirements of this Section.

G. Vision Triangle. No obstructions, such as structures, fences, parking or vegetation shall be permitted in any commercial, industrial or Business Park District between the heights of two (2) feet and ten (10) feet above the plane through the center line of the road within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection. In the case of any federal, state or

county highway or Village road intersection with any other federal, state or county highway or Village road, the corner cutoff distance in establishing the triangular vision clearance space shall be increased to fifty (50) feet.

H. Loading Berth Requirements:

1. In all districts adequate loading area shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public right-of-ways, including public or private alleys, and so that all vehicles need not back onto any public right-of-ways. At all times roadways and public and private alleys shall be free from loading obstructions;
2. With the exception of properties located in the Business Park District, on every lot on which a business, trade 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 as follows:
   a. Business/commercial: one (1) space of at least ten by twenty-five (25) feet for each three thousand (3,000) square feet of floor area or part thereof.
   b. Wholesale and industrial: one (1) space of at least ten (10) by fifty (50) feet for each ten thousand (10,000) 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 at the terminal at any one (1) time.
3. Loading berths shall be located to the rear of the building or in the side yard behind the front yard setback.

I. Exceptions, Granting. Exceptions to the requirements of this Section 17.12.080 may be granted upon recommendation of the Plan Commission and approval of the Village Board. (Ord. 2012-4-1 (A & A1); Ord. 2003-1-1 § 2 and 3; Ord. 2000-3-3; Ord. 96-8-3).

17.12.085 Regulation of Off-Street Parking for Motor Vehicles — Downtown Commercial Overlay District.

A. District Created. There is, hereby, created an Overlay district within the Commercial Zoning District, generally described as follows: All properties fronting upon East Main Street from Burlington Avenue to Lake Avenue, all properties fronting upon Lance Drive from East Main Street to, and including, Parcel Number 214-2305 on the south side and to, and including, Parcel Number 214-2435 on the north side, all properties fronting on North Lake Avenue from East Main Street to, and including, Parcel Number 211-4250 on the west side and to, and including, Parcel Number 211-4901 on the east side, all properties fronting on South Lake Avenue; All parcels fronting on Wilmot Avenue from Barry Road to, and including, Parcel Number 214-1331 on the west side and from parcel 223-2250 to, and including, Parcel Number 223-2170 on the east side; All properties fronting on the north side of Vincent Road from Wilmot Avenue to, and including, Parcel Number 223-2240; and All parcels on Rink Avenue from Wilmot Avenue to, and including, Parcel Number 223-2260 on the north side and to, and including, Parcel Number 223-2240 on the south side.

B. In this Downtown Commercial Overlay District, all parking requirements applicable to the Commercial Zoning District shall apply in this overlay district except as follows:

1. Each and every use other than residential uses shall be allowed an exception of the first two thousand five hundred (2,500) square feet of applicable building space when calculating the amount of off-street parking required under the Zoning Code.
2. Medical and dental clinic parking requirements will be calculated using the requirements for Financial Institutions and professional office uses and will receive the exception of two thousand five hundred (2,500) square feet as described in subsection 1.
3. At minimum, each and every use shall provide one (1) parking space designated for handicapped parking.

C. Existing Structures--Uses. Off-street automobile parking spaces being maintained in connection with any existing principal structure within the overlay district shall be deemed to meet the minimum requirements of this Section. Any change in use which would require an increase in required parking

spaces will be facilitated by requiring that the incremental difference between existing spaces and required spaces be provided. Further, the number of off-street parking spaces maintained in connection with an existing structure shall be maintained so long as said principal structure remains, unless an equivalent number of such spaces are provided by some other method conforming to the requirements of this Section.

D. Exceptions to the requirements of this Section 17.12.085 may be granted upon recommendation of the Plan Commission and approval of the Village Board.

E. Other Uses. Unless specifically referenced in this Section, the requirements of Section 17.12.080 of this Code shall apply.

F. Employee Parking. Except for those with State approved handicapped parking privileges, all employees of business within this Overlay District are encouraged to utilize public off-street parking facilities. (Ord. 2003-3-1; Ord. 2003-1-1).

17.12.090 Yard Requirements When Abutting Less Restricted District.

Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line. (Prior Code § 7.4(A)(8)).

17.12.100 Height and Area Exceptions.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

A. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding sixty-five (65) feet nor five (5) stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.

B. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, microwave, radio relay structures, telephone, telegraph and power poles and lines, television or broadcasting towers, masts or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations of this Title and may be erected in accordance with other regulations or Ordinances of the Village.

C. Residences in the residence districts may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot which such building exceeds the height limit of the district in which it is located.

D. Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of one hundred twenty (120) feet from the line of the higher average established grade.

E. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are met. The requirement for equivalent space on the same lot may be reduced or waived in Commercial Districts by the Village Board upon recommendation of the Plan Commission.

F. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of passage of the Ordinance codified in this Title, such lot may be occupied by one family.

G. The total cumulative maximum footprint of accessory structures which are not a part of the principal structure shall not occupy more than thirty percent (30%) of the area of the required rear yard.

H. The ordinary projections of sills, belt courses, cornices and ornamental features shall not project more than twelve (12) inches.

I. Open or enclosed fire escapes and fire towers may project into a required yard not more than five (5) feet and into a required court not more than three and one-half (3½) feet, provided it be so located as

not to obstruct light and ventilation. (Ord. 2012-7-1 (E) (part)). (Ord. 2011-5-1 (G) & (H), (Ord. 95-12-2;

Ord. 95-8-5; Ord. 87-4-7; part of Ord. passed 9/27/73; Ord. passed 6/14/71; prior Code §7.4(B)).

17.12.101 Fence.

A. Permit Required. No fence, except those fences provided for in subsection (B)(2) of this Section, shall hereinafter be located, directed, moved, reconstructed, extended or enlarged, converted or structurally altered without a building permit when required under the Village of Twin Lakes Building Code, and without being in conformity with the provisions of this Section, the state statutes and the Wisconsin Administrative Code. The fence shall also meet all the structural requirements of local and state Codes.

B. Fences Permitted Without a Building Permit. The following fences are permitted as specified without a building permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility; or view of lake.

1. A snow fence shall be permitted in all districts when comprised of pickets bound together or plastic snow fence and not exceeding four (4) feet in height and are removed between May 1st and November 1st of each year. No privately owned snow fences shall extend beyond the highway right-of-way line.
2. Fences to be installed around swimming pools shall be governed by the provisions of Chapter 14.65 of this Code.
3. Agricultural fences in the district shall be permitted provided that they do not extend beyond the highway road right-of-way, into the lake, stream or wetlands.
4. Decorative fences not exceeding two (2) feet in height shall be permitted in all districts.

C. Fences or Walls for which a Building Permit is required.

D. Fence Standards and Materials**:**

1. Orientation**:** Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
2. Maintenance**:** Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
3. Residential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, vinyl and wire mesh, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque.
4. Nonresidential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, and barbed wire. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque.
5. Temporary Fencing: Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.
6. Fencing in Easements: Acceptable materials for constructing fencing in easements only include chain link, wrought iron, or wire mesh to allow water to flow through it. Fencing must be properly maintained to prevent any obstacles to water flow.

E. Fences in a RESIDENTIAL DISTRICT

1. Residential fences or walls are permitted on the property lines in Residential Districts, but shall not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in the height in the street yard, when measured from existing adjacent grade. Residential fences or

walls may be six (6) feet in height in rear street yard of a double frontage lot or in the side street yard of a corner lot not closer than fifteen (15) feet. Residential fences or walls shall not be closer than two (2) feet to any public right-of-way and no fence or wall greater than two (2) feet in height shall be placed within the vision triangle (see Section 17.08.400). No fence or wall which incorporates barb wire shall be permitted without authorization from the department of public works.

2. No person shall install, construct or erect in a Residential District a solid fence, which fence shall be greater than three (3) feet in height along the front street or any side street of said property, except that a chain link fence or an open, woven wire fence may be four (4) feet in height along the street side or side street of residential property. (Ordinance 2019-9-1).

F. Fences in **ALL DISTRICTS**

1. Security fences or walls are permitted in all districts other than Residential Districts. Security fences or walls may be placed on side and rear property lines, but shall not be located closer than two (2) feet to a public right-of-way line. Security fences or walls shall not exceed ten (10) feet in height. No fence or walls greater than two (2) feet in height shall be placed within the vision triangle.
2. Any fence or hedgerow in a commercial or Industrial District shall comply with the provisions of subsection (D)(1) of this Section. Fences in commercial and Industrial Districts may be solid, chain link or open woven wire. The use of electrically charged fences, barb wire or spike fences is prohibited except as upon approval by the Village Board. (Ord. 19-7-2).
3. No fence of any type may be erected, placed, extended, maintained or permitted in the waters of Lake Elizabeth or Lake Mary regardless of zoning district.

G. No person shall install, plant or maintain a fence or hedge on any lot which creates an unsafe condition for pedestrian or vehicular traffic. Any fence or hedge in violation of this Section shall be deemed a public nuisance and shall be subject to the abatement of public nuisances as set forth in Chapter 8.16.

H. Any fence within the Village which has become so deteriorated, dilapidated or broken as to be unsightly and a detriment to the neighborhood or area, or shall no longer fulfill its purpose as a fence because of its condition, shall be removed by the owner within ten (10) days after notice by the Building Inspector. In the event that the owner fails to comply with the Building Inspector's order, the Inspector shall declare the fence a public nuisance and proceed under Chapter 8.16 of this Code to abate the nuisance.

I. Recreational purpose, such as tennis courts, handball courts or similar use, will be reviewed and authorized by the Village Board.

J. Dumpsters. All current existing nonconforming dumpsters are exempt. All future dumpsters must be placed outside of the vision triangle. (Ord. 95-12-2).

17.12.110 Street Frontage Required.

No building permit shall be granted for any building (except farm buildings) within the Village limits unless the property has frontage of at least twenty (25) feet upon a public street or road which road shall have a minimum width of fifty (50) feet. (Part of undesignated Ord.: part of Ord. passed 5/9/56: prior Code § 7.16).

17.12.120 Surrounding Area.

No building permit shall be issued for any house, garage or commercial building if the plan, general design and architecture do not substantially conform to the plan, general design and architecture of the surrounding area. (Part of undesignated Ord.; prior Code § 7.17).

17.12.140 One Principal Structure Per Lot.

No more than one (1) principal structure of any description or category shall be built on any one lot. (Part of Ord. passed 5/9/56: prior Code § 7.18).

17.12.150 Garage Construction.

A. Foundation. Floating slab construction is permitted under the following specifications: Wall footing eight (8) inches below grade, one (1) foot wide and six (6) inches thick; all concrete must be poured at the same time. Insert into cement one-half (½) inch bolts, six (6) inches long, and five (5) feet apart to bolt down plate.
B. Studs. Studs shall be spaced sixteen (16) inches on center, only.
C. Collar ties. Two by sixes (2 x 6) shall be spaced four (4) foot on center.
D. Garage combined with building. When a garage is located beneath or attached to a dwelling, the following regulations as to its construction shall be rigidly observed:
   1. The floor and ceiling construction above the garage, when it is located beneath the building, or the roof when the garage is attached to the building, shall be inspected and shall have a fire resistance of one (1) hour based upon the standard specifications for fire tests or materials and construction. Compliance with Orders 5112 and 5113 of the State Building Code shall be considered as fulfilling the requirements of fire resistance for one (1) hour.
   2. Walls and partitions shall be of such construction as will meet the requirements of the one (1) hour fire test as above specified.
   3. When a garage is located beneath a dwelling, all doors and windows with their frames and sash shall be of standard fireproof construction and glazed with wired glass.
   4. Openings from dwelling into garage shall be restricted to a single doorway; such opening shall be protected by a standard swinging, self-closing fire door with approved fire-resistive frame and hardware and no glass shall be permitted in such door.
   5. When a doorway connects directly with a cellar or basement on the same or lower level in which there is any heating device or gas fixture, the door sill shall be raised at least one (1) foot above the garage floor level, or the doorway shall lead into a vestibule from which a second door connects with the cellar or basement.
   6. Garage floors shall be concrete or equally fire-resistive and impervious material.
E. Public Garages, Repair Shops, Storage Areas, Greasing Stations, Gas Stations. All public garages, repair shops, storage areas, greasing stations, gas stations and all buildings of similar type shall have fireproof walls and floors. (Ord. passed 1956).

17.12.155 Condominium Development.

No building or premises shall be used for or converted to condominium use and no building shall hereafter be erected or structurally altered to be used as a condominium unless the proposed condominium is approved by both the Plan Commission and Village Board and upon a properly executed Developer's Agreement.
(Ord. 98-7-1).

17.12.160 Accessory Uses and Structures.

For purposes of this Section accessory structures shall include detached garages. “Accessory structure” means a building or portion of a building subordinate to the principal structure and used for a purpose customarily incidental to the permitted use of the principal structure or the use of the premises. When an accessory structure is part of the principal structure or is substantially attached thereto, the side yard and rear yard requirements of the principal structure shall be applied to the accessory structure. “Private garage” means an accessory structure or space for the storage only of motor-driven vehicles. “Public garage” means any building, structure, or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored. “Storage garage” means any building, structure, or premises used for the storage only of motor-driven vehicles pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage. “Maximum footprint” means the individual footprint of any one accessory structure.

A. Accessory uses and detached accessory structures with a maximum footprint of one hundred fifty (150) square feet or less in area may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least three (3) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed fifteen (15) feet in height.

B. Detached accessory structures with a maximum footprint between one hundred fifty-one (151) square feet and seven hundred twenty (720) square feet in area may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least four (4) feet from the lot line; and not intended for human habitation or animal shelter; and shall not exceed twenty (20) feet in height.

C. Detached accessory structures with a maximum footprint of greater than seven hundred twenty (720) square feet in area but no greater than one thousand two hundred (1,200) square feet in area, may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least five (5) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed twenty-five (25) feet in height.

D. Detached accessory structures with a maximum footprint of greater than one thousand two hundred (1,200) square feet in area but no greater than two thousand (2,000) square feet in area, may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least ten (10) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed twenty-five (25) feet in height.

E. Detached accessory structures with a maximum footprint of greater than two thousand (2,000) square feet in area but no greater than three thousand (3,000) square feet in area, may be located in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least fifteen (15) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed twenty-five (25) feet in height.

F. No detached garage or accessory structure shall exceed a maximum footprint of one thousand two hundred (1,200) square feet in area except as provided for in Chapters 17.20, 17.25, and 17.26.

G. Accessory uses and detached accessory structures on lots and parcels within the shoreland jurisdiction shall not extend into the required shore yard unless otherwise specifically permitted by this Section.

H. Detached garages of masonry construction which are greater than one hundred fifty-one (151) square feet shall not be less than as provided for in ILHR 21 of the State Building Code. Detached accessory structures that are built with fire wall as specified in ILHR 21 shall not be less than five (5) feet from any residential building.

I. Notwithstanding the above, any accessory structures, private garage, public garage or storage garage which is located on property which abuts any lake, pond, river, channel or stream, shall be set back a minimum of ten (10) feet from the lot line abutting the street or right-of-way, unless the Village Engineer or Building Inspector finds it a hazard.

J. Notwithstanding the forgoing requirements, accessory structures on townhouse lots may directly abut the common lot line provided the accessory structure straddles the lot line and is divided in ownership and subject to the same covenants as the principal structure.

K. Surrounding Area. No building permit shall be issued for any accessory structure, or garage, if the plan, general design and architecture do not substantially conform to the plan, general design and architecture of the surrounding area.

L. Garage combined with building shall comply with state Code ILHR 20.75.

M. If any provisions of the Ordinances of the Village conflict with this Section, the provisions of this Section shall prevail. (Ord. 2012-4-1-J,K,L,M; (Ord. 2011-5-1; Ord. 95-8-4)

17.12.170 Park Dedication.

Any development of property in the Village shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedicating of land or fees in lieu of open spaces and parks. (Ord. 97-5-10).

17.12.180 Wireless Communications Facilities.

A. Statement of Intent. The purpose of this Section is to establish general guidelines for the siting of towers and antennas. The intent of this Section is to:

1. Encourage the location of towers in nonresidential areas and minimize the total number of towers throughout the Village;
2. Encourage collocation of new and existing tower sites;

3. Encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal;
4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and
6. Allow necessary radio, television, cellular, and other wireless communications.

B. Definitions. As used in this Section, the following terms shall have the meanings indicated:

"Alternative tower structure" means man-made structures such as clock towers, water towers, buildings, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

"Antenna" means any exterior apparatus designed for telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves, digital signals, radio frequencies, wireless telecommunications signals, including but not limited to directional antennas, such as panel(s), microwave and satellite dishes, and omnidirectional antennas, such as whip antennas.

"Collocation" means the location of multiple antennas of more than one commercial wireless communication service provider or governmental entity on a single tower or alternative tower structure.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"Governing authority" means the governing authority of the Village (Village Board, Plan Commission, and Building Inspector).

"Height" means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if such highest point is an antenna.

"Personal communications service (PCS)" means a provider of personal wireless service facilities as now defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332, and as the same may be amended from time to time.

"Personal wireless facilities" means transmitters, antenna structures and other types of installations used to provide personal wireless services.

"Preexisting towers and antennas" has the meaning set forth in subsection (C)(4) of this Section.

"Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

"Tower site" means the area encompassing a tower and all supporting equipment, structures, paved or graveled areas, fencing and other items used in connection with such tower.

C. Applicability. No permit is required for the following uses:

1. Installing an antenna or tower on any existing structure (such as a tower, building, sign, light pole, water tower, or other freestanding nonresidential structure), and provided additional antenna or tower adds no more than seven (7) feet to the height of such existing structure;
2. Public Property. Antennas or towers located on property owned, leased or otherwise controlled by the Village shall be exempt from the requirements of this Section, provided a license or lease authorizing such antenna or tower has been approved by the Plan Commission;
3. Amateur Radio and Receive-Only Antennas. This Section shall not govern any tower, or the installation of any antenna, that is under seventy feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas. Such amateur radio and receive-only antennas shall be governed by this Section;

4. Preexisting Towers and Antennas. Any tower or antenna which the owner can prove was erected prior to the effective date of the Ordinance codified in this Section shall not be required to meet the requirements of this Section, other than the requirements of subsection (D)(3) of this Section. Any such towers and antennas shall be referred to in this Section as "preexisting towers" or "preexisting antennas." In cases of preexisting towers and antennas, the presumption shall be that the tower or antenna was not preexisting unless the owner can so otherwise prove.

D. General Provisions.

1. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with the zoning district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. Aesthetics--Lighting.

a. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness and blend in to the natural setting and built environment.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

3. Federal Requirements. All towers shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal Government with the authority to regulate towers and antennas.

E. Permitted Uses.

1. Permit. A permit, to be approved upon application to the Plan Commission and upon majority vote of the Village Board, is required from the Village for the following uses:

a. Antennas. Locating an antenna that adds more than seven (7) feet to the height of an alternative tower structure, including placement of additional buildings or other supporting equipment used in connection with such antenna in all zoning districts;

b. Towers. Locating a tower, including placement of additional buildings or other supporting equipment used in connection with such tower in the Commercial, Industrial, and Business Park Districts. Construction of new towers is prohibited in residential zoning districts;

c. Buildings. Buildings used for the exclusive use of housing antenna and tower equipment shall be no larger than one hundred fifty (150) square feet per antenna.

2. Prohibited Areas. Locating a tower in a residentially zoned area is prohibited.

F. Conditional Uses. Locating a tower, including the placement of additional buildings or other supporting equipment used in connection with such tower, in zoning districts other than those zones indicated in subsection (E)(1) of this Section, shall require application to the Plan Commission and upon a three-fourths (¾) majority of the Village Board.

G. Permitting Requirements. Applications for all permits shall adhere to the following:

1. Any information of an engineering nature that the applicant submits, whether civil, mechanical or electrical shall be certified by a licensed professional engineer.
2. Information Required. Each applicant requesting a permit under this Section shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and scaled by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this Section.
3. Factors Considered in Granting Permits. The Village shall consider the following factors in determining whether to issue a permit, although the Village may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the intent of this Section is better served thereby.
    a. Height of the proposed tower;
    b. Proximity of the tower to residential structures and Residential District boundaries;
    c. Nature uses on adjacent and nearby properties;
    d. Surrounding topography;
    e. Surrounding tree coverage and foliage;
    f. Design of the tower, with particular reference to design characteristics that have the effect of accommodating other users and reducing or eliminating visual obtrusiveness;
    g. Proposed ingress and egress; and
    h. Availability of suitable existing towers and other structures as discussed in subdivision (4) of this subsection.
4. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant’s proposed antenna may consist of any of the following:
    a. No existing towers or structures are located within the geographic area required to meet applicant’s engineering requirements;
    b. Existing towers or structures are not of sufficient height to meet applicant’s engineering requirements;
    c. Existing towers or structures do not have sufficient structural strength to support applicant’s proposed antenna and related equipment;
    d. The applicant’s proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
    e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
    f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
5. Accommodation of Other Uses (Collocation).
    a. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respect to accommodate collocation of both the applicant’s antenna(s) and comparable antenna(s) for at least two (2) additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
    b. The holder of a permit for a tower shall allow collocation for at least two (2) additional users

and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of a tower permit has made access to such tower and tower site economically unfeasible, then the permit shall become null and void.

6. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the intent of this Section would be better served thereby.
   a. Towers shall be set back a distance equal to the height of the tower from any residential structure.
   b. Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
   c. In zoning districts other than the Industrial and Business Park Districts, towers over ninety feet in height shall not be located within one-quarter (¼) of a mile from any existing tower that is over ninety (90) feet in height.
7. Security Fencing. Tower sites shall be enclosed by security fencing and shall be equipped with an appropriate anti-climbing device sufficient to deter the general public from obtaining access to the site.
8. Landscaping. The following requirements shall govern the landscaping surrounding towers; however, the Plan Commission may waive such requirements if the intent of this Section would be better served thereby. Tower sites located in the Commercial District shall meet the requirements detailed in those Sections.
   a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower site from adjacent property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the security fencing.
   b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
   c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

H. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned. In such circumstances, the following shall apply:
   1. The owner of such antenna or tower or owner(s) of the property where the tower site is located shall remove such antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If removal to the satisfaction of the governing authority does not occur within such ninety (90) days, the governing authority may remove and salvage such antenna or tower and all supporting equipment and building(s) at the property owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
   2. The applicant for a permit under this Section shall submit a copy of a signed agreement between the property owner and owner of the tower, antenna(s) and supporting equipment and building(s) detailing requirements for abandonment and subsequent removal based on the provisions of subsection (1) of this Section. Such agreement shall also identify that such agreement shall be binding on future property owner(s) and future owner(s) of a tower, antenna and all supporting equipment and building(s).

(Ord. 98-4-2; Ord. 98-2-1).

17.12.190 Amateur Radio and Receive-Only Antennas.

A. Statement of Intent. The purpose of this Section is to establish general guidelines for the siting of

amateur radio and receive-only antennas. The intent of this Section is to:

1. Encourage the location of amateur radios in nonresidential areas and minimize the total number of amateur radios throughout the Village;
2. Encourage collocation of new and existing amateur radio sites;
3. Encourage users of amateur radios and receive-only antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal;
4. Encourage users of amateur radios and receive-only antennas to configure them in a way that minimizes the adverse visual impact of the amateur radios and receive-only antennas;
5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently; and
6. Allow necessary radio, television, cellular, and other wireless communications.

B. Definitions. As used in this Section, the definitions contained in Section 17.12.180(B) shall apply.

C. Location of Amateur Radio and Receive-Only Antennas. Any antenna that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive-only antennas shall be permitted in any zoning district upon application to the Plan Commission and upon approval by a three-fourths (¾) majority of the Village Board. To the extent necessary, and so as not to create a conflict with the provisions of this Section, Section 17.12.180 shall serve as persuasive guidelines with respect to the siting and location of amateur radios and receive-only antennas located within the Village and addressing issues of aesthetics, lighting and federal requirements.(Ord. 98-2-2).

17.12.200 General Zoning District Regulations.

Any development of property in the Village, in any and all zoning districts, shall be subject to Title 16 relating to subdivisions, Title 13 relating to the Village sewer systems, and Title 11 relating to streets and sidewalks. (Ord. 98-5-2).

Chapter 17.16

DISTRICTS

Sections:

17.16.010 Districts Designated.
17.16.020 Zoning Map.

17.16.010 Districts Designated.

For the purpose of this Title, the Village is divided into the following fourteen (14) basic Zoning Districts and four (4) Overlay Districts:

A. Wastewater Treatment Facility Separation Overlay District;
B. Planned Development District;
C. Upland Conservancy District;
D. Residential District;
E. Multiple Dwelling District;
F. Rural Residential District;
G. Rural Estate Residential District;
H. Agricultural District;
I. Commercial District;
J. Business Park District ;
K. Industrial District;
L. Institutional / Park District;
M. Conservancy District;
N. Floodplain Regulations
O. Shoreland-Wetland Regulations;
P. Shoreland Protection Overlay District;

Boundaries of these Districts are established as shown on the maps entitled "Village of Twin Lakes Wisconsin Zoning Map," dated July 25, 2005 and revised through December 20, 2010, and "Supplementary Floodland Zoning Map - Village of Twin Lakes, Wisconsin," dated May 3, 1982, as these maps may be amended from time to time pursuant to this Code, both maps which accompany and are herewith made a part of this Title. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the District Zoning Map. The boundaries of the Floodway District shall be determined by use of the scale contained on the Supplementary Floodland Zoning Map. The boundaries of the Floodplain Conservancy and the Floodplain Fringe Overlay Districts shall be determined by the floodland limits shown on the Supplementary Floodland Zoning Map. The flood stages, under floodway conditions, contained on the Supplementary Floodland Zoning Map were developed from technical data contained in the Flood Insurance Study - Village of Twin Lakes, Kenosha County, Wisconsin, published by the Federal Emergency Management Agency (FEMA) and dated December 1, 1981. The information contained in the flood insurance study is further illustrated in FEMA Floodway and Flood Boundary Map and Flood Insurance Rate Map, both maps dated June 1, 1982. Where a conflict exists between the floodland limits as shown on the Supplementary Floodland Zoning Map and actual field conditions, the elevations from the one hundred (100) year recurrence interval flood profile under floodway conditions shall be the governing factor in locating the regulatory floodland limits.
(Ord. 2010-12-5; Ord. 2009-8-3; Ord. 2006-10-2: Ord. 2006-4-4 § 3; Ord. 2000-1-2; Ord. 82-5-1 (part)).

17.16.020 Zoning Map.

Certified copies of the Zoning Map and the supplementary Floodland Zoning Map shall be adopted and approved with the text as part of this Title and shall be available to the public in the office of the Village Clerk. (Ord. 82-5-1 (part)).

Chapter 17.17

WASTEWATER TREATMENT FACILITY SEPARATION OVERLAY DISTRICT

Sections:

17.17.010 Purpose.
17.17.020 Prohibited Uses.
17.17.030 Conditional Uses.
17.17.040 District Description--Required Separation.

17.17.010 Purpose.

The purpose of this Overlay District is to minimize any potential odor, noise, and nuisances caused by sewage treatment facilities, to enhance Wastewater Treatment Plant security and reliability, to isolate buildings occupied or intended for Residential use and certain Commercial uses, and to prevent the development of vacant land for such Residential uses and certain Commercial uses from wastewater or sewage treatment facilities. (Ord. 2006-6-5 (part)).

17.17.020 Prohibited Uses.

Notwithstanding the uses allowed in the underlying Zoning District, all principal structures for Residential use are prohibited in the Wastewater Treatment Facility Separation Overlay District.
(Ord. 2006-6-5 (part)).

17.17.030 Conditional Uses.

Notwithstanding the uses allowed in the underlying Zoning District, any Commercial use which requires the extended occupation of a structure by a person or persons shall be allowed as a conditional use only in the Wastewater Treatment Facility Separation Overlay District provided the owner of such Commercial use indicates understanding of the purpose of the Separation Overlay District and is in agreement the current and potential location of regulated equipment at the Wastewater Treatment Plant. (Ord. 2006-6-5 (part)).

17.17.040 District Description — Required Separation.

The Wastewater Treatment Facility Separation Overlay District shall include that area within five hundred (500) feet of the fence surrounding the Wastewater Treatment Facility on the north and south sides of the property, within five hundred (500) feet of the creek on the east side of the property and within five hundred (500) feet of a line one hundred fifty (150) feet west of and parallel to the existing fence on the west side of the property all as of the date of the Ordinance codified in this Chapter. (Ord. 2006-6-5 (part)).

Chapter 17.18

PLANNED DEVELOPMENT DISTRICT

Sections:

17.18.010 Primary Purpose and Characteristics.
17.18.020 Planned Development District (PD).
17.18.030 Permitted, Special and Conditional Uses.
17.18.040 Ownership.
17.18.050 Lot and Bulk Requirements.
17.18.060 Minimum Sanitary Sewer Requirements.
17.18.070 Pre-Petition Conference and General Lay-Out Conceptual Plan.
17.18.080 Petition.
17.18.090 Referral to Plan Commission.
17.18.100 Public Hearing.
17.18.110 Basis for Petition Approval.
17.18.120 Determination.
17.18.130 Development Agreement and Demonstration of Consent.
17.18.140 Duration and Amendment.
17.18.150 Standards For Planned Development Districts by Predominant Land Use.
17.18.160 Changes and Additions.
17.18.170 Subsequent Land Division.
17.18.180 Failure to Begin Development.

17.18.010 Primary Purpose and Characteristics.

The Village Board of Trustees has determined that, pursuant to 61.35, Wisconsin Statutes, 62.23(7)(b), Wisconsin Statutes, grants the Board authority to create "Planned Development Districts" as granted to cities pursuant to 62.23(7)(b), Wisconsin Statutes. The PD (Planned Development District), set forth herein, is intended to permit developments that will, over a period of time be enhanced by coordinated area site planning and diversified location of structures and community facilities; and to ensure adequate standards of construction and planning. The PD District provides regulatory framework to encourage improved community benefits as to matters such as environmental and aesthetic design, stormwater management, preservation of natural topography and site amenities, and the like, and to allow for greater flexibility in the development of land than that allowed in standard districts or on a lot-by-lot basis, while achieving substantial compliance with the intent of the Zoning Code and existing or future Village plans. The district allows variation in the relationship of dimensions, structures and spaces in developments organized internally as cohesive projects, and carefully related to other nearby developments and lands. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village Board upon specific petition under this Section and after public hearing with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section have been met. (Ord. 2003-3-2 (part)).

17.18.020 Planned Development District (PD).

So as to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this Ordinance except for the Shoreland-Wetland, Floodplain Fringe Overlay, and Conservation Districts, there is hereby created the Planned Development District. (Ord. 2003-3-2 (part)).

17.18.030 Permitted, Special and Conditional Uses.

Permitted, special and conditional uses permitted in a Planned Development District shall conform to uses permitted in the underlying basic use district. The district makes no differentiation between permitted, conditional and special exception uses, since all uses will receive discretionary review.
(Ord. 2003-3-2 (part)).

17.18.040 Ownership.

Areas designated as PD Districts shall be under single or corporate ownership or control at the time of their creation, or if there is more than one (1) owner, the area for such Planned Development District shall be considered as one (1) tract, lot or parcel and the legal description shall define said Planned Development as a single parcel, lot or tract and be jointly petitioned by the several owners.
(Ord. 2003-3-2 (part)).

17.18.050 Lot and Bulk Requirements.

The PD District has no predetermined specific lot area, lot width, height, floor area ratio, yard, usable open space, sign and off-street parking requirements. Such requirements are determined for each district on an individual basis through the Village review and approval process. (Ord. 2003-3-2 (part)).

17.18.060 Minimum Sanitary Sewer Requirements.

All Planned Developments shall be on a public sanitary sewer system. This requirement may be waived upon recommendation of the Plan Commission and approval of the Village Board if installation of a public sanitary sewer system is not feasible or if an acceptable alternative means of wastewater treatment is provided. Sewer by a means other than public sanitary sewer system must be authorized by the Kenosha County Sanitary Code and other applicable Codes and must be approved by the Kenosha County Sanitarian. (Ord. 2003-3-2 (part)).

17.18.070 Pre-Petition Conference and General Lay-Out Conceptual Plan.

Prior to the official submission of the petition for the approval of Planned Development District, the owner or his agent making such petition shall meet with the Building Inspector to discuss the scope and proposed nature of the contemplated development and other information as deemed appropriate and pertinent for presentation to the Committee. At the pre-petition conference, the owner or agent shall present a general lay-out conceptual plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a general guideline the requirements set forth in Section 17.18.080. (Ord. 2003-3-2 (part)).

17.18.080 Petition.

Following the pre-petition conference, the owner or his agent may file a petition with the Village Building Inspector for approval of a Planned Development District. The petition shall be treated as a conceptual plan review pursuant to the Village Ordinances. Such petition shall be accompanied by any review fees required by these Ordinances as well as the following information:

A. A description of the character of the proposed development.

B. A statement which sets forth the relationship of the proposed Planned Development to any existing or proposed master plans or comprehensive plans or any adopted component thereof, and the general character of and the uses to be included in the proposed Planned Development including the following information:

   1. Total area to be included in the Planned Development area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development;

2. An evaluation of how the proposed development will address any existing or proposed master plans or comprehensive plans or any adopted component thereof and the various goals and objectives contained therein;
3. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features of common open spaces;
4. When requested by the Village, a general outline of the organizational structure of a property owner's association, deed restrictions and provision on shared installation and maintenance of common open spaces or other facilities;
5. Any proposed departures from the Standards of Development as set forth in the Village Zoning Ordinances or other regulations or administrative rules;
6. A construction schedule indicating the expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal;
7. An analysis of the impact upon the community, demonstrating community benefits warranting PD District status;
8. Demonstration of financial capability;
9. Any other data or information requested by the Village;

C. A detailed development site plan including:
1. A survey and legal description of the boundaries of the subject property included in the proposed Planned Unit Development and its relationship to surrounding properties prepared by a land surveyor registered by the State of Wisconsin;
2. The location of existing and proposed public and private roads, driveways, walkways and parking facilities;
3. The size, arrangement, location and architectural character of any individual building sites and proposed building groups on each individual site;
4. The location, treatment and description of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways and other related amenities;
5. The type, size, and location of all structures;
6. Landscape plan;
7. Schematic architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of the proposed structures;
8. The existing and proposed location of public sanitary sewer, water supply facilities and other utility facilities;
9. The characteristics of soils related to contemplated specific uses;
10. Existing topography on the site with contours at no greater than two (2) foot intervals;
11. Concept grading and stormwater drainage plans prepared by a Professional Engineer registered by the State of Wisconsin;
12. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses;
13. Any other data or information requested by the Village. (Ord. 2003-3-2 (part)).

17.18.090 Referral to Plan Commission.

After the filing of a petition that is deemed to be complete by the Building Inspector, the petition and detailed site plan for a Planned Development District shall be referred to the Village's Plan Commission for its review and recommendation, which may include any additional conditions or restrictions which it may deem necessary or appropriate. Following such review, including the joint public hearing as required by this Chapter, the Plan Commission shall forward the application to the Village Board with recommendations that the plan should be approved as submitted, approved with modifications or disapproved.
(Ord. 2003-3-2 (part)).

17.18.100 Public Hearing.

The Plan Commission, before formulating its recommendations to the Village Board, shall hold a joint public hearing with the Village Board pursuant to the requirements of Section 17.44.050. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development District. (Ord. 2003-3-2 (part)).

17.18.110 Basis for Petition Approval.

The Plan Commission in making its recommendation to the Village Board and the Village Board in making its determination, shall find:

A. That the petitioners for the proposed Planned Development District have indicated that they intend to begin the physical development of the Planned Development within twelve (12) months following the approval of the petition and development agreement and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.

B. That the proposed Planned Development District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with any existing or proposed adopted master plans or comprehensive plans or any adopted components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

C. The Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:

1. The proposed site is provided with adequate drainage facilities for surface and storm waters;
2. The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development;
3. No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, Fire and Police protection, street maintenance, and maintenance of public areas by the proposed development;
4. The streets and driveways on the site of the proposed development are adequate to serve the proposed development and do meet the minimum standards of all applicable Ordinances or Administrative Regulations of the State or Village, whichever is more restrictive;
5. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious Planned Development area compatible with the uses and property values of the surrounding neighborhood or area;
6. The entire tract or parcel of land to be included in a Planned Development District is held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development District is considered as one (1) tract, lot or parcel and the legal description defines said Planned Development as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the Planned Development District provided that all further divisions are in accordance with the restrictions placed on the particular Planned Development.

D. That in the case of a proposed Residential Planned Development District:

1. Such development creates an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the Village;
2. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities;
3. Provision has been made for adequate, continuing Fire and Police protection;
4. The population composition of the development will not have an adverse effect upon the Village's or other governmental agency's capacity to provide needed school or other municipal service facilities or any adverse effect is mitigated by a means acceptable to the Plan Commission;
5. Adequate guarantee is provided for permanent preservation of open space areas as shown on the

approved site plan either by private reservation and maintenance or by dedication to the public.

E. That in the case of a proposed Commercial Planned Development District:
   1. The proposed development will be adequately served by off-street parking and truck service facilities;
   2. The proposed development is adequately provided with and does not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas;
   3. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

F. That in the case of a proposed Industrial Planned Development District:
   1. The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property values of the surrounding neighborhood;
   2. The proposed development will be adequately provided with and will not impose any undue burden, on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas;
   3. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities;
   4. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

G. That in the case of a proposed mixed use Planned Development District shall find that the requirements of the individual uses as identified above have been met for the proposed mixed use Planned Development. (Ord. 2003-3-2 (part)).

17.18.120 Determination.

A. In reaching its determination, the Village Board shall review the recommendations of the Plan Commission and such other information and such other evidence as the Village Board considers relevant and shall then take action to refer to the Plan Commission, to adopt, modify, or to reject the zoning amendment applying the PD District to the subject property. The approval of a Planned Development District shall be based upon and include as conditions thereto adherence to the building, site, and operational plans for the development as approved by the Village Board.

B. If the Village Board votes to approve the rezoning of the subject property to PD District, the status of the property shall be that the base zoning will be PD District, with general plan approval only. The map designation will be PD District. (Ord. 2003-3-2 (part)).

17.18.130 Development Agreement and Demonstration of Consent.

A. The final stage in the Village review and approval process shall be preparation, approval and execution by the Village and the applicant of a development agreement embodying all of the terms and conditions of the specific plan and additional terms of implementation required by the Village dealing with timetables, performance assurances, inspection, restrictions on any division of the real estate parcels included with the district (with the exception of the creation of condominium parcels within the confines of land parcels approved within the PD District) and/or change of ownership structure of the entities that are parties to the development agreement and provisions for lapsing of specific plan approval and reversion of the zoning status of the property to general plan approval status, upon specified change of circumstances or failure of the development to materialize as planned.

B. Detailed information and specific plans related to the approved conceptual plan along with the proposed development agreement shall be referred to the Village's Plan Commission for its review and recommendation, which may include any additional conditions or restrictions which it may deem necessary or appropriate. Following such review, the Plan Commission shall forward the proposed development agreement to the Village Board with recommendations that the plan should be approved as

submitted, approved with modifications or disapproved.

C. Developer execution of the development agreement shall constitute the statutorily required demonstration of property owner consent. (Ord. 2003-3-2 (part)).

17.18.140 Duration and Amendment.

A. The development agreement shall run with the land and fully bind all parties subsequently taking interest in the property or properties.

B. Any subsequent change including conversion to condominium parcels or addition to the plan or use shall first be submitted for approval to the Plan Commission and if, in the opinion of such Commission, the change or addition constitutes a substantial alteration of the original plan, the procedure provided in this Section shall be required. (Ord. 2003-3-2 (part)).

17.18.150 Standards for Planned Development Districts by Predominant Land Use.

A. General. All PD Districts shall be consistent with goals and objectives of any existing or proposed Village Master Plan or elements thereof.

B. Residential PD District Development:

1. Petitions for Residential PD Districts that propose residential densities higher than allowed by residential base zoning shall be accepted only by specific motion of the Plan Commission;
2. Approval of such petition shall be conditioned upon approval of a detailed area plan for the site and its vicinity that demonstrates the linkage between the higher density residential development possibilities and the nature, intensity and compatibility with other interrelated uses, as well as compatibility with public services and facilities;
3. All Residential PD District Developments shall demonstrate community benefits in aesthetics and construction to warrant the special standards achieved by PD District designation.

C. Commercial PD District Development. All Commercial PD District Development shall demonstrate community benefits in aesthetics and construction to justify the PD District designation.

D. Mixed Use PD District Development:

1. All PD Districts shall be related to nearby uses different from the dominant uses in the PD District;
2. Particular attention shall be placed upon careful and creative interrelationship of uses mixed within a PD District. (Ord. 2003-3-2 (part)).

17.18.160 Changes and Additions.

Any subsequent change or addition to the plans or uses shall first be submitted for approval to the designated Building Inspector and the Plan Commission and if in the opinion of either such change or addition constitutes a substantial alteration of the original plan, a joint public hearing before the Village Board and Plan Commission shall be required and notice thereof shall be given pursuant to the provisions of these Ordinances, and said proposed alterations shall be submitted to the Village Board for approval.
(Ord. 2003-3-2 (part)).

17.18.170 Subsequent Land Division.

The division of any land or lands within a Planned Development District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and the State of Wisconsin. (Ord. 2003-3-2 (part)).

17.18.180 Failure to Begin Development.

If no substantial construction has commenced or no use established in the Planned Development District within the time schedule submitted to the Village Board, the Building Inspector shall petition the Village Board for the purpose of rescinding the Planned Development designation so as to allow the land in question to revert to its underlying zone. The procedures set forth in this Ordinance, relating to the amendment of this Ordinance shall be adhered to in its discretion and for good cause, the Village Board may extend for a reasonable period of time, not to exceed one (1) year, the period for the beginning of construction or the

establishment of a use. If the Planned Development District is rescinded, the Building Inspector shall remove said district from the Official Zoning Map. Those zoning regulations applicable before the creation of said district shall then be in effect and no vested rights in the Planned Development District shall be deemed to have accrued. (Ord. 2003-3-2 (part)).

Chapter 17.19

UPLAND CONSERVANCY DISTRICT

Sections:

17.19.010 Purpose.
17.19.020 Permitted Uses.
17.19.030 Conditional Uses.
17.19.040 Lot Area, Building Height and Area and Setback.
17.19.050 Tree and Forest Preservation.
17.19.060 Park Dedication.
17.19.070 Home Occupations.

17.19.010 Purpose.

The Upland Conservancy District is intended to preserve, protect, enhance and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation, protect wildlife habitat, and will promote and maintain the natural beauty of the Village of Twin Lakes. (Ord. 2006-4-3 (part)).

17.19.020 Permitted Uses.

In the Upland Conservancy District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Title, except for one (1) or more of the following uses:

A. Single family dwelling;
B. Accessory structures or one (1) private garage;
C. Not over three (3) boarders or lodgers not members of the family;
D. Home occupations. See Section 17.20.070;
E. Home occupation or announcement signs not over one (1) square foot in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over eight (8) square feet in area; signs not over four (4) square feet in area pertaining to the lease, hire or sale of a building or premises, provided that no advertising sign of any other character shall be permitted in this District;
F. Participation in the State Managed Forest Program;
G. Park and recreational areas.

(Ord. 2006-4-3 (part)).

17.19.030 Conditional Uses.

The following uses shall be allowed upon recommendation of the Plan Commission, approval of the Village Board of Trustees and issuance of a Conditional Use Permit:

A. Utility substations and other utility facilities;
B. Farming, truck gardening, excepting chicken, fur and stock farms and farms operated for the disposal of garbage, rubbish or offal;
C. Bed and breakfast establishment;
D. Wind energy conversion systems.

(Ord. 2006-4-3 (part)).

17.19.040 Lot Area, Building Height And Area And Setback.

In this District the minimum lot area and dimensions, maximum height of buildings, and minimum dimensions of yards shall be as follows:

A. All lots shall have an area of not less than five (5) acres nor less than three hundred (300) feet in width, provide for adequate off-street parking and also be accessible to sewer mains or pass satisfactory percolation test;
B. Lot width may be reduced to one hundred fifty (150) feet on a cul-de-sac or road curve provided that the lot width is at least three hundred (300) feet at the required building setback line;
C. Buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor two and one-half (2 ½) stories in height. See Section 17.12.100(A), (B), (C), (D);
D. Lot Coverage Ratio (LCR). Not more than fifteen percent (15%) of the lot area shall be covered by impervious surfaces including building roofs;
E. Side Yard.
   1. There shall be a side yard on each side of a building as identified below;
   2. The sum of the widths of the side yards shall not be less than twenty percent (20%) of the lot width and no single side yard shall be less than eight percent (8%) of the lot width.
F. There shall be a rear yard having a minimum depth of sixty (60) feet. See Sections 17.12.030, 17.12.090 and 17.12.100(E);
G. There shall be a setback line of not less than sixty (60) feet.
(Ord. 2006-4-3(part)).

17.19.050 Tree And Forest Preservation.

Wooded areas existing on the parcel may not be clear cut. (Ord. 2006-4-3 (part)).

17.19.060 Park Dedication.

The development of residential sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedication of land or fees in lieu of open spaces and parks. (Ord. 2006-4-3 (part)).

17.19.070 Home Occupations.

Home occupations shall be allowed subject to the regulations outlined in Section 17.20.080.
(Ord. 2006-4-3 (part)).

Chapter 17.20

RESIDENTIAL DISTRICT

Sections:

17.20.010 Permitted Uses.
17.20.020 Conditional Uses.
17.20.030 Lot Area, Building Height and Area and Setback.
17.20.040 Setback.
17.20.050 Rear Yard.
17.20.060 Lot Area Per Family.
17.20.070 Park Dedication
17.20.080 Home Occupations.

17.20.010 Permitted Uses.

In the Residential District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Title, except for one (1) or more of the following uses:

A. Single family dwelling, two-family (2) dwellings.
B. Churches, public schools, parochial schools, public libraries, public museums and art galleries.
C. Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
D. Public recreational and community center buildings and grounds.
E. Telephone buildings, exchanges and lines and static transformer stations, provided there is no service garage or storage yard. This regulation, however, shall not include microwave relay structures, unless or until the location thereof shall first have been approved by the Village Plan Commission.
F. Farming, truck gardening, excepting chicken, fur and stock farms and farms operated for the disposal of garbage, rubbish or offal.
G. Accessory structures or one (1) detached private garage. In addition to the regulations of Section 17.12.160 and notwithstanding 17.12.160 F, accessory structures and garages on lots of less than one (1) acre shall not exceed a maximum footprint of one thousand two hundred (1,200) square feet and accessory structures and garages on lots between one (1) acre and two (2) acres shall not exceed a maximum footprint of two thousand (2,000) square feet and accessory structures and garages on lots of two (2) acres or more shall not exceed a maximum footprint of three thousand (3,000) square feet. The location, minimum setback and separation, height, and other applicable regulations shall be as described in 17.12.160 of this Code.
H. Not over three (3) boarders or lodgers not members of the family.
I. Railroad right-of-way and passenger depots, not including switching, storage, freight yards or siding.
J. Home Occupations. See Section 17.20.080.
K. Home occupation or announcement signs not over one (1) square foot in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over eight (8) square feet in area; signs not over four (4) square feet in area pertaining to the lease, hire or sale of a building or premises, provided that no advertising sign of any other character shall be permitted in the Residential District. (Ord 2012-4-1 (A); Ord. 2011-5-1 (G)); Ord. 97-9-2; part of Ord. passed 9/27/73; part of Ord. passed 4/12/65; Ord. passed 12/14/59; prior Code § 7.5 (part)).

17.20.015 Prohibited Use.

A. The use of a garage, shed or other outbuilding for dwelling or residence purposes is strictly prohibited.
B. No trailer, camper or tent shall be used as a permanent principal structure within the Village of Twin Lakes. (Ord. 2015-12-2)

17.20.020 Conditional Uses.

The following uses shall be allowed upon recommendation of the Plan Commission, approval of the Village

Board and issuance of a Conditional Use Permit:

A. Accessory structure. On lots of ten (10) acres or more may exceed three thousand (3,000) square feet.

1. Purpose and Intent. The purpose and intent of permitting as a conditional use the construction of an accessory structure in excess of three thousand (3,000) square feet when all applicable standards have been met, located in the Residential Zoning District in the Village of Twin Lakes, is to protect the residential nature and character of the district while providing for large structures associated with agricultural or other similar uses permitted in the district. The use of this structure to operate a business is prohibited, unless allowed under this conditional use permit, in order to protect the residential nature and character of the district in which they are located.
2. Definitions.
3. Permits. A Conditional Use Permit must be obtained before a building permit may be issued for this accessory structure. When a Conditional Use Permit has been issued for the accessory structure, the owner of the lot shall be responsible for payment of all applicable fees as required by this Code.
4. Standards.
   a. An applicant for such a conditional use must comply with the general Ordinances for Conditional Use Permits as required in by this Code.
   b. Only one (1) such conditional use accessory structure may be allowed per lot.
   c. The lot with the accessory structure shall contain an existing principal structure unless the lot is used for agricultural purposes, and must have a minimum lot size of ten (10) acres.
   d. The accessory structure shall not exceed one hundred (100) feet in height.
   e. The accessory structure shall have a minimum building wall separation from the primary dwelling unit of thirty (30) feet.
   f. The accessory structure shall have a minimum setback from all lot lines of fifty (50) feet. However, the accessory structure shall not be allowed in the front yard of a lot.
   g. Construction of the accessory structure shall comply with applicable building codes.
   h. The accessory structure shall be designed and built complimentary with the building type, architectural style, and color of the principal structure and shall be designed, sited, landscaped and constructed so as to avoid adverse impact to surrounding properties.
   i. Additional architectural, landscape, material or other treatments may be required as a condition of the Conditional Use permit.
5. Covenants and Restrictions. Prior to the issuance of any building, or Conditional Use Permit, the lot owner shall record against the deed to the subject property, restrictive covenants that shall run with the land, in a form approved by the Village Attorney, in favor of and for the benefit of the Village of Twin Lakes, which shall indicate that the use of the accessory structure is subject to and regulated by the Village of Twin Lakes Code of Ordinances. A copy of the signed Conditional Use Permit for the accessory structure shall be recorded, and attached thereto and incorporated by reference, with the covenants. Nothing herein is intended to modify, amend or alter the legal effect of any conditions, covenants and restrictions, or other independent or private deed restrictions that may be applicable to a lot for which a secondary dwelling unit is permitted under this Section.
6. Enforcement. This Ordinance shall be part of the Village of Twin Lakes Code or Ordinances and shall be enforced accordingly. (Ord. 2011-5-1)

B. Townhouse dwellings.

1. Purpose and Intent. The purpose and intent of permitting as a conditional use the construction of new structures as townhouses or the division of existing lots and structures into townhouses when all applicable standards have been met, located in the Residential Zoning District in the Village of Twin Lakes, is to protect the residential nature and character of the district while providing for a means to provide an alternative housing stock.
2. Definitions – see Chapter 17.08 of this Code.
3. Permits. A Conditional Use Permit must be obtained before a Building Permit may be issued or a CSM executed for these structures. When a Conditional Use Permit has been issued for the townhouse, the owner of the lot shall be responsible for payment of all applicable fees as required

by this Code.

4. Standards
   a. An applicant for such a conditional use must comply with the general Ordinances for Conditional Use Permits as required in by this Code.
   b. The original lot and the lot after division, which shall be accomplished via Certified Survey Map, as well as the structure thereon, shall comply with all provisions of this Code.
   c. Such CSM shall bear an indication that said lot is being divided for townhouse purposes and may not be further divided.
   d. Construction of the structure shall comply with applicable building codes.
   e. The structure shall be designed, sited, landscaped and constructed so as to avoid adverse impact to surrounding properties.
   f. Additional architectural, landscape, material or other treatments may be required as a condition of the Conditional Use Permit.
5. Covenants and Restrictions. Prior to the issuance of any Building Permit, or Conditional Use Permit, the lot owner shall record against the Deed to the subject property, restrictive covenants that shall "run with the land", in a form approved by the Village Attorney, in favor of and for the benefit of the Village of Twin Lakes, which shall indicate that the use of the structure is subject to and regulated by the Village of Twin Lakes Code of Ordinances. A copy of the signed Conditional Use Permit for the accessory structure shall be recorded, and attached thereto and incorporated by reference, with the covenants. Nothing herein is intended to modify, amend or alter the legal effect of any conditions, covenants, and restrictions, or other independent or private deed restrictions that may be applicable to a lot on which a townhouse dwelling is permitted under this Section.
6. Enforcement. This Ordinance shall be part of the Village of Twin Lakes Code or Ordinances and shall be enforced accordingly. (Ord. 2012-4-1 (B))

17.20.030 Lot Area, Building Height and Area, Minimum Size and Setback.

In the Residential District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

A. Height. Buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor two and one-half (2½) stories in height. See Section 17.12.100(A), (B), (C), (D);
B. Lot Coverage Ratio (LCR) and Floor Area Ratio (FAR). On lots of less than one (1) acre, not more than thirty-five percent (35%) of the lot area and on lots of one (1) acre or more, not more than twenty-five percent (25%) of the lot area shall be covered by impervious surfaces including building roofs. There is no FAR in this District.
C. Side Yard.
   1. There shall be a side yard on each side of a principal structure,
   2. All principal structures shall have side yards of no less than ten (10) feet wide on each side. For lot widths greater than eighty (80) feet, the sum of the side yards must not be less than twenty-five (25) feet, and no side yard shall be less than ten (10) feet in width.
D. Minimum Size. The minimum floor area of a principal building shall be eight hundred (800) square feet on ground floor/first floor. (Ord. 2015-12-3)

17.20.040 Setback.

Unless otherwise provided, there shall be a setback line of not less than twenty-five (25) feet from the right of way, with an exception if the average setback on the street face is less than twenty-five (25) feet, in which case the setback must match the average setback of the adjacent properties.

17.20.050 Rear Yard.

There shall be a rear yard having a minimum depth of twenty-five (25) feet. See Sections 17.12.030, 17.12.090 and 17.12.100 (E). (Prior Code § 7.5 (part)).

17.20.055 Shore Yard.

There shall be a shore yard having a minimum depth of sixty (60) feet.

17.20.060 Lot Area Per Family.

A. Single-family dwellings hereafter erected or structurally altered shall provide a lot area of not less than eight thousand (8000) square feet nor less than sixty (60) feet in width, and provide for adequate off-street parking.

B. Two-family dwellings shall provide a lot area of not less than ten thousand (10,000) square feet, nor not less than sixty (60) feet in width, and provide for adequate off-street parking and also be accessible to sewer mains or pass satisfactory percolation test. (Part of Ord. passed 4/12/65; prior Code § 7.5 (part)).

C. For townhouse dwellings, each lot on which an individual dwelling unit is located shall provide a lot area of not less than five thousand (5,000) square feet, nor less than thirty (30) feet in width, and provide for adequate off-street parking and also be accessible to sewer mains or pass satisfactory percolation test.

(Ord. 2012-4-1 (C))

17.20.070 Park Dedication.

The development of residential sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedication of land or fees in lieu of open spaces and parks. (Ord. 97-5-5).

17.20.080 Home Occupations.

A. Intent. The intent of this Section is to provide a means to accommodate a small family business without the necessity of rezoning into a Commercial District. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.

B. Definition. A home occupation is an occupation for gain conducted entirely within a dwelling unit exclusive of attached garage area, by resident occupants, which occupation is clearly incidental and subordinate to the residential use of the premises.

C. Restrictions on Permitted Home Occupations. Home occupations meeting the requirements of this subsection are a permitted use in the Residential District provided that the use is registered with the Village and are subject to the requirements of the district in which the use is located, in addition to the following requirements:

1. The total area devoted to such home occupations shall not exceed twenty percent (20%) of the gross area (inclusive of basement dimensions) of the dwelling unit involved.
2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or in any accessory structure on the lot permitted under this Chapter.
3. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than only one (1) unlighted name plate, not exceeding one square foot in area, containing the name and profession of the occupant of the premises shall be exhibited.
4. No storage or display of materials, goods, supplies or non-vehicular equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
5. No home occupation use shall create unreasonable or offensive smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference (or interference with radio or television reception), pollution or any other nuisance not normally associated with the average residential use in the district.
6. All vehicles used in connection with the home occupation are of a size, and located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the neighborhood, and there are not more than two (2) vehicles per home occupation.
7. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises.
8. Persons employed by a permitted home occupation shall be limited to resident family members and no more than one (1) nonresident employee.

9. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
10. Home-based day care for more than six (6) children is permitted only as a conditional use.
11. The volume of vehicular or pedestrian traffic or parking shall not result in congestion or be in excess of what is compatible with a residential neighborhood.
12. All authorized home occupations must furnish such information as required by Village officials with respect to procedures and processes, equipment, materials, chemicals and any other items utilized in the home occupation.
13. Any authorized home occupation which requires plumbing, electrical or structural changes, when such changes are not dictated by the primary residential use, shall be prohibited.

D. Permitted Home Occupation. The following home occupations are permitted in any residence, provided that all conditions in subsection C of this Section are met:
1. Dressmaking, tailoring and sewing;
2. Painting, sculpturing, weaving, printmaking, lapidary work, ceramics, writing and similar artistic endeavors;
3. Typing, transcribing, word processing, telephone answering, preparing mailings and similar business

services;
4. Computer programming;
5. Teaching of voice, musical instruments, dance, or other tutoring, limited to no more than two (2) students at one (1) time;
6. Constructing models, yard novelties and similar woodworking projects;
7. Office of a manufacturer's representative, architect, tradesman, engineer, attorney, accountant or consultant.

E. Prohibited Home Occupations. The following are prohibited as home occupations, even if the conditions of subsection C of this Section are met:
1. Medical, dental or other similar health care offices;
2. Barbershops and beauty parlors;
3. Photographic studios;
4. Pet grooming or boarding;
5. Automobile or truck repair or painting shops;
6. Small engine repair shops;
7. Welding;
8. Furniture stripping and/or refinishing;
9. Manufacturing or assembling items for sale, from components not made on the same premises;
10. Massage parlors;
11. Orthodontia occupations, including the manufacture of orthodontia devices.

F. Conditional Use Home Occupations.
1. Any proposed home occupation that is neither specifically permitted by subsection D of this Section nor specifically prohibited by subsection E of this Section shall be considered a conditional use and be granted or denied at the discretion of the Village Board upon review and recommendation of the Plan Commission and upon consideration of those standards contained in subsection C of this Section;
2. The types and number of equipment or machinery may be restricted by the Village Board;
3. Sale or transfer of the property or expansion of the home occupation shall cause the Conditional Use Permit to be null and void.

G. With regard to conditional uses granted under subsection F of this Section, there shall be a fee as established in Section 3.06.010(D) for all actions requiring appearances before the Plan Commission for any home occupation requiring a Conditional Use Permit. The Conditional Use Permit will automatically expire when the premises are sold, leased or otherwise transferred to a different owner or owners.

H. Prior Home Occupations.

1. All home occupations prohibited in subsection E of this Section and established prior to the passage of the Ordinance codified in this Section are required to register with the Village by no later than November 1, 1997. Registration shall be prima facie proof of the continued existence of the home occupation, and upon registration, said home occupation shall be grandfathered;
2. Any grandfather rights conferred under this subsection shall automatically expire:
    a. When the dwelling unit is sold, leased, or otherwise transferred to a different owner or owners; or
    b. When a lapse in business occurs for a period of one (1) year.

(Ord. 2013-11-3 (C4 & C6); Ord. 2004-4-5; Ord. 97-9-4).

Chapter 17.24

MULTIPLE DWELLING DISTRICT

Sections:

17.24.010 Permitted Use.
17.24.011 Resident Manager.
17.24.020 Height and Area.
17.24.030 Height.
17.24.040 Side Yard.
17.24.050 Setback.
17.24.060 Lot Area Per Family.
17.24.070 Park Dedication.

17.24.010 Permitted Use.

In the Multiple Dwelling District, no building or premises shall be used and no building shall be hereafter erected, moved or structurally altered unless it is approved by a majority vote of the Village Board and meets the requirements set forth in this Title. (Part of Ord. passed 9/27/73).

17.24.011 Resident Manager.

The Village Board shall require, as a condition for the approval of a permit for a multiple dwelling (other than a condominium), designed for ten (10) or more dwelling units that the owner or owners of the land and building units enter into a written agreement with the Village for the benefit of the Village and the prospect tenants, wherein the owner or owners shall covenant and agree to appoint a resident agent, who shall reside on the premises of the proposed multiple dwelling, such agent to have full power and authority to supervise and conduct the management and operation of the premises and be responsible for the cleanliness, maintenance, repair and upkeep of the premises. The agreement shall contain a legal description of the land and be in recordable form. The agreement shall provide that the resident agent shall be authorized and directed to make such expenditures as may be required for the maintenance, repair, general upkeep and preservation of the premises, and the elimination of any condition hazardous to the health of the tenants and the general public, including lack of proper heat, and to charge such expenditure to the account of the owner or owners. The agreement shall also provide that the appointment of a resident agent shall be a continuing duty of the owner or owners; that the covenants of the agreement run with the land; that they may be enforced by injunctive relief and by the appointment of a receiver in case of violation, by application to the Circuit Court of Kenosha County by the Village or any tenant of the multiple dwelling. (Ord. 90-5-4).

17.24.020 Height and Area.

In the multiple dwelling zoning, the height of buildings, the minimum dimensions of side yards and the lot area per family shall be as follows in this Chapter. (Part of Ord. passed 9/27/73).

17.24.030 Height.

Buildings hereafter erected or structurally altered shall neither exceed thirty-five (35) feet nor two and one-half (2 ½) stories from ground level within the perimeter of the entire building. (Part of Ord. passed 9/27/73).

17.24.040 Side Yard.

There shall be a side yard of not less than fifteen (15) feet, measured on a horizontal plane on each side of a building hereafter erected, moved or structurally altered. (Part of Ord. passed 9/27/73).

17.24.050 Setback.

There shall be a front yard setback of not less than twenty-five (25) feet for any building hereafter erected, moved or structurally altered. (Part of Ord. passed 9/27/73).

17.24.060 Lot Area Per Family.

Every building hereafter, erected, moved or structurally altered for occupancy by three (3) families or more, on lots zoned multiple-dwelling, shall provide a lot area of not less than five thousand (5,000) square feet for each family unit, excluding roadways and parking areas, and shall provide for off-street parking in accordance with Section 17.12.080 of this Code. (Ord. 90-4-1, 1990: Ord. 78-11-1 (part), 1978: part of Ord. passed 9/27/73).

17.24.070 Park Dedication.

The development of multiple dwelling and condominium sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedication of land or fees in lieu of open spaces and parks.
(Ord. 97-5-6; Ord. 89-3-2 § 2).

Chapter 17.25

RURAL RESIDENTIAL DISTRICT

Sections:

17.25.010 Permitted Uses.
17.25.020 Conditional Uses.
17.25.030 Lot Area, Building Height and Area and Setback.
17.25.040 Park Dedication.
17.25.050 Home Occupations.

17.25.010 Permitted Uses.

In the Rural Residential District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Title, except for one (1) or more of the following uses:

A. Single family dwelling;

B. Accessory structures or one (1) detached private garage. In addition to the regulations of Section 17.12.160 and notwithstanding 17.12.160 F, accessory structures and garages on lots of less than two (2) acres shall not exceed a maximum footprint of two thousand (2,000) square feet and accessory structures and garages on lots of two (2) acres or more shall not exceed a maximum footprint of three thousand (3,000) square feet. The location, minimum setback and separation, height, and other applicable regulations shall be as described in 17.12.160 of this Code;

C. Not over three (3) boarders or lodgers not members of the family;

D. Home occupations. See Section 17.20.070;

E. Home occupation or announcement signs not over one (1) square foot in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over eight (8) square feet in area; signs not over four (4) square feet in area pertaining to the lease, hire or sale of a building or premises, provided that no advertising sign of any other character shall be permitted in the Residential District. (Ord. 2011-5-1 (B); Ord, 2007-5-1 § 2; Ord. 2006-6-3 (part)).

17.25.020 Conditional Uses.

The following uses shall be allowed upon recommendation of the Plan Commission, approval of the Village Board and issuance of a Conditional Use Permit:

A. Secondary Single-Family Dwelling Unit.

1. Purpose and Intent. The purpose and intent of permitting as a conditional use the construction and/or occupancy of a secondary dwelling unit is to allow, when all applicable standards have been met, an attached or detached building designed for Residential purposes restricted to guest quarters, private medical provider, household servant, or member of the immediate family of the occupant of the owner occupied primary dwelling unit located in the Rural Residential Zoning District in the Village of Twin lakes. The rental, lease, or separate sale of any such secondary dwelling unit is prohibited in order to protect the residential nature and character of the district in which they are located.

2. Definitions. For purposes of this Section, the term dwelling unit shall consist of and include both the primary dwelling unit occupied by the owner and the second dwelling unit occupied by the owner's guest(s), private medical provider, or household servant, or member of the immediate family as described above; together are viewed as one single-family dwelling. A primary dwelling unit is defined as a detached building designed for and occupied by the owner as a single-family dwelling unit. A secondary dwelling unit is defined as an attached or detached dwelling unit occupied by the owner's guest(s), private medical provider, household servant, or member of the immediate family of the occupant located on the same lot of a primary dwelling unit that is occupied by the owner as a single-family dwelling unit. A secondary dwelling unit

shall have sleeping areas and a bathroom, with or without kitchen facilities, as specified in the permit. A secondary dwelling unit may not be rented, leased, or sold separately from the primary dwelling unit on the lot. The owner of a lot containing a primary dwelling unit and a secondary dwelling unit must live in the primary dwelling unit in order for the Conditional Use Permit to be valid.

3. Permits. A Conditional Use Permit must be obtained before a building and/or occupancy permit may be issued for any secondary dwelling unit. When a Conditional Use Permit has been issued for a secondary dwelling unit, the owner of the lot shall be responsible for payment of all applicable fees as required by this Code.
4. Standards.
   a. An applicant for such a conditional use must comply with the general Ordinances for Conditional Use Permits as required in by this Code.
   b. Only one (1) secondary dwelling unit may be allowed per lot. Only one (1) driveway access for the primary dwelling and the secondary dwelling unit may be allowed from any public road.
   c. The lot proposed for a secondary dwelling unit shall contain an existing primary dwelling unit, and must have a minimum lot size of two (2) acres.
   d. The square footage of habitable area for a secondary dwelling unit shall not exceed one thousand five hundred (1,500) square feet. The total footprint of a structure including a secondary dwelling unit shall not exceed three thousand (3,000) square feet.
   e. All secondary dwelling units shall not exceed the height of the primary dwelling unit.
   f. All secondary dwelling units shall have a minimum building wall separation from the primary dwelling unit of ten (10) feet.
   g. All secondary dwelling units shall comply with applicable setback requirements for the primary dwelling unit in the respective zoning district. However, secondary dwelling units shall not be allowed in the front yard of a lot.
   h. All secondary dwelling units shall share the same utility services as the primary dwelling unit and shall be served by the same electrical, water, and gas meters, as applicable, that serve the primary dwelling unit. No separate meters shall be allowed. The sanitary sewerage systems servicing the secondary dwelling units shall comply with the standards regulated by the Village of Twin Lakes and Kenosha County.
   i. Adequate off-street parking shall be available for the secondary dwelling unit.
   j. Construction of all secondary dwelling units shall comply with applicable building codes.
   k. All secondary dwelling units shall be designed and built consistent with the building type, architectural style, and color of the primary dwelling unit and the appearance of the secondary dwelling unit shall be that of a site-built, single-family dwelling unit.
5. Covenants and Restrictions. Prior to the issuance of any building, occupancy, or Conditional Use Permit for a secondary dwelling unit, the lot owner shall record against the deed to the subject property, restrictive covenants that shall run with the land, in a form approved by the Village Attorney, in favor of and for the benefit of the Village of Twin Lakes, which shall indicate that the occupancy and/or use of the secondary dwelling unit is subject to and regulated by the Village of Twin Lakes Code of Ordinances. A copy of the signed Conditional Use Permit for a secondary dwelling unit shall be recorded, and attached thereto and incorporated by reference, with the covenants. The covenants shall prohibit, including but not limited to, the rental or lease of the secondary dwelling unit, and also prohibit any sale or form of ownership transfer separate from the primary dwelling unit on the same lot. Nothing herein is intended to modify, amend or alter the legal effect of any conditions, covenants and restrictions, or other independent or private deed restrictions that may be applicable to a lot for which a secondary dwelling unit is permitted under this Section.
6. Enforcement. This Ordinance shall be part of the Village of Twin Lakes Code or Ordinances and shall be enforced accordingly.

B. Two-Family Dwellings.

C. Churches, Public Schools, Parochial Schools, Public Libraries, Public Museums and Art Galleries.

D. Municipal Buildings (except sewage disposal plants), Garbage Incinerators, Public Warehouses, Public Garages, Public Shops and Storage Yards, and Penal or Correctional Institutions and Asylums.

E. Public Recreational and Community Center Buildings and Grounds.
F. Utility Substations and other Utility Facilities.
G. Farming, Truck Gardening, Excepting Chicken, Fur, and Stock Farms, and Farms Operated for the Disposal of Garbage, Rubbish or Offal.
H. Community Based Residential Facilities or Similar Operations.
I. Household Stable. ***(Not Code-Recommended -Minimum two and one-half (2.5) acre lot requirement. One (1) horse maximum.)***
J. Bed and Breakfast Establishment.

(Ord. 2007-5-1 § 3; Ord. 2006-6-3 (part)).

17.25.030 Lot Area, Building Height and Area and Setback.

In this District, the minimum lot area and dimensions, maximum height of buildings, and minimum dimensions of yards shall be as follows:

A. All lots hereinafter created are intended to be of varying sizes in such a manner as to maintain a minimum density on the tract of not less than four-tenths (.4) units per acre or two and one-half (2 ½) acres per dwelling unit. In no case shall a lot have an area of less than one (1) acre nor be less than one hundred twenty-five (125) feet in width. Individual lots of two (2) acres or greater shall be at least two hundred (200) feet in width. Subdivisions of land in this District shall be reviewed in accordance with the intent of the adopted Comprehensive Plan with respect to residential density. Minimum tract size, prior to subdivision, shall be twenty (20) acres. Such tract may be created using multiple contiguous pre-existing parcels.
B. Lots shall provide for adequate off-street parking and also be accessible to sewer mains or pass satisfactory percolation test.
C. Lot width may be reduced to one hundred (100) feet on a cul-de-sac or road curve provided that the lot width is at least the minimum required lot width at the required building setback line.
D. Buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor two and one-half (2 ½) stories in height. See Section 17.12.100(A), (B), (C) and (D).
E. Lot Coverage Ratio (LCR) and Floor Area Ratio (FAR). Not more than twenty-five percent (25%) of the lot area shall be covered by impervious surfaces including building roofs. There is no FAR in this District.
F. Side Yard.
    1. There shall be a side yard on each side of a building.
    2. The sum of the widths of the side yards shall not be less than twenty percent (20%) of the lot width and no single side yard shall be less than eight percent (8%) of the lot width.
G. There shall be a rear yard having a minimum depth of fifty (50) feet. See Sections 17.12.030, 17.12.090 and 17.12.100(E).
H. There shall be a setback line of not less than thirty (30) feet for parcels less than three (3) acres. For parcels of three (3) acres or greater, there shall be a setback line of not less than fifty (50) feet.

(Ord. 2006-6-3 (part)).

17.25.040 Park Dedication.

The development of residential sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedication of land or fees in lieu of open spaces and parks. (Ord. 2006-4-3 (part)).

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17.25.050 Home Occupations.

Home occupations shall be allowed subject to the regulations outlined in Section 17.20.080.
(Ord. 2006-6-3 (part)).

Chapter 17.26

RURAL ESTATE RESIDENTIAL DISTRICT

Sections:

17.26.010 Permitted Uses.
17.26.020 Conditional Uses.
17.26.030 Lot Area, Building Height and Area and Setback.
17.26.040 Park Dedication.
17.26.050 Home Occupations.

17.26.010 Permitted Uses.

In the Rural Estate Residential District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Title, except for one (1) or more of the following uses:

A. Single family dwelling;

B. Accessory structures or one (1) detached private garage. In addition to the regulations of Section 17.12.160 and notwithstanding 17.12.160 F, accessory structures and garages shall not exceed a maximum footprint of three thousand (3,000) square feet. The location, minimum setback and separation, height, and other applicable regulations shall be as described in 17.12.160 of this Code;

C. Not over three (3) boarders or lodgers not members of the family;

D. Home occupations. See Section 17.20.070;

E. Home occupation or announcement signs not over one (1) square foot in area, except that public or religious institutions may have, for their own use, an announcement sign or bulletin board not over eight (8) square feet in area; signs not over four (4) square feet in area pertaining to the lease, hire or sale of a building or premises, provided that no advertising sign of any other character shall be permitted in this District.

(Ord. 2011-5-1 (B); Ord. 2007-5-1 § 2; Ord. 2006-4-2 (part)).

17.26.020 Conditional Uses.

The following uses shall be allowed upon recommendation of the Plan Commission, approval of the Village Board and issuance of a Conditional Use Permit:

A. Secondary Single-Family Dwelling Unit.

1. Purpose and Intent. The purpose and intent of permitting as a conditional use the construction and/or occupancy of a secondary dwelling unit is to allow, when all applicable standards have been met, an attached or detached building designed for residential purposes restricted to guest quarters, private medical provider, household servant, or member of the immediate family of the occupant of the owner-occupied primary dwelling unit located in the Rural Residential Zoning District in the Village of Twin Lakes. The rental, lease, or separate sale of any such secondary dwelling unit is prohibited in order to protect the residential nature and character of the district in which they are located.

2. Definitions. For purposes of this Section, the term dwelling unit shall consist of and include both the primary dwelling unit occupied by the owner and the second dwelling unit occupied by the owner's guest(s), private medical provider, or household servant, or member of the immediate family as described above; together are viewed as one single-family dwelling. A primary dwelling unit is defined as a detached building designed for and occupied by the owner as a single-family dwelling unit. A secondary dwelling unit is defined as an attached or detached dwelling unit occupied by the owner's guest(s), private medical provider, household servant, or member of the immediate family of the occupant located on the same lot of a primary dwelling unit that is occupied by the owner as a single-family dwelling unit. A secondary dwelling unit shall have sleeping areas and a bathroom, with or without kitchen facilities, as specified in the permit. A secondary dwelling unit may not be rented, leased, or sold separately from the primary dwelling

unit on the lot. The owner of a lot containing a primary dwelling unit and a secondary dwelling unit must live in the primary dwelling unit in order for the Conditional Use Permit to be valid.

3. Permits. A Conditional Use Permit must be obtained before a building and/or occupancy permit may be issued for any secondary dwelling unit. When a Conditional Use Permit has been issued for a secondary dwelling unit, the owner of the lot shall be responsible for payment of all applicable fees as required by this Code.
4. Standards.
   a. An applicant for such a conditional use must comply with the general Ordinances for Conditional Use Permits as required in by this Code.
   b. Only one (1) secondary dwelling unit may be allowed per lot. Only one (1) driveway access for the primary dwelling and the secondary dwelling unit may be allowed from any public road.
   c. The lot proposed for a secondary dwelling unit shall contain an existing primary dwelling unit, and must meet the minimum lot size for the respective zoning district.
   d. The square footage of habitable area for a secondary dwelling unit shall not exceed 1,500 square feet. The total footprint of a structure including a secondary dwelling unit shall not exceed 3,000 square feet.
   e. All secondary dwelling units shall not exceed the height of the primary dwelling unit.
   f. All secondary dwelling units shall have a minimum building wall separation from the primary dwelling unit of ten (10) feet.
   g. All secondary dwelling units shall comply with applicable setback requirements for the primary dwelling unit in the respective zoning district. However, secondary dwelling units shall not be allowed in the front yard of a lot.
   h. All secondary dwelling units shall share the same utility services as the primary dwelling unit and shall be served by the same electrical, water, and gas meters, as applicable, that serve the primary dwelling unit. No separate meters shall be allowed. The sanitary sewerage systems servicing the secondary dwelling units shall comply with the standards regulated by the Village of Twin Lakes and Kenosha County.
   i. Adequate off-street parking shall be available for the secondary dwelling unit.
   j. Construction of all secondary dwelling units shall comply with applicable building codes.
   k. All secondary dwelling units shall be designed and built consistent with the building type, architectural style, and color of the primary dwelling unit and the appearance of the secondary dwelling unit shall be that of a site-built, single-family dwelling unit.
5. Covenants and Restrictions. Prior to the issuance of any building, occupancy, or Conditional Use Permit for a secondary dwelling unit, the lot owner shall record against the deed to the subject property, restrictive covenants that shall run with the land, in a form approved by the Village Attorney, in favor of and for the benefit of the Village of Twin Lakes, which shall indicate that the occupancy and/or use of the secondary dwelling unit is subject to and regulated by the Village of Twin Lakes Code of Ordinances. A copy of the signed Conditional Use Permit for a secondary dwelling unit shall be recorded, and attached thereto and incorporated by reference, with the covenants. The covenants shall prohibit, including but not limited to, the rental or lease of the secondary dwelling unit, and also prohibit any sale or form of ownership transfer separate from the primary dwelling unit on the same lot. Nothing herein is intended to modify, amend or alter the legal effect of any conditions, covenants and restrictions, or other independent or private deed restrictions that may be applicable to a lot for which a secondary dwelling unit is permitted under this Section.
6. Enforcement. This Ordinance shall be part of the Village of Twin Lakes Code or Ordinances and shall be enforced accordingly.

B. Two-Family Dwellings.

C. Churches, Public Schools, Parochial Schools, Public Libraries, Public Museums and Art Galleries.

D. Municipal Buildings (except sewage disposal plants), Garbage Incinerators, Public Warehouses,

Public Garages, Public Shops and Storage Yards, and Penal or Correctional Institutions and Asylums.

E. Public Recreational and Community Center Buildings and Grounds.

F. Utility Substations and other Utility Facilities.

G. Farming, Truck Gardening, Excepting Chicken, Fur, and Stock Farms, and Farms Operated for the Disposal of Garbage, Rubbish or Offal.

H. Community Based Residential Facilities or Similar Operations.

I. Household Stable. ***(Not Code-Recommended-Minimum five (5) acre lot requirement. Two (2) horses maximum).***

J. Bed and Breakfast Establishment.

K. Wind energy conversion systems.

(Ord. 2007-5-1 § 4; Ord. 2006-4-2)

17.26.030 Lot Area, Building Height and Area and Setback.

In this District the minimum lot area and dimensions, maximum height of buildings, and minimum dimensions of yards shall be as follows:

A. All lots shall have an area of not less than five (5) acres nor less than three hundred (300) feet in width, provide for adequate off-street parking and also be accessible to sewer mains or pass satisfactory percolation test;

B. Lot width may be reduced to one hundred fifty (150) feet on a cul-de-sac or road curve provided that the lot width is at least three hundred (300) feet at the required building setback line;

C. Buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor two and one-half (2.5) stories in height. See Section 17.12.100(A), (B), (C), (D);

D. Lot Coverage Ratio (LCR). Not more than twenty percent (20%) of the lot area shall be covered by impervious surfaces including building roofs;

E. Side Yard.

1. There shall be a side yard on each side of a building.
2. The sum of widths of the side yards shall not be less than twenty percent (20%) of the lot width and no single side yard shall be less than eight percent (8%) of the lot width.
3. There shall be a rear yard having a minimum depth of sixty (60) feet. See Sections 17.12.030, 17.12.090 and 17.12.100(E).
4. There shall be a setback line of not less than sixty (60) feet.

(Ord. 2006-4-2 (part)).

17.26.040 Park Dedication.

The development of residential sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedication of land or fees in lieu of open spaces and parks. (Ord. 2006-4-2 (part)).

17.26.050 Home Occupations.

Home occupations shall be allowed subject to the regulations outlined in Section 17.20.080.
(Ord. 2006-4-2 (part)).

Chapter 17.28

AGRICULTURAL DISTRICT

Sections:

17.28.010 Permitted Uses.
17.28.020 Conditional Uses.
17.28.030 Lot Area, Building and Structure Height, Area and Setback.
17.28.040 Home Occupations.

17.28.010 Permitted Uses.

In the Agricultural District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Title, except for one (1) or more of the following uses:

A. General farming, including dairy and livestock operations, and excepting farms operated for the disposal of garbage, rubbish, offal or sewage;
B. Roadside stand for the sale of farm products produced on the premises;
C. One (1) one family dwelling;
D. General farm buildings including agricultural windmills, barns, silos, sheds and storage bins provided that said structures shall be located at least one hundred twenty (120) feet away from any off-premise residential buildings;
E. Grazing and pasturing;
F. Orchards;
G. Stables and indoor riding arenas for private use. (no commercial boarding is permitted); ***(Not Code-Recommended -Minimum ten (10) acre lot requirement.)***
H. Signs not over eight (8) square feet in area advertising the sale of farm products produced on the premises.

(Ord. 2006-6-4 (part)).

17.28.020 Conditional Uses.

A. Stables and indoor riding arenas for public or commercial use.
B. Airports, air strips, landing fields and hangars for personal or agricultural use.
C. Hospitals, clinics, philanthropic and eleemosynary institutions.
D. Sewage disposal plants, public warehouses, public garages, public shops and storage yard.
E. Tourist camps, when such camps provide not less than one thousand two hundred (1,200) square feet of lot area for each cabin, trailer, tent or house car, and when such camp is clearly bounded by a fence or hedge and is located not less than one thousand (1,000) feet, measured in a direct line, from the boundary of the Residential District, provided further, that no person or party other than the owner shall occupy such tourist camp for more than ninety (90) days in any one (1) year.
F. Golf courses.
G. Boat livery, facilities for indoor storage of recreational vehicles, boats, and snowmobiles not owned by the owner of the premises. (Ord. 2006-6-4 (part)).

17.28.030 Lot Area, Building And Structure Height, Area And Setback.

In this District, the minimum lot area and dimensions, maximum height of buildings, and minimum dimensions of yards shall be as follows:

A. All lots shall have an area of not less than ten (10) acres nor less than three hundred (300) feet in width, provide for adequate off street parking and also be accessible to the sewer mains or pass satisfactory percolation test for structures with sewerage needs.
B. Buildings hereafter erected or structurally altered for human habitation shall not exceed thirty-five (35) feet nor two and one-half (2 ½) stories in height.

C. No farm building or farm related building shall exceed one hundred (100) feet in height.

D. All buildings for human habitation shall be attached to a permanent foundation, be properly connected to required utilities, have a building footprint of not less than twenty-four (24) feet in width, have a roof pitch of not less than 4/12, and have an eave extension of at least six (6) inches.

E. Lot Coverage Ratio (LCR) and Floor Area Ratio (FAR). Not more than fifteen percent (15%) of the lot area shall be covered by impervious surfaces including building roofs. There is no FAR in this District.

F. Side Yard.

1. There shall be a side yard on each side of a building for human habitation.
2. The sum of the widths of the side yards for buildings for human habitation shall not be less than twenty percent (20%) of the lot width and no single side yard shall be less than eight percent (8%) of the lot width.

G. There shall be a rear yard having a minimum depth of sixty (60) feet.

H. There shall be a setback line of not less than sixty (60) feet. (Ord. 2006-6-4 § 1 (part), 2006).

17.28.040 Home Occupations.

Home occupations shall be allowed subject to the regulations outlined in Section 17.20.080. (Ord. 2006-6-4 (part)).

Chapter 17.32

COMMERCIAL DISTRICT Sections:

17.32.010 Permitted Uses.
17.32.015 Conditional Uses.
17.32.020 Height and Area.
17.32.030 Height.
17.32.040 Side Yard.
17.32.050 Setback.
17.32.060 Rear Yard.
17.32.070 Lot Area, Side Yard and Setback for Dwellings.
17.32.080 Vision Clearance.
17.32.090 Public Safety.
17.32.095 Screening.
17.32.100 Park Dedication.

17.32.010 Permitted Uses.

In the Commercial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Title, except for one (1) or more of the following uses provided that the location, building and site plan and plan of operation have been submitted to, and approved by, the Building Inspector:

A. Any use permitted in the Residential District;

B. Any of the following specified uses, provided that the lot size is less than two acres and the building footprint is 25,000 square feet or less:

1. Appliance store,
2. Automobile service stations, but not to include truck parking or storage and with the following restrictions to the location of said establishment:
   a. Not within five hundred (500) feet of any public building or public grounds,
   b. Not on any lot where two-thirds (2/3) of the buildings within a radius of four hundred (400) feet of any point on the lot line are used exclusively for residence purposes without the written consent of a majority of the ownerships of all the buildings (irrespective of the purpose for which used) within such radius of any point on the lot line,
   c. Not within one thousand (1000) feet of any other automobile service station unless the Plan Commission determines, upon examining the plan and specifications of the size and layout of the proposed station submitted by the prospective operator, and a report of the Village Engineer as to the effect of such a station upon present traffic conditions, that the proposed station will not result in a traffic, fire, health or safety hazard, and that such a station will not be offensive or a nuisance to the surrounding neighborhood by reason of its physical, social or economic effects,
   d. So that the boundary line of any driveway connecting such station with any street is <u>not</u> nearer than two hundred (200) feet from any corner measured by the intersection of base setback lines disregarding any visual setback line,
3. Bank and financial institutions.,
4. Bakeries
5. Barber shops and, beauty shops.,
6. Business and professional offices.,
7. Clinics (medical, dental and animal).,
8. Drug stores, pharmacies.,
9. Fruit and vegetable market, subject to planning commission review of traffic, with no

warehousing or storage permitted.,

10. Furniture store, subject to Plan Commission review of the truck traffic, with no warehousing or storage but for display purposes only.,
11. Grocery store or other food retail store.
12. Hardware store,
13. Hotels, and lodging houses,
14. Laundromats, including public coin-operated dry cleaning establishments,
15. Parking lot (but not to permit truck parking) with one hundred percent (100%) screening from all residential zoning districts,
16. Plumbing, heating and sheet metal contractors and similar businesses subject to the following conditions:
    a. All storage of equipment, vehicles and material is inside, or
    b. All outside storage of equipment, materials and vehicles is screened from all roads and from all adjacent property which is not zoned industrial or business park. The screening shall consist of a wall of uniform solid fence (chain link fences not acceptable) not less than six (6) feet high and no open storage of material at a height greater than that of the enclosing fence shall be allowed. All screening or fencing shall be approved by the Plan Commission as to type, location and plan for maintenance of fence and screening,
    c. The outside storage of not more than two (2) vehicles of not more than six thousand (6,000) pounds gross vehicle weight shall be permitted, provided that these vehicles are not stored in the area between the road and a line formed by extending the rear line of the principal building to the lot line,
17. Printing shops,
118. Retail, including but not limited to: art, books, clothing, electronics, flowers, music, and shoe stores,
19. Theaters, except drive-in theaters,
20. Boat livery and boat services,
21. Such accessory uses as are customary in connection with the foregoing uses and incidental thereto,
22. The development of multiple dwelling sites shall be subject to Sections 16.33.030 and 16.33.040 relating to dedication of land or fees for open spaces and parks,
23. Any use not specifically allowed by this Section may be allowed upon application to the Plan Commission and upon simple majority vote of the Village Board. At any time, the Building Inspector or property owner may request approval of a designated permitted use by the Plan Commission, followed by a majority vote of the Village Board. (Ord. 2017-3-1; Ord. 2007-2-1; Ord. 2005-10-3; Ord. 97-9-5 (part); Ord. 97-1-2; Ord. 92-1-1; Ord. 90-3-1; Ord. 89-3-2; Ord. 78-11-2 (part): part of Ord. passed 9/27/73; Ord. passed 12/12/60; prior Code § 7.7 (part)).

17.32.015 Conditional Uses.

Any of the following specified uses, and all commercial uses on lots greater than two (2) acres and/or within building footprints of over 25,000 square feet, may be allowed upon application to the Plan Commission and upon three-fourths (¾) majority vote of the Village Board. Issues that will be considered when discussing conditions include:

1. Type of business
2. Hours of operation
3. Parking
4. Traffic
5. Signage
6. Outdoor seating and other uses
7. Provisions for avoiding noise, odor, and lighting nuisances
8. Buffering and fencing;

9. Compatibility with, and impact on, the immediately surrounding properties, neighborhood, or district
10. Visual character

A. All nonresidential uses with vehicular access onto a local (not a collector or arterial) street that is intended to provide access to mostly residential uses,
B. Automobile, boat, trailer and small engine vehicle sales and rental facilities, including incidental repair and service within a principal or accessory structure,
C. Car washes,
D. All uses with drive-through facilities, including drive-in theaters,
E. Entertainment establishments, including clubs, but excluding adult entertainment establishments,
F. First floor residential uses are allowed as a conditional use,
G. Funeral and crematory services,
H. Gas stations, including incidental repair and service within the principal building,
I. Large retail and commercial service developments, as described and regulated in Chapter 19.485,
J. Light industrial/retail uses such as:
   1. Drycleaners,
   2. Electronics,
   3. Pottery,
   4. Craft/woodwork,
   5. Contractor shops (heating, electrical, plumbing, general contractor office),
   6. Lumberyards, hardware and home improvement stores,
   7. Other similar uses,
K. Light manufacturing and retail uses,
L. Liquor or tobacco stores,
M. More than one principal structure on a lot,
N. Motor freight transportation,
O. Public and semipublic uses, except for parking,
P. Restaurants, including coffee shops.
Q. Taverns and other places selling alcoholic beverages by the drink; including expansion of existing uses,
R. Veterinary clinics, provided that no service including animal boarding is offered outdoors,
S. Warehousing,
T. Wholesale trade of durable and nondurable goods.

17.32.020 Height and Area.

In the Commercial District the height of buildings, the minimum dimensions of yard and the minimum lot area per parcel shall be as follows in this Chapter. (Ord. 97-9-5 (part): prior Code § 7.7 (part)).

17.32.030 Height.

A. Principal Structures. Principal structures hereafter erected or structurally altered shall exceed neither forty (40) feet nor three (3) stories in height.
B. Accessory Structures. Principal structures hereafter erected or structurally altered shall have a maximum of twenty (20) feet. (Ord. 2001-1-2 § 2, 2001; Ord. 97-9-5 (part): part of Ord. passed 9/27/73: prior Code § 7.7 (part)).

17.32.040 Side Yard.

Where the side of a lot in the Commercial District abuts upon a side of a lot in the Residential, Multiple Dwelling or Agricultural District, or on a lot upon which a building for residential purposes has been built there shall be a side yard of not less than ten (10) feet. (Ord. 97-9-5 (part): Ord. 74-9-2, 1974: part of Ord. passed 9/27/73: prior Code § 7.7 (part)).

17.32.050 Setback.

Where parts of the frontage are designated on the district map as Residential District and Commercial

District, the setback regulations of the Residential District shall apply to the Commercial District; otherwise no setback shall be required. (Ord. 97-9-5 (part): prior Code § 7.7 (part)).

17.32.060 Rear Yard.

There shall be a rear yard having a minimum depth of twenty-five (25) feet, unless this requirement is reduced or waived by the Village Board upon recommendation of the Plan Commission. (Ord. 2012-7-1(part): Ord. 97-9-5 (part): part of Ord. passed 9/27/73; prior Code § 7.7 (part)).

17.32.070 Lot Area, Side Yard and Setback for Dwellings.

Single-family and two-family dwellings shall provide a lot area the same as for Residential Districts, and the setback shall be not less than twenty-five (25) feet and the side yard regulations of Section 17.20.020 shall apply. (Ord. 97-9-5 (part): Ord. 74-9-2, 1974: part of Ord. passed 4/12/65; prior Code § 7.7 (part)).

17.32.080 Vision Clearance.

There shall be a vision clearance of not less than ten (10) feet extending from the curb level to the ceiling line of the ground floor but in no case shall vision clearance be less than twelve (12) feet high.
(Ord. 97-9-5 (part): prior Code § 7.7 (part)).

17.32.090 Public Safety.

The provisions of this Chapter shall not be construed to permit the erection of any building which will create a fire or public safety hazard. (Ord. 97-9- 5 (part): Ord. 74-9-2, 1974).

17.32.095 Screening.

If the use abuts an adjoining Residential Zoning District, fifty percent (50%) screening is required along the boundary of the Residential District, subject to the discretion of the Plan Commission should such screening serve no reasonably useful purpose. (Ord. 97-9-5 (part)).

17.32.100 Park Dedication.

The development of commercial sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedicating of land or fees in lieu of open spaces and parks. (Ord. 97-9-5 (part); Ord. 97-5-7).

Chapter 17.33

BUSINESS PARK DISTRICT

Sections:

17.33.010 Purpose.
17.33.020 Permitted Uses.
17.33.030 Permitted Accessory Uses.
17.33.035 Conditional Uses.
17.33.040 Prohibited Uses.
17.33.050 Public Utilities Required.
17.33.060 Lot Area.
17.33.070 Building Coverage.
17.33.080 Setbacks and Yards.
17.33.090 Building Height.
17.33.100 Parking.
17.33.110 Loading Berth Requirements.
17.33.120 Screening of Refuse Containers.
17.33.130 Signs.
17.33.140 Building and Site Plan Approval Required.
17.33.150 Covenants.
17.33.160 Park Dedication.

17.33.010 Purpose.

The Business Park District is intended to provide for the development of compatible manufacturing, warehouse, service business and office uses. The physical and operational characteristics of uses in this district are intended not to be detrimental to the public health, safety or welfare or detrimental to the surrounding area as a result of noise, vibration, external lighting, odors, particulate emissions, other visible emission, hazardous pollutants, traffic, physical appearance, or other similar factors. All uses in this district must comply with applicable local, state and federal Codes, Ordinances and administrative rules. Uses in the Business Park District are also intended to provide ample off-street parking and loading areas, and landscaped planting screens in those areas adjacent to or abutting residential or other noncommercial uses, to prevent adverse effects upon the adjoining areas. The Business Park District requires the availability and use of public sanitary sewer and water service to minimize adverse effects on local water quality. Areas not so serviced shall not be included in this district. (Ord. 96-6-1 (part)).

17.33.020 Permitted Uses.

The following uses are permitted in the Business Park District, provided that the building footprint is 50,000 square feet or less.

A. Uses involving the manufacture and fabrication of goods within the confines of a building and in which any noise, vibration, heat or flash produced in any process is confined within the building. Any odors produced or emitted in any process must meet applicable Federal and State and local regulations for air emissions;

B. Buildings for the storage of goods and materials, where such goods or materials are stored inside a building, provided such building is not a mini-warehouse building subdivided into more than three multiple warehouse and storage facilities containing less than one thousand five hundred square feet each and available for sublease;

C. Uses providing a service in which noise, vibration, heat or flash produced on the premises by such

service uses is confined within a building. Any odors produced or emitted must meet applicable Federal and State and local regulations for air emissions;

D. Business, professional, clerical or general offices;

E. Research laboratories;

F. Public utility structures.

(Ord. 96-6-1 (part)).

17.33.030 Permitted Accessory Uses.

The following accessory uses are permitted in the Business Park District:

A. Sales of products integral with an incidental to a service or manufacturing business;

B. Off-street parking and loading areas;

C. Garages or building used for the storage of vehicles used in conjunction with the operation of a permitted use;

D. Enclosed, as well as screened areas, for the storage of materials other than explosive, flammable or hazardous materials;

E. Ground-mounted and building-mounted dish antennas;

F. Food service areas or cafeterias incidental to be served by public sanitary sewer and public water a permitted use, but not restaurants;

G. Day care facilities integral with and incidental to a permitted use.

(Ord. 96-6-1 (part)).

17.33.035 Conditional Uses.

Any business park uses with building footprints over 50,000 square feet, may be allowed upon application to the Plan Commission and upon three-fourths (¾) majority vote of the Village Board. Issues that will be considered when discussing conditions include:

1. Type of business
2. Hours of operation
3. Parking
4. Traffic
5. Signage
6. Outdoor use
7. Provisions for avoiding noise, odor, and lighting nuisances
8. Buffering and fencing;
9. Compatibility with, and impact on, the immediately surrounding properties, neighborhood or district
10. Visual character

17.33.040 Prohibited Uses.

The following uses are specifically prohibited in the Business Park District:

A. Automobile or truck storage or salvage yards, or similar uses;

B. Asphalt and concrete plants;

C. Churches, synagogues, schools or similar institutional uses or places of religious worship;

D. Drop forges, ferrous and brass foundries, grain elevators, refineries, tanneries, stockyards, rendering plants;

E. Fertilizer storage or packaging;

F. Principal uses involving the storage, utilization or manufacture of hazardous materials or products which decompose by detonation;

G. Retail uses and wholesale buying clubs unrelated to products manufactured on the premises;

H. Restaurants, but not prohibiting food service areas or cafeterias incidental to a permitted use;

I. Truck terminals;

J. Contractor's yards and the outdoor storage of construction equipment;
K. Mini-warehouses;
L. New or used car, truck, farm implement or construction equipment sales;
M. Solid or liquid waste disposal, dumping, incineration or similar waste management uses;
N. All types of residential uses, except on-site guard's quarters;
O. Planing mills and sawmills;
P. Service stations and mini-mans;
Q. Veterinary offices and small animal hospitals without outdoor kennels.
(Ord. 96-6-1 (part)).

17.33.050 Public Utilities Required.

All uses in the Business Park District shall be service to minimize adverse effects of economic development on local water quality. (Ord. 96-6-1)

17.33.060 Lot Area.

Lots shall be a minimum of forty-three thousand five hundred sixty (43,560) square feet in area. (Ord. 96-6-1 (part)).

17.33.070 Building Coverage.

Principal and accessory structures shall occupy a maximum of fifty percent (50%) of the lot area. (Ord. 96-6-1 (part)).

17.33.080 Setbacks And Yards.

A. A minimum street yard (setback) of fifty (50) feet from any existing or planned public street right-of-way shall be required for the principal building.
B. There shall be a minimum interior side yard of not less than ten (10) feet on a side.
C. There shall be a rear yard of not less than twenty-five (25) feet. (Ord. 96-6-1 (part), 1996).

17.33.090 Building Height.

No building or parts of a building shall exceed thirty-five (35) feet in height. Section 17.12.110 shall govern the height of special or accessory structures in the district. (Ord. 96-6-1 (part)).

17.33.100 Parking.

Off-street parking shall be provided as follows:

A. One space per employee for the work shift with the largest number of employees;
B. One visitor parking space for every ten (10) employees, except that the Plan Commission may authorize fewer visitor parking spaces if it finds that a fewer number will be sufficient for the operation anticipated;
C. One parking space shall be provided for each company-owned or leased truck, passenger car or other vehicle located or principally based on the premises;
D. When the lot on which parking spaces are located abuts the rear or side lot line of, or is across the street from, any land in a Residential District, an appropriate screen shall be installed including such screens as a wall, fence or evergreen plantings to screen substantially the parking lot from view from the nearest property in the Residential District. The screening shall be maintained in good condition at all times;
E. No light fixtures on parking lots shall be more than twenty (20) feet above ground level;
F. Off-street parking lots and drives shall be paved with asphalt or concrete;
G. Off-street parking lots shall be located no closer than twenty (20) feet to any public street right-of-way line. (Ord. 96-6-1 (part)).

17.33.110 Loading Berth Requirements.

Off-street loading berths shall be provided for all buildings, which require them for their operation. Such loading berths shall be at least fourteen (14) feet wide, forty-eight (48) feet long and fourteen (14) feet in height (unless the Plan Commission shall find that only smaller trucks requiring less space will be used). They may be located either within a building or in the open, but not within public ways or required setbacks. If such berths are not enclosed they shall be located not less than one hundred (100) feet from any Residence District boundary and effectively screened. All access roads to loading berths shall be at least fourteen (14) feet wide, except that if tractor trailers would be accommodated, then the roads shall be fourteen (14) feet wide for one-way traffic and twenty-two (22) feet wide for two-way traffic. (Ord. 96-6-1 (part)).

17.33.120 Screening of Refuse Containers.

All outdoor refuse and recycling material containers shall be screened from view by a decorative fence which shall be a minimum six (6) feet in height. In addition, all outdoor refuse and recycling material in the Business Park District shall be subject to the requirements of Section 8.12.021 of this Code.
(Ord. 96-6-1 (part)).

17.33.130 Signs.

Only the following signs shall be permitted in the Business Park District:

A. One wall sign may be allowed on the exterior wall of the principal building. Only one such wall sign shall be allowed per premises. The maximum area of such a wall sign shall be one hundred (100) square feet. In a multitenant building, each tenant may share a portion of the maximum total of one hundred (100) square feet of wall signage.

B. One ground-mounted sign may be allowed per premises (not including a pole sign or pylon sign). The maximum area of such a ground-mounted sign shall be fifty (50) square feet per side or one hundred (100) square feet for both sides.

C. The color and materials used in structural elements of signage (not including the message area) should be consistent with and related to the building facade materials on the site. The colors used in message areas for all signage on a site should be similar or complementary to create a unified and coordinated appearance.

D. On-premises directional signage may be allowed giving directions to areas such as employee or visitor parking, and shipping or loading zones. The maximum size of each such directional sign shall be two (2) square feet per side or four (4) square feet for both sides.

E. Temporary construction signs and banners, real estate signs, and election campaign signs shall be permitted in accord with the provisions of the Village of Twin Lakes sign Code.

F. Specifically prohibited signs include billboards, roof signs, pole or pylon signs, and flashing or moving signs or beacons. (Ord. 96-6-1 (part)).

17.33.140 Building and Site Plan Approval Required.

Before a building permit is issued for any use or structure in the Business Park District, an architectural building plan, site plan and landscaping plan shall be submitted to and approved by the Plan Commission. (Ord. 96-6-1 (part)).

17.33.150 Covenants.

Covenants for lands zoned Business Park District may contain additional standards and requirements which shall be in addition to the standards and requirements enumerated herein. (Ord. 96-6-1 (part)).

17.33.160 Park Dedication.

The development of Business Park District sites shall be subject to Sections 16.33.030 and 16.33.040

relating to the dedicating of land or fees in lieu of open spaces and parks. (Ord. 97-5-8).

Chapter 17.34

INDUSTRIAL DISTRICT

Sections:

17.34.010 Permitted Uses.
17.34.015 Conditional Uses.
17.34.020 Height and Area.
17.34.030 Height.
17.34.040 Setback.
17.34.050 Side Yard.
17.34.060 Rear Yard.
17.34.070 Lot Area Per Family.
17.34.080 Vision Clearance.
17.34.090 Park Dedication.

17.34.010 Permitted Uses.

In the Industrial District, unless otherwise provided in this Title, buildings or land may be used for any purposes except the following:

A. Residential, educational or institutional uses, except a dwelling for a watchman or caretaker employed on the premises and members of his family;

B. Uses in conflict with any laws of the state of Wisconsin or any Ordinances of the Village governing nuisances;

C. Any of the following uses unless the location of such use has been approved in writing by the Village Plan Commission after investigation and public hearing:

1. Abattoirs,
2. Acid manufacture,
3. Cement, lime, gypsum or plaster of Paris manufacture,
4. Distillation of bones,
5. Explosives and inflammable liquids manufacture or storage,
6. Fat rendering,
7. Fertilizer manufacture,
8. Garbage, rubbish, offal or dead animal reduction or dumping,
9. Glue manufacture,
10. Junk yards,
11. Petroleum refining,
12. Smelting of tin, copper, zinc or iron ores,
13. Stockyards.

(Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.015 Conditional Uses.

Any industrial uses with footprints over 50,000 square feet, may be allowed upon application to the Plan Commission and upon three-fourths (¾) majority vote of the Village Board. Issues that will be considered when discussing conditions include:

1. Type of business
2. Hours of operation
3. Parking
4. Traffic
5. Signage
6. Outdoor use
7. Provisions for avoiding noise, odor, and lighting nuisances
8. Buffering and fencing;
9. Compatibility and with and impact on the immediately surrounding properties, neighborhood or district
10. Visual character

17.34.020 Height And Area.

In the Industrial District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows in this Chapter. (Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.030 Height.

Buildings hereafter erected or structurally altered shall exceed neither sixty (60) feet nor five (5) stories in height. See Section 17.12.100(B), (D), (E) and (F). (Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.040 Setback.

Where parts of the frontage are designated on the district map as Residential District and Industrial District, the setback regulations of the Residential District shall apply to the Industrial District.

(Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.050 Side Yard.

For buildings or parts of buildings used for residential purposes, the side yard regulations of the Residential District shall apply; otherwise a side yard, if provided, shall be not less than ten (10) feet in width.
(Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.060 Rear Yard.

There shall be a rear yard having a minimum depth of twenty-five (25) feet for a building three (3) stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increased three (3) feet. See Sections 17.12.030, 17.12.090, and 17.12.100(E), (G), (H), (I).
(Ord. 82-5-1(part); prior Code § 7.8 (part)).

17.34.070 Lot Area Per Family.

Every building or part of a building hereafter erected or structurally altered for residential purposes shall provide a lot area of not less than ten thousand (10,000) square feet per family. See Sections 17.12.030 and 17.12.100(F). (Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.080 Vision Clearance.

There shall be a vision clearance of not less than ten (10) feet extending from the curb level to the ceiling line of the ground floor, but in no case shall such vision clearance be less than twelve (12) feet high.
(Ord. 82-5-1 (part); prior Code § 7.8 (part)).

17.34.090 Park Dedication.

The development of industrial sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedicating of land or fees in lieu of open spaces and parks. (Ord. 97-5-9).

Chapter 17.35

INSTITUTIONAL / PARK DISTRICT

Sections:

17.35.010 Purpose.
17.35.020 Permitted Uses.
17.35.030 Accessory Uses.
17.35.040 Conditional Uses.
17.35.050 Height.
17.35.060 Side Yard.
17.35.070 Front Yard.
17.35.080 Rear Yard.
17.35.090 Accessory Structures.
17.35.100 Lot Area, Side Yard and Setback for Dwellings.
17.35.110 Vision Clearance.
17.35.120 Public Safety.
17.35.130 Screening.
17.35.140 Park Dedication.

17.35.010 Purpose.

The primary purposes as characteristics of the Institutional / Park District are intended to provide for areas which are primarily devoted to public, institutional and recreational uses. Office uses, which are related to the character and operation of the permitted civic, governmental and institutional uses, are permitted as appropriate mixed uses. (Ord. 2000-1-1 § 2 (part)).

17.35.020 Permitted uses.

In the Institutional / Park District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:

A. Bicycle, hiking, nature and cross-country ski-trails;
B. Botanical and zoological gardens;
C. Cemeteries, mausoleums, pet cemeteries and other places of interment, including buildings;
D. Civic, social and fraternal clubs and lodges, nonprofit;
E. Cultural institutions, including libraries, museums and art galleries;
F. Public and private elementary and secondary schools;
G. Funeral homes;
H. Golf courses, public and private;
I. Health services, including office of state licensed health practitioners such as a doctor, dentist or chiropractor, medical and dental laboratories, out-patient care facilities and other health and allied services operated by a state licensed health practitioner;
J. Nursery and child care centers;
K. Offices; professional, civic, service, philanthropic, political and union, which are related to the character and operation of a use permitted in the Institutional / Park District;
L. Public administrative offices, and public service buildings and uses, including fire and police stations, community centers, and public emergency shelters and excluding jails, prisons and other penal institutions;
M. Public and private parks and playgrounds, including buildings and grounds, and properly licensed concessions, ice rinks, picnic grounds, athletic fields and play lots;

N. Public and private utility offices and uses including electric power and transmission lines and sewage treatment plants;
O. Religious institutions, including churches, chapels, temples, synagogues, convents, seminaries, rectories, parsonages, parish houses and residential quarters for clergy. Quarters are permitted to be located on the same lot with the institution;
P. Post offices. (Ord. 2000-1-1 § 2 (part)).

17.35.030 Accessory Uses.

The following accessory uses are permitted in the Institutional / Park District:

A. Residential quarters for caretakers;
B. Garages for the storage of vehicles used in conjunction with a permitted principal use;
C. Off-street parking spaces and parking facilities for the storage of vehicles used in conjunction with a permitted principal use and in conformance with Section 17.12.080 of this Code;
D. Off-street loading spaces and facilities in conformance with Section 17.12.080 of this Code;
E. Outdoor signs, in conformance with Chapter 17.57 of this Code;
F. Service buildings and facilities normally auxiliary to a permitted principal use.

(Ord. 2000-1-1 § 2 (part)).

17.35.040 Conditional Uses.

Any of the following uses may be allowed upon application to the Plan Commission and upon three-fourths (¾) majority vote of the Village Board:

A. Community living arrangements, in conformance with Section 62.23(7) (i), Wisconsin Statutes;
B. Penal, disciplinary, mental health and reform institutions;
C. Conference center and/or bed and breakfast establishments;
D. Utility substations;
E. Parking lots not located on the same lot as the use or uses served by the parking lot;
F. Trade schools and other educational institutions not specifically permitted under Section 17.35.020;
G. Hospitals and nursing homes. (Ord. 2000-1-1 § 2 (part)).

17.35.050 Height.

A. Principal Building. Principal buildings hereafter erected or structurally altered shall exceed neither thirty-five (35) feet nor two and one-half (2 ½) stories in height, whichever is less.
B. Accessory Structures. No accessory structure shall exceed a height of twenty (20) feet.
(Ord. 2000-1-1 § 2 (part)).

17.35.060 Side Yard.

A. Interior Side Yard. No interior side yard shall be required except that where a side of a lot in the Institutional / Park District abuts the Residential District or a lot upon which a building for residential purposes has been built, the interior side yard of the lot in the Institutional / Park District shall not be less than ten (10) feet. In cases where no interior side yard is required, but is voluntarily provided, the interior side yard shall be a minimum ten (10) feet.
B. Street Side Yard. No street side yard shall be required except that where a side lot line in the Institutional / Park District fronts on a street and where a rear lot line in the Institutional / Park District abuts the Residential District or upon a lot upon which a building for residential purposes has been built, the Residential District yard requirement on that street shall apply as the street side yard requirement.

(Ord. 2000-1-1 § 2 (part)).

17.35.070 Front Yard.

There shall be no setback required. However, where an established front yard exists along the same block and same side of the street as the lot to be developed, the minimum required front yard on the lot shall be the average front yard established by the existing principal structures on the other lots within the same block and fronting the same street. (Ord. 2000-1-1 § 2 (part)).

17.35.080 Rear Yard.

There shall be a rear yard having a minimum depth of twenty-five (25) feet. (Ord. 2000-1-1 § 2).

17.35.090 Accessory Structures.

No accessory structure shall be located in any required front or street side yard, or in any rear yard which fronts on a street. In cases where a yard is not required and the accessory structure is voluntarily set back from an interior lot line, the accessory structure shall maintain an accessory yard of not less than five (5) feet. (Ord. 2000-1-1 § 2 (part)).

17.35.100 Lot Area, Side Yard And Setback For Dwellings.

Single-family and two-family dwellings existing as legal nonconforming uses within the Institutional / Park District shall provide a lot area the same as for Residential Districts, and the setback shall be not less than twenty-five (25) feet and the side yard regulations of Section 17.20.020 shall apply.
(Ord. 2000-1-1 § 2 (part), 2000).

17.35.110 Vision Clearance.

There shall be a vision clearance of not less than ten (10) feet extending from the curb level to the ceiling line of the ground floor but in no case shall vision clearance be less than twelve (12) feet high.
(Ord. 2000-1-1 § 2 (part)).

17.35.120 Public Safety.

The provisions of this Chapter shall not be construed to permit the erection of any building which will create a fire or public safety hazard. (Ord. 2000-1-1 § 2 (part)).

17.35.130 Screening.

If the use abuts an adjoining residential zoning district, fifty percent (50%) screening is required along the boundary of the Residential District, subject to the discretion of the Plan Commission should such screening serve no reasonably useful purpose. (Ord. 2000-1-1 § 2 (part)).

17.35.140 Park Dedication.

The development of sites shall be subject to Sections 16.33.030 and 16.33.040 relating to the dedicating of land or fees in lieu of open spaces and parks. (Ord. 2000-1-1 § 2 (part)).

Chapter 17.36

CONSERVANCY DISTRICT

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17.36.010 Conservancy District--Purpose.
17.36.020 Principal Uses.

17.36.010 Conservancy District--Purpose.

The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the Village. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds, and protect the water-based recreational resources of the Village. (Ord. 82-5-1 (part); Ord. 75- 10-1 (part)).

17.36.020 Principal Uses.

The following uses will be permitted in the Conservancy District upon approval of the Village Plan Commission and the Village Board, and after a permit has been issued by the Village Clerk pursuant to direction of the Village Board:

A. Farming and related agricultural uses when conducted in accordance with the Village Ordinances, but not including the erection of buildings or structures;
B. Flood overflow and movement of water;
C. Park and recreation areas, not including the location or erection of buildings or structures;
D. Stream bank protection;
E. Swimming beaches;
F. Hiking and nature trails;
G. Other consistent uses permitted by the Village.

(Ord. 82-5-1 (part); Ord. 75-10-1 (part)).

Chapter 17.37

FLOODPLAIN REGULATIONS

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ARTICLE I.
STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE AND GENERAL PROVISIONS

17.37.010 Statutory Authorization.

This Ordinance is adopted pursuant to the authorization in § 61.35 and 62.23 and the requirements in s. 87.30, Stats.

17.37.020 Findings Of Fact.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base. (Ord. 2012-4-2)

17.37.030 Statement Of Purpose.

This Ordinance is intended to regulate floodplain development to:

A. Protect life, health and property;
B. Minimize expenditures of public funds for flood control projects;
C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
D. Minimize business interruptions and other economic disruptions;
E. Minimize damage to public facilities in the floodplain;
F. Minimize the occurrence of future flood blight areas in the floodplain;
G. Discourage the victimization of unwary land and homebuyers;
H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain. (Ord. 2012-4-2)

17.37.040 Title.

This Ordinance shall be known as the Floodplain Zoning Ordinance for the Village of Twin Lakes, Wisconsin. (Ord. 2012-4-2)

17.37.050 General Provisions

A. Areas to be Regulated. This Ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.
B. Official Maps & Revisions. The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article VIII *Amendments*) before it is effective. No changes to RFE's on non- FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk for Twin Lakes. If more than one map or revision is referenced, the most restrictive information shall apply.

1. Official Maps. Based on the FIS the following maps are considered the Official Maps: Flood Insurance Rate Map (FIRM), panel numbers 55059C0116D, 55059C0117D, 55059C0136D, 55059C0137D, 55059C0118D, 55059C0119D, 55059C0138D, 55059C0139D, 55059C0231D, 55059C0232D, 55059C0251D, and 55059C0252D, dated June 19, 2012; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated March 7, 2017, Volumes 55059CV001B and 55059CV002B, as approved by the DNR and FEMA.
2. Additional Official Maps. Based on other studies, any maps referenced in this Section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
3. Letters of Map Revision shall be considered on a regular basis but not less than annually in accordance with the process outlined in Article VIII *Amendments* of this Chapter. The following is a list of Letters of Map Revision (LOMR) that have been approved including case number and date: No LOMR have been approved.

C. Establishment Of Floodplain Zoning Districts. The regional floodplain areas are divided into three (3) districts as follows:
1. The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
2. The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
3. The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO Zones on the FIRM.

D. Locating Floodplain Boundaries. Discrepancies between boundaries on the official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in subparagraph 1 or 2 below. If a significant difference exists, the map shall be amended according to Article VIII *Amendments*. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a Land Use Permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to 17.37.027 (B) and the criteria in paragraphs 1. and 2. below**.** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article VIII *Amendments*.
1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
2. Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

E. Removal of Lands From Floodplain. Compliance with the provisions of this Ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article VIII *Amendments.*

F. Compliance. Any development or use within the areas regulated by this Ordinance shall be in compliance with the terms of this Ordinance, and other applicable local, state, and federal regulations.

G. Municipalities and State Agencies Regulated. Unless specifically exempted by law, all Cities, Villages, Towns, and Counties are required to comply with this Ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies.

H. Abrogation And Greater Restrictions.

1. This Ordinance supersedes all the provisions of any Municipal Zoning Ordinance enacted under §59.69, 59.692 or 59.694 for Counties; s. 62.23 for Cities; s. 61.35 for Villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive Ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
2. This Ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

I. Interpretation. In their interpretation and application, the provisions of this Ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Ordinance, required by Chapter NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

J. Warning and Disclaimer of Liability. The flood protection standards in this Ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This Ordinance does not 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 Ordinance.

K. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

L. Annexed Areas. The Kenosha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village for all annexed areas until the Village adopts and enforces an Ordinance providing for the zoning of the annexed lands. County 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. All plats or maps of annexation shall show the regional flood elevation and the floodway location. (Ord. 2012-4-2)

ARTICLE II GENERAL STANDARDS

17.37.060 General Standards Applicable To All Floodplain Districts.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this Ordinance and all other requirements in 17.37.250 B. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages. (Ord. 2012-4-2)

17.37.070 Hydraulic And Hydrologic Analyses.

A. No floodplain development shall:
   1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
   2. Cause any increase in the regional flood height due to floodplain storage area lost.

B. The Zoning Administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of Article VIII *Amendments* are met. (Ord. 2012-4-2)

17.37.080 Watercourse Alterations.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of 17.37.070 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to Article VIII *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process. (Ord. 2012-4-2)

17.37.090 Chapters 30 And 31 Wisconsin Statues. Development.

Development which requires a permit from the Department, under Chapters 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain Zoning Ordinance are made according to Article VIII Am*endments*. (Ord. 2012-4-2)

17.37.100 Public Or Private Campgrounds

Public or private campgrounds shall have low flood damage potential and shall meet the following provisions:

A. The campground is approved by the Department of Health Services;
B. A Land Use Permit for the campground is issued by the Zoning Administrator;
C. The character of the river system and the campground elevation are such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants;
D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
E. This Agreement shall be for no more than one (1) calendar year, at which time the Agreement shall be reviewed and updated by the officials identified in paragraph D to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
F. Only camping units that are fully licensed, if required, and ready for highway use are allowed;
G. The camping units shall not occupy any site in the campground for more than one hundred eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours;
H. All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred eighty (180) days and shall ensure compliance with all the provisions of this Section;
I. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this Section;
J. All camping units that remain in place for more than one hundred eighty (180) consecutive days must meet the applicable requirements in either Article III, IV, or V for the floodplain district in which the

structure is located;

K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

L. All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

(Ord. 2012-4-2)

ARTICLE III FLOODWAY DISTRICT (FW)

17.37.110 Applicability

This Section applies to all floodway areas on the Floodland Zoning Map and those identified pursuant to 17.37.210. (Ord. 2012-4-2)

17.37.120 Permitted Uses

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if they are not prohibited by any other Ordinance; they meet the standards in 17.37.130 and 17.37.140; and all permits or certificates have been issued according to 17.37.250.

A. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of 17.37.130 (D).

D. Uses or structures accessory to open space uses, or classified as historic structures that comply with 17.37.130 and 17.37.140.

E. Extraction of sand, gravel or other materials that comply with 17.37.130 (D).

F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Stats.

G. Public utilities, streets and bridges that comply with 17.37.130 (C).
(Ord. 2012-4-2)

17.37.130 Standards For Developments In The Floodway

A. General
   1. Any development in the floodway shall comply with 17.37.060 and have low flood damage potential.
   2. Applicants shall provide the following data to determine the effects of the proposal according to 17.37.070:
      a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      b. An analysis calculating the effects of this proposal on regional flood height.
   3. The Zoning Administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for paragraph 2. above.

B. Structures. Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
   1. Not designed for human habitation, does not have a high flood damage potential and is constructed

to minimize flood damage;

2. Shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
3. Must be anchored to resist flotation, collapse, and lateral movement;
4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
5. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

C. Public Utilities, Streets And Bridges. Public utilities, streets and bridges may be allowed by permit, if:
1. Adequate flood proofing measures are provided to the flood protection elevation; and
2. Construction meets the development standards of 17.37.070.

D. Fills Or Deposition Of Materials. Fills or deposition of materials may be allowed by permit, if:
1. The requirements of 17.37.070 are met;
2. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Chapter 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
4. The fill is not classified as a solid or hazardous material. (Ord. 2012-4-2)

17.37.140 Prohibited Uses

All uses not listed as permitted uses in 17.37.120 are prohibited, including the following uses:

A. Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
B. Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
D. Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local Ordinances and Chapter SPS 383, Wis. Adm. Code;
E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local Ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code;
F. Any solid or hazardous waste disposal sites;
G. Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied. (Ord. 2012-4-2)

ARTICLE IV
FLOODFRINGE DISTRICT (FF)

17.37.150 Applicability

This Section applies to all floodfringe areas shown on the Floodland Zoning Map and those identified pursuant to 17.37.210. (Ord. 2012-4-2)

17.37.160 Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in 17.37.170 are met, the use is not prohibited by this or any other Ordinance or regulation and all permits or certificates specified in 17.37.250 have been issued. (Ord. 2012-4-2)

17.37.170 Standards For Development In The Floodfringe

17.37.070 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI *Nonconforming Uses*;

A. Residential Uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article VI *Nonconforming Uses*;
   1. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of 17.37.170 (A) (2) can be met. The fill shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure.
   2. The basement or crawlway floor may be placed at the regional flood elevation if it is dry flood proofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
   3. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in paragraph 4.
   4. In developments where existing street or sewer line elevations make compliance with paragraph 3. impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
      a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
      b. The municipality has a DNR approved emergency evacuation plan.

B. Accessory Structures Or Uses. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

C. Commercial Uses. Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of 17.37.170 (A). Subject to the requirements of 17.37.170 (E), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

D. Manufacturing And Industrial Uses. Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the flood proofing standards in 17.37.290. Subject to the requirements of 17.37.170 (E), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

E. Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life, shall be stored at or above the flood protection elevation or flood proofed in compliance with 17.37.290. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

F. Public Utilities, Streets and Bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
   1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with 17.37.290.
   2. Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

G. Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to 17.37.290 (C), to the flood protection elevation and meet the

provisions of all local Ordinances and Chapter SPS 383, Wis. Adm. Code.

H. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 17.37.290 (C), to the flood protection elevation and shall meet the provisions of Chapters NR 811 and NR 812, Wis. Adm. Code.

I. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

J. Deposition of Materials. Any deposited material must meet all the provisions of this Ordinance.

K. Manufactured Homes

1. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
   a. have the lowest floor elevated to the flood protection elevation; and
   b. be anchored so they do not float, collapse or move laterally during a flood
3. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes, shall meet the residential development standards for the floodfringe in 17.37.170 (A).

L. Mobile Recreational Vehicles. All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more, or are not fully licensed and ready for highway use, shall meet the elevation and anchoring requirements in 17.37.170 (K) (2) and (K) (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions. (Ord. 2012-4-2)

ARTICLE V
GENERAL FLOODPLAIN DISTRICT (GFP)

17.37.180 Applicability

The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones. (Ord. 2012-4-2)

17.37.190 Permitted Uses

Pursuant to 17.37.210, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (17.37.120) and Floodfringe Districts (17.37.160) are allowed within the General Floodplain District, according to the standards of 17.37.200, provided that all permits or certificates required under 17.37.250 have been issued. (Ord. 2012-4-2)

17.37.200 Standards For Development In The General Floodplain District

Article III applies to floodway areas, Article IV applies to floodfringe areas. The rest of this Ordinance applies to either District.

A. In AO/AH Zones the structure's lowest floor must meet one (1) of the conditions listed below whichever is higher:
   1. at or above the flood protection elevation; or
   2. two (2) feet above the highest adjacent grade around the structure; or
   3. the depth as shown on the FIRM

B. In AO/AH Zones, provide plans showing adequate drainage paths to guide floodwaters around structures. (Ord. 2012-4-2)

17.37.210 Determining Floodway And Floodfringe Limits

Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

A. Require the applicant to submit two (2) copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

B. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
   1. A Hydrologic and Hydraulic Study as specified in 17.37.250 (B) (3).
   2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
   3. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities. (Ord. 2012-4-2)

ARTICLE VI
NONCONFORMING USES

17.37.220 General

A. Applicability. If these standards conform with s. 59.69(10), Stats., for Counties or s. 62.23(7)(h), Stats., for Cities and Villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Ordinance or any amendment thereto.

B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Ordinance may continue subject to the following conditions:
   1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed two hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
   2. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Ordinance;
   3. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
   4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 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 Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 17.37.170 (A). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this paragraph;

5. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or 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 Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 17.37.170 (A).
6. If on a per event basis the total value of the work being done under four (4) and five (5) equals or exceeds fifty percent (59%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with 17.37.170 (A).
7. Except as provided in paragraph 8., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current Ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
8. For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
    a. Residential Structures
        i. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of 17.37.290B.
        ii. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
        iii. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
        iv. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
        v. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in 17.37.200 (A) (1).
        vi. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
    b. Nonresidential Structures
        i. Shall meet the requirements of 17.37.220 (B) (8) a i-ii and iv-vi.
        ii. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in 17.37.290 (A or B).
        iii. In AO Zones with no elevations specified, shall have the lowest floor, including

basement, meet the standards in 17.37.200 (A).

C. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with 17.37.130 (A), flood resistant materials are used, and construction practices and flood proofing methods that comply with 17.37.290 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of 17.37.220 (B) (8) a if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure. (Ord. 2012-4-2)

17.37.230 Floodway District

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
   1. Has been granted a permit or Variance which meets all Ordinance requirements;
   2. Meets the requirements of 17.37.220;
   3. Shall not increase the obstruction to flood flows or regional flood height;
   4. Any addition to the existing structure shall be flood proofed, pursuant to 17.37.290, by means other than the use of fill, to the flood protection elevation; and
   5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
      a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two (2) openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
      b. The parts of the foundation located below the flood protection elevation must be constructed of flood- resistant materials;
      c. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
      d. The use must be limited to parking, building access or limited storage.

B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all Municipal Ordinances, 17.37.290 (C) and Chapter SPS 383, Wis. Adm. Code.

C. No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all Municipal Ordinances, 17.37.290 (C) and Chapters NR 811 and NR 812, Wis. Adm. Code. (Ord. 2012-4-2)

17.37.240 Floodfringe District

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or Variance by the municipality, and meets the requirements of 17.37.170 except where 17.37.240 (B) is applicable.

B. Where compliance with the provisions of paragraph A. would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in 17.37.270, may grant a Variance from those provisions of paragraph A. 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 if:
   1. No floor is allowed below the regional flood elevation for residential or commercial structures;

2. Human lives are not endangered;
3. Public facilities, such as water or sewer, shall not be installed;
4. Flood depths shall not exceed two (2) feet;
5. Flood velocities shall not exceed two (2) feet per second; and
6. The structure shall not be used for storage of materials as described in 17.37.170 (E).

C. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local Ordinances, 17.37.290 (C) and Chapter SPS 383, Wis. Adm. Code.

D. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Ordinance, 17.37.290 (C) and Chapters NR 811 and NR 812, Wis. Adm. Code. (Ord. 2012-4-2)

ARTICLE VII

ADMINISTRATION

17.37.250 Zoning Administrator

Pursuant to Section 17.52.010 of this Code, the Building Inspector acts in the capacity of Zoning Official and shall also administer this Ordinance as the Zoning Administrator as herein described.

A**.** Duties and Powers**.** The Zoning Administrator is authorized to administer this Ordinance and shall have the following duties and powers:

1. Advise applicants of the Ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
2. Issue permits and inspect properties for compliance with provisions of this Ordinance and issue Certificates of Compliance where appropriate.
3. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
4. Keep records of all official actions such as:
   a. All permits issued, inspections made, and work approved;
   b. Documentation of certified lowest floor and regional flood elevations;
   c. Flood proofing certificates.
   d. Water surface profiles, Floodplain Zoning Maps and Ordinances, nonconforming uses and structures including changes, appeals, Variances and amendments.
   e. All substantial damage assessment reports for floodplain structures.
   f. List of nonconforming structures and uses.
5. Submit copies of the following items to the Department Regional office:
   a. Within ten (10) days of the decision, a copy of any decisions on Variances, appeals for map or text interpretations, and map or text amendments;
   b. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.
   c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
6. Investigate, prepare reports, and report violations of this Ordinance to the Municipal Zoning Agency

and Attorney for prosecution. Copies of the reports shall also be sent to the Department regional office.

7. Submit copies of amendments and biennial reports to the FEMA Regional office.

B. Land Use Permit. A Land Use Permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

1. General Information:

a. Name and address of the applicant, property owner and contractor;
b. Legal description, proposed use, and whether it is new construction or a modification;

2. Site Development Plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
   a. Location, dimensions, area and elevation of the lot;
   b. Location of the Ordinary High Water Mark of any abutting navigable waterways;
   c. Location of any structures with distances measured from the lot lines and street center lines;
   d. Location of any existing or proposed on-site sewage systems or private water supply systems;
   e. Location and elevation of existing or future access roads;
   f. Location of floodplain and floodway limits as determined from the official Floodplain Zoning Maps;
   g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
   h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Articles III or IV are met; and
   i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to 17.37.070. This may include any of the information noted in 17.37.130 (A).

C. Hydraulic And Hydrologic Studies To Analyze Development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the department.

1. Zone A Floodplains:
   a. Hydrology: The appropriate method shall be based on the standards in Chapter NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*
   b. Hydraulic modeling: The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
      i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, and culvert) to determine adequate starting WSEL for the study.
      ii. channel sections must be surveyed.
      iii minimum four (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
      iv. a maximum distance of five hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
      v. the most current version of HEC_RAS shall be used.
      vi. a survey of bridge and culvert openings and the top of road is required at each structure.
      vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than five hundred (500) feet.
      viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

2. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
   a. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
   b. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
3. Zone AE Floodplains
   a. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Chapter NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
   b. Hydraulic model. The regional flood elevation shall be based on the standards in Chapter NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:
      i. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
      ii. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
      iii. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
      iv. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
      v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
      vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
4. Mapping. Maps and associated engineering data shall be submitted to the Department for review which meets the following conditions:
   a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

b. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

i. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

c. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

d. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

e. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

f. Both the current and proposed floodways shall be shown on the map.

g. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

5. Expiration: All permits issued under the authority of this Ordinance shall expire no more than one hundred eighty (180) days after issuance. The permit may be extended for a maximum of one hundred eighty (180) days for good and sufficient cause.

D. Certificate Of Compliance: No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a Certificate of Compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

1. The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Ordinance;
2. Application for such Certificate shall be concurrent with the Application for a permit;
3. If all Ordinance provisions are met, the Certificate of Compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or architect that the requirements of 17.37.290 are met.

E. Other Permits: Prior to obtaining a Floodplain Development Permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344. (Ord. 2012-4-2)

17.37.260 Zoning Agency

A. The Plan Commission shall:

1. Oversee the functions of the office of the Zoning Administrator; and
2. Review and advise the governing body on all proposed amendments to this Ordinance, maps and text.

B. The Plan Commission shall not:

1. Grant Variances to the terms of the Ordinance in place of action by the Board of Appeals; or
2. Amend the text or Zoning Maps in place of official action by the governing body. (Ord. 2012-4-2)

17.37.270 Board Of Appeals

The Board of Appeals, created under s. 62.23(7) (e), Stats. is hereby authorized and appointed to act for the purposes of this Ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt

rules for the conduct of business. The Zoning Administrator shall not be the secretary of the Board.

A. Powers and Duties. The Board of Adjustment/Appeals shall:
   1. Appeals. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an Administrative Official in the enforcement or administration of this Ordinance;
   2. Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official Floodplain Zoning Map; and
   3. Variances. Hear and decide, upon appeal, Variances from the Ordinance standards.

B. Appeals to the Board.
   1. Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Zoning Administrator or other Administrative Officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a Notice of Appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

C. Notice and Hearing for appeals including Variances.
   1. Notice: The Board shall:
      a. Fix a reasonable time for the hearing;
      b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
      c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least ten (10) days in advance of the hearing.
   2. Hearing: Any party may appear in person or by agent. The Board shall:
      a. Resolve boundary disputes according to 17.37.270 (C);
      b. Decide Variance applications according to 17.37.270 (D); and c. Decide appeals of permit denials according to 17.37.280.
   3. Decision: The final decision regarding the appeal or Variance application shall:
      a. Be made within a reasonable time;
      b. Be sent to the Department Regional office within ten (10) days of the decision;
      c. Be a written determination signed by the chairman or secretary of the Board;
      d. State the specific facts which are the basis for the Board's decision;
      e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the Variance application; and
      f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a Variance, clearly stated in the recorded minutes of the Board proceedings.

D. Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
   1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
   2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
   3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article VIII *Amendments*.

E. Variance
   1. The Board may, upon appeal, grant a Variance from the standards of this Ordinance if an applicant convincingly demonstrates that:

a. Literal enforcement of the Ordinance will cause unnecessary hardship;
b. The hardship is due to adoption of the floodplain Ordinance and unique property conditions, not common to adjacent lots or premises. In such case the Ordinance or map must be amended;
c. The Variance is not contrary to the public interest; and
d. The Variance is consistent with the purpose of this Ordinance in 17.37.030.

2. In addition to the criteria in paragraph 1, to qualify for a Variance under FEMA regulations, the following criteria must be met:
   a. The Variance shall not cause any increase in the regional flood elevation;
   b. Variances can only be granted for lots that are less than one-half (1/2) acre and are contiguous to existing structures constructed below the regional flood elevation; and
   c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the Ordinance.
3. A Variance shall not:
   a. Grant, extend or increase any use prohibited in the Zoning District;
   b. Be granted for a hardship based solely on an economic gain or loss;
   c. Be granted for a hardship which is self-created.
   d. Damage the rights or property values of other persons in the area;
   e. Allow actions without the amendments to this Ordinance or map(s) required in Article VIII *Amendments*; and
   f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
4. When a floodplain Variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars ($25.00) per one hundred dollars ($100.00) of coverage. A copy shall be maintained with the Variance record. (Ord. 2012-4-2)

17.37.280 To Review Appeals Of Permit Denials

A. The Zoning Agency (17.37.260) or Board shall review all data related to the appeal. This may include:
   1. Permit application data listed in 17.37.250 (B);
   2. Floodway/floodfringe determination data in 17.37.210;
   3. Data listed in 17.37.130 (A) (2) where the applicant has not submitted this information to the Zoning Administrator; and
   4. Other data submitted with the application, or submitted to the Board with the appeal.

B. For appeals of all denied permits the Board shall:
   1. Follow the procedures of 17.37.270;
   2. Consider zoning agency recommendations; and
   3. Either uphold the denial or grant the appeal.

C. 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 may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article VIII *Amendments*; and
   2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist. (Ord. 2012-4-2)

17.37.290 Flood Proofing Standards For Nonconforming Structures Or Uses

A. No permit or Variance shall be issued for a non-residential structure designed to be watertight below

the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the flood proofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Flood Proofing Certificate.

B. For a structure designed to allow the entry of floodwaters, no permit or Variance shall be issued until the applicant submits a plan either:
   1. Certified by a registered professional engineer or architect; or
   2. Meets or exceeds the following standards:
      a. a minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
      b. the bottom of all openings shall be no higher than one (1) foot above grade; and
      c. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. Flood proofing measures shall be designed, as appropriate, to:
   1. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
   2. Protect structures to the flood protection elevation;
   3. Anchor structures to foundations to resist flotation and lateral movement; and
   4. Minimize or eliminate infiltration of flood waters.
   5. Minimize or eliminate discharges into flood waters. (Ord. 2012-4-2)

17.37.300 Public Information

A. Place marks on structures to show the depth of inundation during the regional flood.

B. All maps, engineering data and regulations shall be available and widely distributed.

C. Real estate transfers should show what floodplain district any real property is in. (Ord. 2012-4-2)

ARTICLE VIII
AMENDMENTS

17.37.310 Amendments

Obstructions or increases may only be permitted if amendments are made to this Ordinance, the official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with 17.37.320.

A. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Ordinance, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with 17.37.320. Any such alterations must be reviewed and approved by FEMA and the DNR.

B. In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Ordinance, the Official Floodplain Zoning Maps, floodway lines, and water surface profiles, in accordance with 17.37.320.

(Ord. 2012-4-2)

17.37.320 General

The governing body shall change or supplement the Floodplain Zoning District boundaries and this Ordinance in the manner outlined in 17.37.330 below. Actions which require an amendment to the Ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

A. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

B. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

C. Any changes to any other officially adopted floodplain maps listed in 17.37.050 (B) (2);
D. Any floodplain fill 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;
E. Correction of discrepancies between the water surface profiles and floodplain maps;
F. Any upgrade to a Floodplain Zoning Ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
G. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA. (Ord. 2012-4-2)

17.37.330 Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by 17.37.210 and 17.37.250 (B). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

A. The proposed amendment shall be referred to the zoning agency for a Public Hearing and recommendation to the governing body. The amendment and notice of Public Hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats. for Cities and Villages or s. 59.69, Stats., for Counties.
B. No amendments shall become effective until reviewed and approved by the Department.
C. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body. (Ord. 2012-4-2)

ARTICLE IX ENFORCEMENT AND PENALTIES

17.37.340 Enforcement And Penalties

Any violation of the provisions of this Ordinance by any person shall be unlawful and shall be referred to the Municipal Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than twenty-five dollars ($25.00) and not more than fifty dollars ($50.00), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats. (Ord. 2012-4-2)

ARTICLE X DEFINITIONS

17.37.350 Definitions

A. Unless specifically defined, words and phrases in this Ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.
B. In accordance with the foregoing paragraph, the following words shall have the following meanings.
   1. “A Zones” Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. “AH Zone” see “Area of Shallow Flooding”.
3. “AO Zone” see “Area of Shallow Flooding”.
4. “Accessory Structure” or “Use”. A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
5. “Alteration” An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. “Area of Shallow Flooding” A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. “Baseflood” Means the flood having a one (1) percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. “Basement” Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
9. “Building” see Structure.
10. “Bulkhead Line” A geographic line along a reach of navigable water that has been adopted by a municipal Ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original Ordinary High Water Mark, except where such filling is prohibited by the floodway provisions of this Ordinance.
11. “Campground” Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
12. “Camping Unit” Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. “Certificate of Compliance” A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Ordinance.
14. “Channel” A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. “Crawlways or Crawl Space” An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.
16. “Deck” An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
17. “Department” The Wisconsin Department of Natural Resources.
18. “Development” Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. “Dryland Access” A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. “Encroachment” Any fill, structure, equipment, use or development in the floodway.
21. “Federal Emergency Management Agency (FEMA)” The federal agency that administers the National Flood Insurance Program.

22. "Flood Insurance Rate Map (FIRM)" A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. "Flood or Flooding" A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
    a. The overflow or rise of inland waters;
    b. The rapid accumulation or runoff of surface waters from any source;
    c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. "Flood Frequency" The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. "Floodfringe" That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water
26. "Flood Hazard Boundary Map" A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. "Flood Insurance Study" A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. "Floodplain" Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
29. "Floodplain Island" A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. "Floodplain Management" Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. "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.
32. "Flood Proofing" Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
33. "Flood Protection Elevation" An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard)
34. "Flood Storage" Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. "Flood Way" The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. "Freeboard" A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to

development and aggregation of the river or stream bed.

37. "Habitable Structure" Any structure or portion thereof used or designed for human habitation.
38. "Hearing Notice" Publication or posting meeting the requirements of Chapter 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all Zoning Ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local Ordinances or bylaws may require additional notice, exceeding these minimums.
39. "High Flood Damage Potential" Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. "Highest Adjacent Grade" The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. "Historic Structure" Any structure that is either:
    a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
    c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
    d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. "Increase in Regional Flood Height" A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on 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.
43. "Land Use" Any nonstructural use made of unimproved or improved real estate. (Also see Development)
44. "Lowest Adjacent Grade" Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. "Lowest Floor" The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
46. "Maintenance" The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
47. "Manufactured 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. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. "Mobile/Manufactured Home Park or Subdivision" A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. "Mobile/Manufactured Home Park or Subdivision, Existing" A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

50. “Mobile/Manufactured Home Park Expansion to Existing” The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.
51. “Mobile Recreational Vehicle” A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. “Model, Corrected Effective” A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. “Model, Duplicate Effective” A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. “Model, Effective” The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. “Model, Existing (Pre-project)” A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. “Model, Revised (Post-project)” A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. “Municipality or Municipal” The County, City or Village governmental units enacting, administering and enforcing this Zoning Ordinance.
58. “NAVD” or “North American Vertical Datum” Elevations referenced to mean sea level datum, 1988 adjustment.
59. “NGVD” or “National Geodetic Vertical Datum” Elevations referenced to mean sea level datum, 1929 adjustment.
60. “New Construction” For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
61. “Nonconforming Structure” An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. “Nonconforming Use” An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. “Obstruction To Flow” Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in

regional flood height.

64. "Official Floodplain Zoning Map" That map, adopted and made part of this Ordinance, as described in 17.37.050 (B), which has been approved by the Department and FEMA.
65. "Open Space Use" Those uses having relatively low flood damage potential and not involving structures.
66. "Ordinary High Water Mark" The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. "Person" An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
68. "Private Sewage System" A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
69. "Public Utilities" Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
70. "Reasonably Safe From Flooding" Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. "Regional Flood" A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. "Start Of Construction" The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. "Structure" Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. "Subdivision" Has the meaning given in s. 236.02(12), Wis. Stats.
75. "Substantial Damage" Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (%50) of the equalized assessed value of the structure before the damage occurred.
76. "Substantial Improvement" Any repair, reconstruction, rehabilitation, addition or improve ment of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic

structure.

77. "Unnecessary Hardship" Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Ordinance.
78. "Variance" An authorization by the Board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain Zoning Ordinance.
79. "Violation" The failure of a structure or other development to be fully compliant with the floodplain zoning Ordinance. A structure or other development without required permits, lowest floor elevation documentation, flood proofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. "Watershed" The entire region contributing runoff or surface water to a watercourse or body of water.
81. "Water Surface Profile" A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. "Well" means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

(Ord. 2012-4-2)
(Ord. 2017-2-1)

Chapter 17.38

SHORELAND-WETLAND REGULATIONS

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ARTICLE I.
STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE

17.38.010 Statutory Authorization.

The Ordinance codified in this Chapter is adopted pursuant to the authorization in Sections 61.35, 61.351, 87.30 and 144.26 of the Wisconsin Statutes. (Ord. 2012-4-2)

17.38.020 Findings Of Fact.

Uncontrolled development and use of the shoreland-wetlands, floodplains, rivers and streams, and the pollution of the navigable waters of this municipality would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to all municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and preserve shore cover and natural beauty. The Village Board does ordain as follows in this Chapter. (Ord. 2012-4-2)

17.38.030 Purpose.

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

A. Maintain the storm and floodwater storage capacity of wetlands;
B. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
C. Protect fish spawning grounds, fish aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat;
D. Prohibit certain uses detrimental to the shoreland-wetland area;
E. reserve shore cover and natural beauty by restricting shoreland-wetland excavation, filling and other earth moving activities. (Ord. 2012-4-2)

ARTICLE II. GENERAL PROVISIONS

17.38.040 Compliance--Other Permits.

Any development, as defined in Section 17.37.130, in floodplains and shoreland-wetlands shall be in full compliance with the terms of this Chapter (however, see Article VI of this Chapter for the standard 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 of 1972, 33 U.S.C. 1334.
(Ord. 2012-4-2)

17.38.050 Municipalities And State Agencies Regulated.

Unless specifically exempted by law, all municipalities are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Section 13.48(13) of the Wisconsin Statutes applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt as provided in Section 30.12 (4) (a) of the Wisconsin Statutes. (Ord. 2012-4-2)

17.38.060 Abrogation And Greater Restrictions.

A. This Chapter supersedes all the provisions of any municipal zoning Ordinance enacted under Section 61.35 or 87.30 of the Wisconsin Statutes which relates to floodplains and shoreland-wetlands, except those where another municipal zoning Ordinance is more restrictive than the provisions contained in this

Chapter, in which case that Ordinance shall continue in full force and effect to the extent of the greater restrictions and not otherwise. The more restrictive of either Shoreland-Wetland District or the Floodplain District regulations shall apply when a property is located in both Zoning Districts.

B. This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restriction, the provisions of this Chapter shall prevail. (Ord. 2012-4-2)

17.38.070 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 116 or NR 117 of the Wisconsin Administrative Code, and where the provision of this Chapter is unclear, the provision shall be interpreted in light of Chapter NR 116 or NR 117 standards in effect on the date of the adoption of the Ordinance codified in this Chapter, or in effect on the date of the most recent text amendment to this Chapter. (Ord. 2012-4-2)

17.38.080 Separability.

Should any portion of this Chapter be declared invalid or unconstitutional by a court of competent jurisdiction the remainder of this Chapter shall not be affected. (Ord. 2012-4-2)

ARTICLE III.
DEFINITIONS

17.38.090 Interpretation Of Terms.

The terms or words used in this Chapter shall be interpreted as follows: words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. (Ord. 2012-4-2)

17.38.100 Definitions.

The following terms as used in this Chapter mean:

1. "Accessory structure or use" means a detached subordinate structure or a use which is clearly incidental to, and customarily found with the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
2. "Boathouse" as defined in Section 30.121(1) of the Wisconsin Statutes means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed having roofs or walls or any combination of structural parts.
3. "Conditional use" means a use which is permitted by this Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where designated, the planning or zoning agency.
4. "Department" means the Wisconsin Department of Natural Resources.
5. "Development" means any new use, change of use and any change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, any placement of mobile homes, the construction of additions or substantial alterations to buildings, structures or accessory structures, the placement of buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.
6. "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

7. “Environmental control facility” means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
8. “Existing mobile home park or mobile home subdivision” means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the Ordinance codified in this Chapter.
9. “Fixed houseboat” as defined in Section 30.121(1) of the Wisconsin Statutes 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 spudpoles attached to the bed of the waterway.
10. “Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state including the Wisconsin portion of 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 or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. (Muench v. Public Service Commission, 261 Wis. 492 (1952) & DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)).
11. “Ordinary High Water Mark” means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
12. “Planning agency” means the Village Plan Commission created under Section 62.23(1) of the Wisconsin Statutes which acts on matters pertaining to planning and zoning.
13. “Shorelands” means lands within the following distances from the Ordinary High Water Mark of navigable waters: one thousand feet from a lake, pond or flowage, and three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
14. “Shoreland-wetland district” means the zoning district created in this Chapter comprised of shorelands that are designated as wetlands on the wetlands inventory of maps which have been adopted and made a part of this Chapter.
15. “Unnecessary hardship” means that circumstance where special conditions which were not 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 Chapter. Unnecessary hardship is present only where, in the absence of a Variance, no feasible use can be made of the property.
16. “Variance” means an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter. A Variance may not permit a use of property otherwise prohibited by this Chapter or allow construction not protected to the flood protection elevation.
17. “Wetland alteration” means any construction filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.
18. “Wetlands” means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. (Ord. 2012-4-2)

ARTICLE IV.
SHORELAND-WETLAND ZONING DISTRICT

17.38.110 District Boundaries Of Shoreland-Wetlands.

A. The Shoreland-Wetland Zoning District includes all wetlands in the Village which are five (5) acres or more in size and are shown on the final Wisconsin Wetland Inventory Map dated February 28, 1986 that is hereby adopted and made a part of this Chapter, and which are:
   1. Within one thousand (1000) feet of the Ordinary High Water Mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village shall be presumed to be navigable if they are listed in the Department publication "Surface Water Resources of Kenosha County" or are shown on the United States Geological Survey quadrangle maps or other zoning base maps used by the Village;
   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 distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps used by the Village.

B. Determination of navigability and Ordinary High Water Mark location shall initially be made by the Zoning Administrator. When questions arise the Zoning Administrator shall contact the appropriate district office of the Department for a final 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 the actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the Shoreland- Wetland District boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use 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 Administrator shall be responsible for initiating a map amendment within a reasonable period.

D. Under Section 144.26(2m) of the Wisconsin Statutes, notwithstanding any other provision of law or administrative rule, wetland zoning Ordinances required under Section 61.351 of the Wisconsin Statutes and Chapter NR 117 of the 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. (Ord. 2012-4-2).

17.38.120 Permitted Uses In Shoreland-Wetlands.

The following uses are permitted subject to the provisions of Chapters 30 and 31 of the Wisconsin Statutes and the provisions of other state, county 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 tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
   3. The practice of silviculture, including the planting, thinning and harvesting of timber;
   4. The pasturing of livestock;
   5. The cultivation of agricultural crops; and
   6. The construction and maintenance of duck blinds.

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 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 cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
3. The maintenance and repair of existing drainage systems, where permissible under Section 30.20 of the Wisconsin Statutes to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Chapter 30 of the Wisconsin Statutes and that the dredged spoil is placed on existing spill banks where possible;
4. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
5. 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;
6. 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 listing in Section 17.38.110 (A);
7. 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 Zoning 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 this Section, 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 Section 17.38.110 (A),
   c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use,
   d. Road construction activities are carried out in the immediate area of the roadbed only, and
   e. Any wetland alteration must be necessary for the construction or maintenance of the road.
2. The construction and maintenance of nonresidential buildings provided that:
   a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals,
   b. The building does not exceed five hundred (500) square feet in floor area, and
   c. Only limited filling and excavating necessary to provide structural support for the building is allowed;
3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
   a. Any private development allowed under this subdivision 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 of park shelters or similar structures is allowed,

c. The construction and maintenance of roads necessary for the uses permitted under this subdivision are allowed only where such construction and maintenance meets the criteria in Section 17.38.140 (A), and

d. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

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 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 Section 17.38.140(A). (Ord. 2012-4-2)

17.38.130 Prohibited Uses In Shoreland-Wetlands.

A. Any use not listed in Section 17.38.120 is prohibited unless the wetland or a portion of the wetland has been zoned by amendment of this Chapter in accordance with Section 17.38.140 and Article VII of this Chapter.

B. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the Ordinary High Water Mark of any navigable waters is prohibited. (Ord. 2012-4-2)

17.38.140 Rezoning Shoreland-Wetlands.

A. Rezoning of a shoreland-wetland shall require amendment of the Final Wisconsin Wetland inventory map pursuant to procedures adopted in Article VII of this Chapter. In order to insure that any amendment will be consistent with the shoreland protection objectives of Section 144.26 of the Wisconsin Statutes, 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 floodwater 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 or storage of 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 proposed amendment as required by Article VII 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 subsection A of this Section, the Department shall so notify the Village of its determination either prior to or during the Public Hearing held on the proposed amendment.

C. If the Department notifies the Village planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection A of this Section, that proposed amendment, if approved by the Village shall not become effective until more than thirty (30) days have elapsed since written notice of the Board approval was mailed to the department as required by Article VII of this Chapter. If within the thirty (30) day period the Department notifies the Board that the Department intends to adopt a superseding Shoreland-Wetland Zoning Ordinance for the Village under Section 61.351(b) of the Wisconsin Statutes, the proposed amendment shall not become effective until that Ordinance adoption procedure is completed or otherwise terminated. The

record of the Board's decision on the proposed amendment shall advise the petitioner of the provisions of this Section. (Ord. 2012-4-2)

ARTICLE V. NONCONFORMING STRUCTURES AND USES

17.38.150 General Provisions.

The lawful use of a building, structure or property which existed at the time the Ordinance codified in this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of this Chapter, including the routine maintenance of such a building or structure may be continued, subject to the following conditions.

A. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.

B. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of the Ordinance codified in this Chapter adopted under Section 62.231 or 62.351 of the Wisconsin Statutes may be continued although such use does not conform to the provisions of this Chapter. However, such nonconforming use may not be extended or increased.

C. The maintenance and repair of nonconforming boathouses which are located below the Ordinary High Water Mark of any navigable waters shall comply with the requirements of Section 30.121 of the Wisconsin Statutes.

D. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses. (Ord. 2012-4-2)

17.38.160 Shoreland-Wetlands.

A. Notwithstanding Section 62.23(7) (h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure or any environmental control facility related to a legal nonconforming structure, in existence at the time of adoption or subsequent amendment of the Ordinance codified in this Chapter adopted under Section 61.351 of the Wisconsin Statutes is permitted under Section 61.351(5) of the Wisconsin Statutes.

(Ord. 2012-4-2).

ARTICLE VI. ADMINISTRATION

17.38.170 Zoning Administrator.

The Zoning Administrator shall have the following powers and duties:

A. Advise applicants as to the provisions of this Chapter, assist them in preparing permit applications and appeal forms and insure that the regional flood elevation is shown on permit applications where appropriate;

B. Issue permits and certificates of compliance and inspect properties for compliance with this Chapter;

C. Keep records of all official actions such as:
   1. All permits issued,
   2. Inspections made,
   3. Work approved,

D. Have access to any structure or premises between the hours of eight a.m. and six p.m. for the purpose of performing these duties;

E. Submit copies of decisions on Variances, Conditional Use Permits, appeals for a map or text interpretation, and map or text amendments within ten days after they are granted or denied to the appropriate district office of the Department;

F. Investigate and report violations of this Chapter to the appropriate municipal planning agency and the district attorney, corporation counsel or Village Attorney. (Ord. 2012-4-2)

17.38.180 Building/Zoning Permits.

A. When Required. Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a building or zoning permit shall be obtained from the Zoning Administrator before any development as defined in Section 17.38.100, including any change in the use of an existing building or structure, is initiated.

B. Application. An application for a permit shall be made to the Zoning Administrator upon forms furnished and shall include the following information for the purpose of proper enforcement of these regulations:

1. General Information.
   a. Name, address and telephone number of applicant, property owner and contractor;
   b. Legal description of the property and a general description of the proposed use or development indicating new construction or modification to existing structures.
2. Site Development Plan. The site development plan shall be drawn to scale and submitted as part of the permit application form and shall contain the following information:
   a. Location, dimensions, area and elevation of the lot noted on a copy of the wetland inventory map, if applicable;
   b. Location and boundaries of wetlands;
   c. Specifications and dimensions for areas of proposed wetland alteration;
   d. Location of the Ordinary High Water Mark of any abutting navigable waterways;
   e. Existing and proposed topographic and drainage features and vegetative cover;
   f. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
   g. Location of any existing or proposed on-site sewage systems or private water supply systems;
   h. Location and elevation of existing or future access roads;
   i. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;

C. Expiration. All permits issued under the authority of this Chapter shall expire one year from the date of issuance. (Ord. 2012-4-2)

17.38.190 Certificates Of Compliance.

A. Except where no building, zoning or Conditional Use Permit is required, no land shall be occupied or used and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied until a Certificate of Compliance is issued by the Zoning Administrator subject to the following provisions:

1. The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use conform to the provisions of this Chapter;
2. Application for such certificate shall be concurrent with the application for a permit;
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 with all the provisions of this Chapter;
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.

B. The Zoning Administrator may issue a temporary Certificate of Compliance for a building, premises or part thereof according to rules and regulations established by the municipality.

C. Upon written request from the owner, the Zoning Administrator shall issue a Certificate of Compliance for any building or premises existing at the time of adoption of the Ordinance codified in this Chapter, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter. (Ord. 2012-4-2)

17.38.200 Fees.

The Village Board may, by resolution, adopt fees for the following:

A. Building Zoning Permits;
B. Certificates of Compliance;
C. Public Hearings;
D. Legal notice publications;
E. Conditional Use Permits.

(Ord. 2012-4-2)

17.38.210 Board of Appeals.

The President of the Village Board shall appoint a Board of Appeals under Section 62.23(7) (e) of the Wisconsin Statutes consisting of five members subject to confirmation by the Village Board. The Board of Appeals shall adopt rules for the conduct of their business as required by Section 62.23(7) (e) of the Wisconsin Statutes.

A. Powers and Duties.
    1. Appeals. The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter;
    2. Conditional Uses. The Board of Appeals shall hear and decide applications for any Conditional Use Permits required by this Chapter;
    3. Variances. The Board of Appeals may grant, upon appeal, a Variance from the dimensional standards of this Chapter pursuant to Section 17.38.220.
B. Appeals to the Board. Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, Board or bureau of the community affected by any order, requirement decision or determination of the official whose decision is in question. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all the documents constituting the record concerning the matter appealed.
C. Hearing Appeals and Applications for Variances and Conditional Use Permits.
    1. Notice and Hearing. The Board of Appeals shall fix a reasonable time for a hearing on the appeal or application. The Board shall give public notice by publishing a Class 1 notice under Chapter 985 of the Wisconsin Statutes specifying the date, time and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate district office of the department at least ten (10) days prior to hearings on proposed Variances, conditional uses and appeals for map or text interpretations. At the Public Hearing any party may appear in person or by agent or Attorney.
    2. Decision. A decision regarding the appeal or application shall be made as soon as is practical. Copies of all decisions on Variances, conditional uses, and appeals for map or text interpretations shall be submitted to the appropriate district office of the department within ten (10) days after they are granted or denied. The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the Board. Such resolution shall state the specific facts which are the basis of the Board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application. (Ord. 2012-4-2)

17.38.220 Variances.

A. The Board of Appeals may upon appeal grant a Variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:
    1. Literal enforcement of the provisions of this Chapter will result in unnecessary hardship on the applicant;

2. The hardship is due to adoption of the Ordinance codified in this Chapter and special conditions unique to the property and not common to a group of adjacent lots or premises (in such case the zoning Ordinance or map must be amended);
3. Such Variance is not contrary to the public interest.

B. A Variance shall not:
1. Allow development below the regional flood elevation;
2. Grant or increase any use of property prohibited in the zoning district;
3. Be granted for a hardship based solely on an economic gain or loss;
4. Be granted for a hardship which is self-created;
5. Damage the rights or property values of other persons in the area. (Ord. 2012-4-2)

17.38.230 Conditional Use Permits.

A. Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator and a Conditional Use Permit has been granted by the Board of Appeals following the procedures in Section 17.38.210(C). To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a building/zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

B. Conditions. Upon consideration of the permit application and the standards applicable to the permitted uses in this Chapter, the Board of Appeals shall attach such conditions to a Conditional Use Permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Section 17.38.030. Such conditions may include specifications for, without limitation because of specific enumeration, type of shore cover, erosion protection measures, increased side yard setbacks, specific sewage disposal and water supply facilities, landscaping and planting screens, period of operation, operational control, sureties, deed restrictions, location of piers, docks, parking areas and signs and type of construction.

(Ord. 2012-4-2)

ARTICLE VII.
AMENDING SHORELAND-WETLAND ZONING REGULATIONS PROCEDURES

17.38.240 Amending Shoreland-Wetland Zoning Regulations--Procedures.

The municipal governing body may supplement or change the district boundaries and the regulations contained in this Chapter according to Section 62.23(7) (d) 2 of the Wisconsin Statutes, Chapters NR 116 and 117 of the Wisconsin Administrative Code and the following:

A. The Shoreland-Wetland District amendment provisions of Section 17.38.140.

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 Village Plan Commission.

C. All proposed text and map amendments shall be referred to the Village Plan Commission and a Public Hearing shall be held as required by Section 62.23(7) (d) 2 of the Wisconsin Statutes, following publication of a Class 2 notice as defined in Section 17.38.100. 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 days of the decision. (Ord. 2012-4-2)

ARTICLE VIII.
ENFORCEMENT AND PENALTIES

17.38.250 Enforcement and Penalties.

Any development as defined in Section 17.38.100 or use established after the effective date of the Ordinance codified in this Chapter in violation of this Chapter by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Plan Commission and the 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 Chapter shall be subject to a forfeiture of not less than fifty dollars ($50.00) nor more than two hundred dollars ($200.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the state or any citizen thereof, pursuant to Section 87.30(2) of the Wisconsin Statutes. (Ord. 2012-4-2)

Chapter 17.39

SHORELAND PROTECTION OVERLAY DISTRICT

Sections:

17.39.010 Shoreland Protection Overlay District--Purpose.
17.39.020 Definitions.
17.39.030 Uses.
17.39.040 Lot Areas and Width.
17.39.050 Building Height and Area.
17.39.060 Setback and Yards.
17.39.070 Special Regulations.
17.39.080 Nonconforming Uses and Structures.

17.39.010 Shoreland Protection Overlay District--Purpose.

The Shoreland Protection Overlay District is intended to provide for orderly development of shorelands in the Village of Twin Lakes while providing for the preservation of shore cover and furthering the aesthetic appearance of the shoreline. The District includes all lands within one hundred (100) feet, and all parcels whereby a portion of the parcel comes within one hundred (100) feet, of the Ordinary High Water Mark of any navigable lake, channel or stream within the Village as identified in Section 17.38.110 of this Code. (Ord. 2012-8-1)

17.39.020 Definitions.

For the purpose of this Chapter certain terms and words are defined as follows:

A. "Accessory structure" shall be defined for purposes of this Chapter as any building or portion of a building subordinate to the principal structure and used for a purpose customarily incidental to the permitted use of the principal structure or the use of the premises or any other thing constructed or erected on the premises, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. With the exception of decks, when an accessory structure, as defined elsewhere in this Code, is part of the principal structure or is substantially attached thereto, the yard requirements of the principal structure shall be applied to the accessory structure.

B. "Vegetative buffer" shall be defined as an area of vegetation containing a combination of native genotype plants, trees, and shrubs maintained along the shoreline or edge of a navigable lake, channel, or stream for the purpose of reducing the impact from adjacent upland and waterward activities.

C. "Shorelands" shall have the same meaning as in Section 17.37.030(42) of this Code.

D. "Shore yard" shall be defined as the land between the Ordinary High Water Mark (OHWM) and the building setback line on properties within the District having frontage on a navigable waterway or other waterway defined in this Chapter. (Ord. 2012-8-1)

17.39.030 Uses.

Any use permitted or allowed on a conditional basis in the underlying basic use District is allowed as a permitted or conditional use in the Shoreland Protection Overlay District. (Ord. 2012-8-1).

17.39.040 Lot Areas and Width.

Lot area and width shall conform to that required in the underlying basic use District except that lots created in the Shoreland Protection Overlay District after the effective date of the Ordinance codified in this Chapter shall have a minimum width of fifty (50) feet at the OHWM. (Ord. 2012-8-1)

17.39.050 Building Height and Area.

Building and structure height and area shall conform to the requirements of the underlying basic use District except as defined in this Chapter. (Ord. 2012-8-1)

17.39.060 Setback and Yards.

All buildings and structures shall conform to the setback and yard requirements of the underlying District except as defined in this Chapter. (Ord. 2012-8-1)

17.39.070 Special Regulations.

A. No principal structure, as defined in the underlying basic use District, in the Shoreland Protection Overlay District shall be located closer than sixty (60) feet to the OHWM of a navigable lake, channel or stream. This setback may be reduced to the average of the setback of the principal structures on the adjoining improved properties upon design, timely installation and continued maintenance of a fifteen (15) foot vegetative buffer on the premises of a design and maintenance plan acceptable to the Village. Installation of the buffer shall be secured by a bond or cash escrow in sufficient amount to ensure installation. In no case may the shore yard setback for principal structures be less than twenty-five (25) feet. Upon installation and prior to return of the bond or escrow, a final photograph of the vegetative buffer shall be submitted to the Building Inspector.

B. With the exception of stairs not greater than four (4) feet in width and associated landings not greater than the width of the stairs and no greater than four (4) feet in length as measured in the direction of travel, no accessory structure in the Shoreland Protection Overlay District shall be located closer than fifteen (15) feet to the OHWM of a navigable lake, channel or stream nor closer than fifteen (15) feet to the side lot line. (Ord. 2007-3-1)

C. No individual accessory structure in the shore yard shall exceed six hundred (600) square feet and the total of all accessory structures in the shore yard on a given premises shall not exceed one thousand two hundred (1,200) square feet. The aggregate amount of impervious surface in the shore yard shall not exceed twenty percent (20%) of the total area of the shore yard.

D. The maximum height of an accessory structure in the shore yard shall not exceed twelve (12) feet measured from the average of the existing grade at the corners of the structure or at least four (4) points equally spaced around the perimeter of the structure.

E. Notwithstanding an access way to the water, which may not exceed thirty percent (30%) of the total footage of the property measured at the OHWM, existing vegetative buffers shall be maintained within fifteen (15) feet of the OHWM.

F. To preserve the scenic beauty of shorelands, to control erosion, and to reduce nutrient flow from the shorelands, the following shore cover regulations shall be enforced in the shore yard:

1. No more than thirty percent (30%) of the vegetative cover shall be clear cut;
2. Clear cutting of more than thirty percent (30%) of the vegetative cover may be allowed if the cutting is mitigated by the planting of new vegetation at a ratio of two (2) new plantings for each one (1) removed;
3. Cutting of this thirty percent (30%) shall not create a clear cut opening in the District greater than thirty (30) feet wide for every one hundred (100) feet of shoreline prorated for the width of the subject parcel;
4. In the remaining seventy percent (70%), cutting shall leave sufficient cover to screen cars, dwelling and accessory structures as seen from the water; and preserve natural beauty and control erosion;
5. Except within fifteen (15) feet of the OHWM, these provisions shall not apply to the removal of dead, diseased or dying trees, or to silvicultural thinning upon recommendations of a certified or licensed Arborist. This work may be allowed within fifteen (15) feet of the OHWM upon receipt of a permit from the Village.

G. Filling and grading in the Shoreland Protection Overlay District shall be permitted only after the granting of a permit by the Village of Twin Lakes pursuant to Chapter 14.22 of this Code related to Grading, Filling and Stormwater Control. In addition, filling or grading which exposes more than ten

thousand (10,000) square feet of the bank of a navigable body of water shall require a permit from the Wisconsin Department of Natural Resources (DNR) pursuant Wisconsin Statutes.

H. Grading of existing beaches in the Shoreland Protection Overlay District for the purpose of maintenance of existing beaches to their previous historical condition and grade shall be permitted upon the issuance of a permit by the Building Inspector and proper authority of the DNR. No new or additional sand may be added to a property to create, enhance or otherwise extend a beach or sand area within fifteen (15) feet of the OHWM. Filling of or creation of sand areas will be allowed more than fifteen (15) feet above the OHWM upon installation and maintenance of a buffer or barrier to prevent the travel of sand into the adjacent waterway. Requests for such permit shall include a photograph of the existing beach. A final photograph is required upon completion of the maintenance, each photograph to be submitted to the Building Inspector.

(Ord. 2012-8-1)

17.39.080 Nonconforming Uses and Structures.

A. Uses and structures, whether principal or accessory, lawfully existing or located at the time of the passage of this Chapter or amendments thereto may continue although such use or structure does not conform to this Chapter.

B. When a nonconforming structure, whether principal or accessory, containing a nonconforming use is intentionally dismantled to the extent of more than fifty percent (50%) of its current locally assessed value, it shall not be reconstructed except in conformity with the regulations of this Code. A legal nonconforming structure may be dismantled and rebuilt within its existing footprint, and up to the maximum height allowed by the underlying zoning district, even if such height is taller than the previous structure's height, provided that the resulting structure is no more nonconforming than was the prior structure.(Ord. 2012-8-1) (Ord. 2019-5-1 (part)).

Chapter 17.40

BOARD OF APPEALS

Sections:

17.40.010 Establishment and Membership.
17.40.020 Meetings.
17.40.030 Minutes and Records.
17.40.040 Appeal Procedure.
17.40.050 Powers Generally.
17.40.060 Determinations.
17.40.070 Specific Powers.
17.40.080 Findings.
17.40.090 Conditions and Safeguards.
17.40.095 Notice to DNR.

17.40.010 Establishment and Membership.

A Board of Appeals is established. The Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for three (3) years, except that of those first appointed one (1) shall serve one (1) year, two (2) for two (2) years and two (2) for three (3) years. The members shall serve for such compensation as shall be fixed from time to time by the Village Board and shall be removable by the Village President for cause upon written charges and after public hearing. The Village President shall appoint alternate members for a term of three (3) years, who shall act with full power, when a member of the Board of Appeals refuses to vote because of interest or is unable to vote due to absence from a scheduled meeting of the Board of Appeals. Vacancies shall be filled by progression with Board of Appeals Alternate #1 and then Board of Appeals Alternate #2 for the unexpired terms of members whose terms become vacant. The Board of Appeals may employ a secretary, and other employees.
(Ord. 2001-12-1 § 2 (part); Ord. 98-6-1; part of Ord. passed 9/27/73; prior code § 7.9(1)).

17.40.020 Meetings.

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. (Prior code § 7.9(2)).

17.40.030 Minutes and Records.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record. (Prior code § 7.9(3)).

17.40.040 Appeal Procedure.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any office, department, Board or bureau of the Village affected by the decision of the Building Inspector. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof and proper fees paid (see Chapter 3.06.010(1) for fees required). The officers from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice by Class II publication as well as due notice to the parties in interest, and shall decide the same

within a reasonable time. (Ord. 2001-12-1 § 2 (part); Ord. 93-12-2; Ord. 92-8-1; Ord. 89-8-2; Ord. 85-9-2; part of Ord. passed 11/9/59: prior code § 7.9(4) (part)).

17.40.050 Powers Generally.

The Board of Appeals shall have the following powers:

A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector;

B. To hear and decide special exceptions to the terms of this Title upon which the Board of Appeals is required to pass;

C. To authorize, upon appeal in specific cases such Variance from the terms of this Title 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 of the Title shall be observed, public safety and welfare secured and substantial justice done;

D. Permit the erection and use of a building or premises in any location, subject to appropriate conditions and safeguards in harmony with the general purposes of this Title, for such public utility purposes which are reasonably necessary for public convenience and welfare.

(Part of Ord. passed 11/9/59: prior code § 7.9(4) (part)).

17.40.060 Determinations.

The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. A quorum shall be four (4) members of the Board. The vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or any matter on which it is required to pass or to effect any variation in the requirements of this Title. The grounds of every such determination shall be stated by the moving member on the audio-taped recording. (Ord. 2005-11-1; prior code § 7.9(5)).

17.40.070 Specific Powers.

In addition to the foregoing, the Board of Appeals shall have the following specific powers:

A. Grant a permit for a temporary building for commerce or industry in a Residential District which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year;

B. By special permit, after due notice and Public Hearing, authorize the location of any of the following buildings or uses in any district from which they are excluded by this Title, provided that such buildings or use shall comply with all other regulations in the district in which it is proposed to be relocated:

1. Nurseries and greenhouses for the propagation and cultivation of plants,
2. Private clubs and lodges excepting those the chief activity of which is a service customarily carried on as a business,
3. Hospitals and clinics,
4. Institutions of an educational, philanthropic or eleemosynary nature,
5. Storage garage or parking area in connection with a housing development project,
6. Cemeteries,
7. Sewage disposal plants, water works plant;

C. Interpret the provisions of this Title in such a way as to carry out the intent and purpose of the plan as shown on the district map and made a part of this Title, and on file in the office of the Village Clerk, where the street layout actually on the ground varies from the street layout on the aforesaid map.

D. The Board of Appeals shall have the power to call on any other Village department for assistance in the performance of its duties, and it shall be the duty of such other departments to render such assistance as may be reasonably required. (Prior code § 7.9(6)).

17.40.080 Findings.

No Variance to the provisions of this Title shall be granted by the Board unless it finds by a preponderance of the evidence that the following facts and conditions exist and so indicates in the minutes of its proceedings:

A. Preservation of Intent. No Variance shall be granted that is not consistent with the purpose and intent of the regulations 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;

B. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that 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.

C. 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.

D. Preservation of Property Rights. Such Variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

E. Absence of Detriment. The Variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Title or the public interest.

F. Additional Requirements in Floodland Districts. No Variance shall be granted where:

1. Filling and development contrary to the purpose and intent of the Floodway District and the Floodplain Conservancy District would result;
2. A change in the boundaries of the Floodway District, Floodplain Conservancy District, or the Floodplain Fringe Overlay District would result;
3. A lower degree of flood protection than a point two (2) feet above the one-hundred (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. (Ord. 82-5-1(part)).

17.40.090 Conditions and Safeguards.

In exercising the foregoing powers and Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purposes and intent of this Title. (Prior code § 7.9(8)).

17.40.095 Notice to DNR.

Due notice of all hearings on appeals for Variances to the floodland provisions of this Title shall be given to the Wisconsin Department of Natural Resources. Final action on applications shall not be taken for thirty (30) days or until the DNR has made its recommendations, whichever comes first. A copy of all decisions relating to Variances to floodland regulations shall be transmitted to the DNR within ten (10) days of the effective date of such decision. (Ord. 82-5-1 (part)).

Chapter 17.42

DESIGN REVIEW PROCESS

Sections:

17.42.010 Objectives Of Design Review Process.
17.42.020 Applicability Of Chapter.
17.42.030 Administration Of Design Review.
17.42.040 Design Review Requirements.

17.42.010 Objectives Of Design Review Process.

The Design Review process is implemented for the purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the Village which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as the efficiency and economy in the process of development within the Village. Requirements for Design Review and approval apply to uses and developments regardless of the characterization of the use or development of this Chapter as a permitted use or conditional use.
(Ord. 96-10-1 (part); Ord. 96-8-4 (part)).

17.42.020 Applicability of Chapter.

The following types of development shall be subject to the Design Review process:

A. Site and structural development in all condominium projects regardless of the number of dwelling units and site and structural development in all other multiple-dwelling projects having three (3) or more dwelling units;
B. Site and structural development in all Commercial Districts in the Village;
C. Site and structural development in all Industrial Districts and Business Park Districts within the Village;
D. Site and structural development in all Planned Development Districts within the Village;
E. All utility and governmental facilities within the Village;
F. Those Variance cases deemed by the Board of Appeals to justify Design Review. Design Review shall be advisory to the Board of Appeals. Any application submitted for Design Review shall include information normally required under Section 17.40.040. The decision of the Board of Appeals to accept the recommendation of Village Plan Commission shall carry the full force and effect of these Chapter provisions;
G. Any parking area, even if not accompanying an otherwise included development, if it has ten (10) or more parking spaces;
H. In addition, Design Review Districts may be designated by Ordinance adopted by the Village Board. Once adopted, Design Review standards shall apply to such districts within the terms of such designation Ordinance. (Ord. 98-7-2; Ord. 96-10-1 (part), 1996; Ord. 96-8-4 (part)).

17.42.030 Administration of Design Review.

The following procedures shall govern the administration of this Chapter:

A. The Village Building Inspector shall advise applicants when they apply for building permits or other approvals whether Design Review applies. If Design Review applies, the applicant shall be given checklists, application forms, and time tables. These documents shall have prior Village Plan Commission approval as to format and content. Applicant may request and have pre-application conference with Village staff, including the Director of Public Works and Building Inspector.
B. Completed applications and supporting materials, including three sets of plans, must be reviewed by the Village staff prior to placement on the Village Plan Commission agenda. The staff must be satisfied that a complete packet of information will be available to the Plan Commission prior to the commencement of the Plan Commission meeting at which the item is set for decision review.

C. The Plan Commission will review applications set for Design Review. Following such review, discussions with applicants and agents, and discussion with the Village Plan Commission and with the Village staff, the Plan Commission shall render a decision of approval, conditional approval or rejection. Decisions shall be in writing and shall identify those elements of the approved design which the Village Plan Commission intends to be mandatory. Following the Plan Commission's decision, each of the applicant's sets of plans shall be stamped "approved," "conditionally approved" or "rejected," with the plans being distributed as follows: one set to the Village Clerk, one set to the Building Inspector and one set to the applicant. The Village Building Inspector shall have applicants sign acknowledgments of receipt of written Village Plan Commission Design Review decisions prior to issuance of a Zoning Building Permit.

D. A project that has had Design review and that has a building permit is approved for execution only in accord with the directives included in the Design Review approval. Construction or execution that deviates in any way from directives may not occur within the terms of this Chapter without prior written Village approval. (Ord. 96-10-1 (part); Ord. 96-8-4(part)).

17.42.040 Design Review Requirements.

The following requirements have development which is practical, feasible and an economic asset to each owner, the neighbors and community as their primary purpose:

A. Buildings.

1. The front facade and street site facade shall be faced with concrete, brick masonry, stone, metals or other materials architecturally integrated in the building design. Unfaced concrete block, structural concrete, prefabricated metal siding and the like are not permitted on facade areas. The facing materials should extend on each side of the front of the building a minimum distance equal to one-fourth (1/4) of the side dimension.
2. All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing, fenestration and overall design concept of the building.
3. All electrical and air-conditioning structures, including towers and air-handing units, regardless of location and whether to screen roof or otherwise, shall be screened by landscaping or by decorative screening which form an integral part of the design.
4. All buildings should be situated on the lot to present their most desirable face to the street and, where possible, should be related to buildings on adjoining lots.

B. Landscaping.

1. Landscape design and planting is to be an integral part of the site design concept and not an afterthought merely added onto the report.
2. The front yard setback area shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped in a similar manner. The entire area between the right-of-way and the building setback line of any property shall be landscaped with a combination of landscape plantings and earth berms to interrupt or screen all of the use areas with the exception of the building facade.
3. Side and rear yard setback areas not used for parking, drives or storage, shall be landscaped using ground cover and/or shrub and tree materials. Where a rear or side yard abuts the natural area or conservancy area, the landscape plan shall be designed to be integrated with the nature area.
4. Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition and shall be landscaped if required by the Village Plan Commission.
5. Areas used for parking and loading shall be landscaped and/or fenced in a manner so as to interrupt said areas from view from public streets and public use areas on adjoining properties. Plant materials used for this purpose shall consist of lineal or group masses of shrubs and/or trees.
6. Any approved outdoor storage areas and refuse collection areas shall be visually screened from view from public streets and public use areas on adjacent properties. Such screening shall conform

to the requirements of Section 8.12.021, and, for properties in the Business Park District, Section 17.33.120.

7. The front yard, any street side yard and the side yards abutting the front one-quarter (1/4) of the building shall have a minimum of an eight (8) foot strip for landscaping or walkway immediately adjacent to the building. Paved pedestrian walks to building entrances may cross or be made part of said strip. The minimum eight (8) feet strip shall be included within any other setback requirements of the Village.
8. All existing vegetation shall be preserved wherever possible and practical. Measures shall be taken to protect existing trees in the areas of natural vegetation (including wetland and native prairie) during construction.

C. Signs.
1. The provisions contained in Chapter 17.57 shall apply to all development subject to the Design Review process.
2. Any property owner subject to the Design Review process who does not meet the provisions of Chapter 17.57 may utilize the provisions of this Chapter for sign Variance and approval. Any such approval shall be in accord with the objectives of the Design Review process.

D. Parking and Loading Area Standards. With the exception of the Business Park District (which is required by Chapter 17.33), the following requirements shall apply to parking and loading areas.
1. Parking lots shall be located to the rear of the building, in the side yard behind the front yard setback or in the front yard of the building. All parking lots shall be located at least six (6) feet from any lot line and at least eight (8) feet from the building.
2. The Village Plan Commission will require on-site parking sufficient to accommodate the needs of each respective business.
3. All drives, parking lots, storage areas and loading berths shall be paved with asphalt or concrete and properly marked.
4. It is intended that driveways be laid out in order to avoid a direct, unscreened view from the street to employee parking areas, loading docks, maneuvering areas and permitted outdoor storage areas. Parking shall be prohibited on entry driveways.

E. Utilities. All utilities shall be installed underground. Electric substations and similar utility structures shall comply with the building and landscape standards specified elsewhere herein.

F. Snow Removal. Snow removal areas and procedures must be described in the plans. Snow removal storage areas shall not interfere with driveway intersection visibility. The intersection visibility standards contained in the Village Zoning Ordinance shall be applied. Snow storage areas shall be adequately drained so that snow melt does not drain across public roadways or sidewalks, and all stockpiling of snow shall be on- site.

G. Lighting. All outdoor lighting shall be controlled so as not to extend a direct light source or glare onto abutting properties. Cutoff type luminaries shall be used and all lighting sheds shall be indicated in the plans. All outdoor lighting shall be compatible with existing lighting in the area.

H. Fire Protection. All plans shall indicate how fire protection will be provided. Provisions shall be made for fire lanes. Larger scale projects, such as water features and ponds, may be incorporated into water supply features. Fire walls may be required on infill projects. The extension of water mains may be required through the design approval process if deemed feasible and practical by the Village Public Works Director and the Village Plan Commission.

I. Stormwater Drainage and Erosion Control Ordinance. All sites shall be planned to provide erosion control measures and storm water drainage improvements acceptable to the Village staff.

J. Street Standards. All projects which require Design Review shall also be subject to the dedication and improvement of abutting roadways and walkways to meet the standards described in the Village's adopted plans and Ordinances.

K. Garbage and Refuse. The storage and screening of garbage and refuse must be described in the plans. All sites shall be planned to provide screening and storage of garbage and refuse acceptable to the Plan Commission. (Ord. 98-7-3; Ord. 96-10-1 (part); Ord. 96-8-4 (part)).

Chapter 17.44

CHANGES AND AMENDMENTS

Sections:

17.44.010 Authority.
17.44.020 Who May Petition.
17.44.030 Petitions.
17.44.050 Required Public Hearing.
17.44.060 Village Board Action.
17.44.070 Floodland District Changes Limited.
17.44.080 Protest.

17.44.010 Authority.

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Title or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission. (Ord. 82-5-1 (part)).

17.44.020 Who May Petition.

A change or amendment may be initiated by the Village Board, Village Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
(Ord. 82-5-1 (part)).

17.44.030 Petitions.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

A. Plot plan drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned;

B. Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned;

C. Additional information required by the Village Plan Commission or Village Board.
(Ord. 82-5-1 (part)).

17.44.050 Required Public Hearing.

A. The Village Board shall hold a Public Hearing upon each proposed change or amendment recommended by the Village Plan Commission, giving notice of the time, place, and the change or amendment proposed by publication of a Class Two notice, under Chapter 985 of the Wisconsin Statutes. The Village Board shall also give at least ten (10) days prior written notice to the Clerk or any municipality within one thousand (100) feet of any land to be affected by the proposed change or amendment. Due notice of all Public Hearings on petitions for changes to the Floodway District, the Floodplain Conservancy District, or the Floodplain Fringe Overlay District, or amendments to regulations affecting floodlands, shall be transmitted to the Wisconsin Department of Natural Resources.

B. The Village Board may delegate to the Village Plan Commission the responsibility to hold Public Hearings as required under this Section.

C. Any person who shall petition for a change or amendment in zoning shall pay a fee of three hundred and twenty-five ($325.00) dollars upon filing said petition with the Clerk.

(Ord. 94-2-1; Ord. 89-8-2 § 2; Ord. 82-5-1 (part)).

17.44.060 Village Board Action.

Following such Public Hearing and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change for amendment.
(Ord. 82-5-1 (part)).

17.44.070 Floodland District Changes Limited.

The Village Board shall not permit changes to the Floodland District boundaries that are inconsistent with the purpose and intent of this Title; or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

A. Changes in the Floodway District boundaries shall not be permitted where the change will increase the flood stage elevation in excess of one (1) foot. Flood stage increases exceeding one-tenth (1/10) foot (three centimeters) in height shall not be permitted unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. Petitions for Floodway District changes shall show the effects of the change within the associated floodfringe utilizing the equal degree of encroachment principle, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.

B. Removal of land from the Floodland Districts shall not be permitted unless the land has been filled to an elevation at least two (2) feet above the elevation of the one-hundred (100) year recurrence interval flood and further provided that such lands are contiguous to lands lying outside of the floodlands.

C. No river or stream shall be altered or relocated until a floodland zoning change has been applied for and granted in accordance with this Chapter and within the limitations set forth in subsection A of this Section.

D. Amendment of unnumbered A Zones shall not be permitted unless the petitioner provides the Village with engineering data showing the flood profile, necessary river cross-Sections, flood elevations, and any effect the establishment of a floodway/ floodfringe will have on flood stages. The effects shall be limited as set forth in subsection A of this Section. If the unnumbered A Zone is less than five acres in area and where the cost of the proposed development is estimated to be less than seventy-five thousand dollars ($75,000.00), the Wisconsin Department of Natural Resources (DNR) will assist the petitioner in determining the required flood elevations.

E. Notice to DNR and FEMA. A copy of all notices for amendments or rezoning in the Floodland Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). Amendments to the Floodland District boundaries or regulations shall not become effective until approved by the DNR and the FEMA. In the case of Foodland District boundary changes, an official letter of map amendment from the FEMA shall also be required.

(Ord. 82-5-1 (part)).

17.44.080 Protest.

In the event of a protest against any district change or amendment to the regulations of this Title, 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 therefrom, or by the owners of twenty (20%) percent or more of the land directly opposite thereto 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 membership. (Ord. 82-5-1 (part)).

Chapter 17.48

ANNEXATIONS

Sections:

17.48.010 Annexations.

17.48.010 Annexations.

All territory annexed to the Village shall automatically become a part of the Residential District until definite boundaries and regulations are recommended by the Village Plan Commission and adopted by the Village Board; provided however, that the Village Board shall adopt definite boundaries and district regulations within ninety (90) days from the date of the annexation.

Annexations containing floodlands shall be placed in the following districts:

A. All floodways and unnumbered A zones shall be placed in the Floodway District.

B. All other floodlands shall be placed in the Floodland Conservancy District.

(Ord. 82-5-1 (part); prior code § 7.13).

Chapter 17.52

ENFORCEMENT

Sections:

17.52.010 Duty to enforce.
17.52.020 Permit required.
17.52.030 Plan requirements.
17.52.040 Survey and staking.
17.52.050 Certificate of occupancy required.
17.52.055 Certificates--Application.
17.52.060 Temporary certificate of occupancy.
17.52.070 Certificates for existing buildings.
17.52.080 Conditional use permit-- Issuance.
17.52.085 Conditional use permit-- Application.
17.52.090 Notice to DNR.
17.52.095 Other permits.

17.52.010 Duty To Enforce.

It shall be the duty of the Building Inspector to interpret and administer this Title and to issue, after on-site inspection, all permits required by this Title. The Building Inspector shall further:

A. Maintain records of all permits issued, inspections made, work approved, and other official actions;
B. Record the lowest floor elevations of all structures erected, moved, altered, or improved in the Floodland Districts;
C. Establish that all necessary permits that are required for floodland uses by state and federal law have been secured;
D. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Title;
E. Investigate all complaints made relating to the locations of structures and the use of structures, lands and waters, give notice of all violations of this Title to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him;
F. Assist the Village Attorney in the prosecution of Zoning Title violations;
G. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Title. 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 Wisconsin Statutes;
H. Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection;
I. Request assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary. (Ord. 82-5-1 (part)).

17.52.020 Permit Required.

No building shall hereafter be erected, moved or structurally altered until a Building Permit has been applied for and issued. (Prior code § 7.11(2)).

17.52.030 Plan Requirements.

All applications for a Building Permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot of the proposed or existing buildings and accessory structure, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, off-street parking and loading areas, existing and proposed highway access or restrictions thereto, high water

elevations, floodway and floodplain boundaries, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Title. (Ord. 82-5-1 (part)).

17.52.040 Survey And Staking.

All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. (Prior code § 7.11(4)).

17.52.050 Certificate Of Occupancy Required.

No vacant land shall hereafter be occupied, used, or developed; and no building shall hereafter be located, moved, reconstructed, substantially improved, or structurally altered; and no floodland shall be filled, excavated, or developed; and no nonconforming use shall be maintained, renewed, substantially improved, or changed until a Certificate of Occupancy has been issued by the Building Inspector. Such certificate shall show that the structure or premises or use is in conformance with the provisions of this Title. Such certificate shall be applied for at the time a party occupies any land or structure or there is a renewal or change in a nonconforming use. (Ord. 82-5-1 (part)).

17.52.055 Certificates--Application.

Application for a Certificate of Compliance shall be made in the same manner as for a Building Permit pursuant to Sections 17.52.030 and 17.52.040 of this Title. Application for a Certificate of Occupancy in the Floodland Districts shall include a certification by a registered professional engineer or land surveyor that the floodland regulations set forth in this Title have been fully complied with. (Ord. 82-5-1 (part)).

17.52.060 Temporary Certificate Of Occupancy.

Under such rules and regulations as may be established by the Village Board, the Building Inspector may issue a temporary Certificate of Occupancy for part of a building. (Prior code § 7.11 (part)).

17.52.070 Certificates For Existing Buildings.

Upon written request from the owner, the Building Inspector shall issue a Certificate of Occupancy for any building or premises existing at the time of the adoption of this Title, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the Title. (Prior code § 7.11 (part)).

17.52.080 Conditional Use Permit--Issuance.

The Village Plan Commission may authorize the Building Inspector to issue a Conditional Use Permit for conditional uses after review and a Public Hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Title and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. In considering conditional uses, the Plan Commission may impose conditions on use such as landscaping, type of construction, floodproofing, anchoring of structures in floodplain areas, sureties, and construction commencement and completion dates. (Ord. 82-5-1 (part)).

17.52.085 Conditional Use Permit-- Application.

Application for a Conditional Use Permit shall be made in the same manner as for a Building Permit pursuant to Sections 17.52.030 and 17.52.040 of this Title. In addition, in areas subject to inundation by floodwaters, the Conditional Use Application shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures, and plans for proposed structures, giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structures or its effects on flood flows. Where floodproofing is required, the applicant shall submit a

plan or document certified by a registered professional engineer or architect, that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the one-hundred (100) year recurrence interval flood. Prior to the issuance of an Occupancy Permit, the applicant shall also submit a certification by the registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this Title. (Ord. 82-5-1 (part)).

17.52.090 Notice To DNR.

Due notice of all hearings on Conditional Use Permit Applications in a Floodland District shall be transmitted to the Wisconsin Department of Natural Resources for review and comment. 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 Floodland Conditional Use Permits shall be transmitted to the DNR within ten (10) days of the effective date of such permit. (Ord. 82-5-1 (part)).

17.52.095 Other Permits.

It is the responsibility of all permit applicants to secure all necessary permits required by any federal, state, or local agency. This includes, but is not limited to, a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act, and water use permits pursuant to Chapters 30 and 31 of the Wisconsin Statutes. (Ord. 82-5-1 (part)).

Chapter 17.56

VIOLATIONS AND PENALTIES

Sections:

17.56.010 Violations And Penalties.

17.56.010 Violations And Penalties.

Any person, firm or corporation who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this Title shall, upon conviction, be subject to penalty as provided in Section 1.12.010.

Every structure, fill, or development placed or maintained within any floodland area in violation of this Title is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the state, the county, the Village or any citizen thereof. (Ord. 82-5-1 (part); prior code § 7.12).

Chapter 17.57

SIGNS

Sections:

17.57.010 Purpose.
17.57.020 Scope.
17.57.030 Applicability.
17.57.040 Interpretations.
17.57.050 Definitions.
17.57.060 Administration.
17.57.070 Permit Required.
17.57.080 Exemptions.
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17.57.010 Purpose.

The purposes of these sign regulations are to establish minimum standards: to encourage the effective use of signs as a means of communication in the Village; to maintain and enhance the aesthetic environment and the Village's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations. The sign Ordinance codified in this Chapter is adopted under the zoning authority of the Village. (Ord. 98-10-1 § 2 (part)).

17.57.020 Scope.

This Chapter shall be binding upon the owner of any property upon which a sign is placed, upon any lessee of such property and upon any person who constructs or maintains signs within the Village. This Chapter governs all signs currently in use and those hereinafter installed in the Village. (Ord. 98-10-1 § 2 (part)).

17.57.030 Applicability.

A. A sign may be erected, placed, established, painted, created or maintained in the Village only in conformity with the standards, procedures, exemptions and other requirements of this Chapter.

B. The effect of this Chapter as more specifically set forth is:

1. To establish a permanent system to allow a variety of types of signs in commercial, industrial and business park districts and a limited variety of signs in residential and other districts, subject to the standards and permit procedures of this Chapter;
2. To allow certain signs that are small, unobtrusive and incidental to the principal use of respective lots on which they are located, subject to the substantive requirements of this Chapter, but without the requirements for a permit;
3. To prohibit all signs not expressly permitted by this Chapter;
4. To establish reasonable fees; and
5. To provide for enforcement of the provisions of this Chapter. (Ord. 98-10-1 § 2 (part)).

17.57.040 Interpretations.

Words and phrases used in this Chapter shall have the meaning set forth in Section 17.57.050. Words and phrases not defined in this Chapter but defined in other Ordinances of the Village, shall be given the meaning set forth in such Ordinances. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Chapter and Section heading or captions are for reference purposes only and shall not be used in the interpretation of this Chapter. (Ord. 98-10-1 § 2 (part)).

17.57.050 Definitions.

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meaning given in this Section:

"Area identification sign" means a sign to identify a common area containing a group of structures or a single structure, such as a residential subdivision, apartment, complex, industrial park or shopping center, located at the entrance or entrances of the area, and consisting of a freestanding sign or a fence or wall or archway with letters or symbols affixed thereto.

"Banner" means any sign of lightweight fabric or similar material that is mounted to a pole or a building at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

"Building inspector" means an agent of the Village of Twin Lakes authorized to permit, inspect, approve or deny construction within the Village and the authorized government representative on sign issues.

"Building marker" means any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

"Bulletin sign" means any sign erected by a charitable, educational or religious institution or a public body, which is erected upon the same property as the institution, for purposes of announcing events which are held on the premises, and contains no commercial message.

"Canopy sign" means any sign that is a part of or attached to an awning, canopy, or other fabric, plastic or structural protective cover over a door entrance, window or outdoor service area. A marquee is not a canopy.

"Commercial message" means any sign wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, sale or sales event or other commercial activity.

"Construction sign" means any sign which alerts persons of construction or demolition activities for a project or which describes the project or the contractors involved.

"Display surface" means the net geometric area enclosed by the display surface of the sign including the outer extremities of all letters, characters and delineations; provided, however, "display surface area" shall not include the structural supports for free standing signs.

"District or zoning districts" means a Section or Sections of the incorporated area of the Village of Twin Lakes for which the then effective zoning Ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

"Erect" means to build, construct, attach, hang, place, suspend or affix.

"Flag" means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of government, political subdivision or other entity.

"Flashing sign" means an illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color for at least a minimum five (5) second interval when in use. (Ord.2013-1-2)

"Garage/yard sale sign" means any sign which advertises a private sale of personal property used to dispose of personal household possessions. Not for the use of any commercial venture.

"Illuminated sign" means any sign which has characters, letters, figures, designs or outline illuminated directly or indirectly by electric lights or luminous tube.

"Incidental sign" means a sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," "warning" and other similar directives. No sign with a commercial message legible from a position off the lot on which the sign is located shall be considered incidental.

“Joint identification sign” means a sign which serves as common or collective identification for a group of persons or businesses operating on the same zone lot (e.g., shopping center, office complex, etc.). Such sign may name the persons, or businesses included but carry no other advertising matter.

“Lease” means an agreement by which a property owner conveys, usually for a specified rent, to other persons, permissions to erect and maintain an advertising sign upon his property.

“Lot” means any piece or parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument of record, that is recognized and intended as a unit for the purposes of transfer of ownership.

“Nonconforming sign” means a sign existing at the effective date of the adoption of the Ordinance codified in this Chapter which could not be built under the terms of this Chapter.

“Off-premises sign” means a sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where such sign is displayed. The term off-premises sign shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to others for the purpose of convening a commercial or noncommercial message.

“Pennant” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in series, designed to move in the wind.

“Person” means and includes any person, firm partnership, association, corporation, company or organization singular or plural, of any kind.

“Projecting sign” means any sign that shall be affixed at an angle or perpendicularly to the wall of any building in such a manner to read perpendicularly or at an angle to the wall on which it is mounted.

“Real estate sign” means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of such property.

“Roof sign” means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

“Setback” means the distance from the property line to the nearest part of the applicable building, structure or sign, measured perpendicularly to the property line.

“Sign” means and includes every device, frame, letter, figure, character, mark, plane, point, design, picture, logo, stroke, stripe, trademark or reading matter, which is used or intended to be used to attract attention or convey information when the same is placed out of doors in view of the general public; in addition, any of the above which is not placed out of doors, but which is illuminated with artificial or reflected light. Also, the above, when near the inside surface of a window in such a way as to be in view of the general public and used or intended to be used to attract attention or convey information to motorists.

“Shopping center” means a cohesive unit of stores or other commercial businesses arranged and constructed according to a plan and contained within a separate parcel of land.

“Streets” means a strip of land or access way subject to vehicular traffic and/or pedestrian traffic that provides direct or indirect access to property, including, but not limited to, alleys, avenues, boulevards, courts, drives, highways, lanes, places, roads, sidewalks, terraces, trails or other thoroughfares.

“Temporary sign” means any sign intended to be displayed for a period of not more than sixty (60) days in a twelve (12) month period or until construction or sale of property is completed; including real estate, political or construction site signs and banners, decorative type displays or anything similar to the aforementioned.

“Wall sign” means any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, such wall sign shall not project above the top of the wall or beyond the end of the building. For the purposes of this Chapter, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the building marquee, building awning or a building canopy shall be considered a wall sign.

“Yard card” means any sign, pictures, symbol or combination thereof, designed to be temporarily place in a residential or commercial lot, for purposes of commemorating a personal event such as a birthday, graduation or anniversary. (Ord. 98-10-1 § 2 (part)).

17.57.060 Administration.

The Building Inspector for the Village of Twin Lakes shall be responsible for the enforcement of this Chapter and shall have the following powers and duties:

A. Interpret this Chapter;
B. Issue or deny permits;
C. Conduct inspections of property to determine compliance with this Chapter;
D. Assist persons desiring such assistance with permit application, interpretation and compliance;
E. Receive and file all applications for Variances or appeals;
F. Maintain records relevant to this Code;
G. Issue notices of noncompliance with this Code;
H. Remove dangerous or abandoned signs in accordance with this Chapter; and
I. Enforce this Chapter. (Ord. 98-10-1 § 2 (part)).

17.57.070 Permit Required.

A. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit, except those signs permitted under Sections 17.57.110 and 17.57.120, without being in conformity with the provisions of this Chapter or Department of Commerce, Chapter 16 of the Wisconsin Administrative Code as hereinafter amended or recreated. The sign shall also meet all of the structural requirements of the Village and state building codes.
B. Before any sign for which a permit is required by this Section is erected, there shall be submitted to the Building Inspector the written consent of the owner of the land upon which the sign is to be located that permission has been so granted, a scale drawing of the proposed sign indicating its location on the premises (a site plan) and its relationship to other structures and property lines, and a computation of the display area as defined in this Chapter.
C. Back to back signs shall constitute but one sign within the meaning of this Section. (Ord. 98-10-1 § 2 (part), 1998).

17.57.080 Exemptions.

The following signs are exempt from the provisions of this Title and require no sign permit:

A. Informational signs, notices, traffic signs or signals, street signs or railroad signs or any other safety related signs placed by a utility or any unit of government;
B. Christmas or other seasonal decorations with no commercial message; and
C. Any public notice or warning required by a valid and applicable Federal, State, or local law, regulation or Ordinance. (Ord. 98-10-1 § 2 (part)).

17.57.090 Signs Prohibited.

A. The following types of signs are not permitted in any district:
    1. Signs which create a hazard or a dangerous distraction or obstruction to vehicular traffic or nuisance to adjoining residential property;
    2. Signs which resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices or signs which obstruct or interfere with the effectiveness of such devices;
    3. Flashing signs.
    4. Signs which obstruct or interfere with traffic visibility;
    5. Signs lighted in such a way as to cause glare or impair driver visibility upon public right-of-ways;
    6. Rotating, alternating or swinging signs or devices, with the exception of time or temperature devices;
    7. Signs, or any part thereof (including sign anchors, braces or guiderods), which are attached, fastened or anchored to any fire escape, fire ladder or standpipe;
    8. Signs, or any part thereof, or any anchor, brace or guiderods, erected, relocated or maintained so

as to hinder or prevent ingress and egress from public or private driveways, parking lots or fire escapes or through a door, doorway or window or other opening intended to provide light, air, ingress or egress for any building as required by law. This Section shall not prohibit the temporary closure of and signature of public or private drives for the purpose of preventing trespassing;

9. Signs which hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against the building by the Fire Department as necessity therefore may require.
10. No advertising vehicle signs shall be permitted, except as temporary signs. No persons shall park any vehicle or trailer on a public right-of-way or on public or private properties so as to be seen from a public right-of-way, which has attached thereto located therein any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on any other premise. Licensed business vehicles containing typical business signage and which are actively used on a daily basis for businesses purposes, are exempt. This shall not prohibit "For Sale" signs on vehicles for sale provided the vehicle is not parked on a public right-of-way.
11. Signs in a conspicuous state of disrepair shall not be permitted. The Village Board may order removal on a twenty (20) day public notice or immediately if public danger exists.

B. No off premises signs or similar structures shall be erected within the corporate limits of the Village, except on property owned or controlled by the Village upon the specific approval of the Village Board with the advice and consent of the Park Commission as it relates to sign placement in parks. Such signs must adhere to the standards established by the Plan Commission/Design Review Committee. Variations to the standards may be allowed upon approval of the Design Review Committee.

C. Signs affixed to vehicles or trailers shall not be used to circumvent this Section.
(Ord. 2013-1-2 A.(3) (part); Ord. 2006-11-4 § 1, 2006; Ord. 98-10-1 § 2 (part)).

17.57.100 General Requirements.

A. All signs, whether attached to or detached from a building or structure, shall be located only on those sides of a building or structure which face on a public street or alley, right-of-way or public parking lot.

B. No sign shall extend above the high point or peak of the roof, wall or parapet of the building or structure to which it is attached, except a projecting sign as defined herein, which may extend up to, but not more than, five (5) feet above such high point or peak of the roof, wall or parapet of the building or structure to which it is attached. No wall sign shall extend beyond the building more than eighteen (18) inches. No part of any projecting sign shall be less than ten (10) feet from the grade underneath.

C. Vision setback lines at public sidewalk right-of-ways or at the intersections of public streets and public or private driveways shall not be less than ten (10) feet unless otherwise specifically stated in this Chapter.

D. With the exception of temporary signs, the total gross surface area of all business signs on a single lot shall be determined in the following manner: for each building side facing a public street or alley right-of-way or public parking lot, the maximum allowable area in square feet of restricted signs shall be the sum of 2.5 times the lineal footage of structure facing on such public right-of-way plus the setback distance as defined in this Chapter. However, there shall be a minimum allowed side area of twenty-five (25) square feet per building side facing a public street or alley right-of-way or public parking lot for each business on the first floor level and a maximum of three hundred (300) square feet per building side facing a public street or alley right of way or public parking lot, for each business on the first floor level. The gross surface area of all restricted signs requiring a permit under Section 17.57.070 is cumulative. However, the gross surface sign area allowed for one building side shall not be cumulative to another side.

E. On lots of one (1) acre or less where the building or structure area is less than twenty percent (20%) of the lot area or on a lot of any acreage where no building or structure exists but a commercial service

exists, the allowed gross surface area per lot shall be determined by the Village Building Inspector. But in no case shall such sign area exceed one hundred (100) square feet in area for each lot line abutting a public street and alley right-of-way or public parking lot.

F. Signs for businesses located above the first floor level shall be prohibited except as follows:
   1. Business or professional name plates located inside of windows or which are painted upon windows above the first floor level of any building or structure side facing a public street or alley right-of-way or parking lot and which occupy fifty percent (50%) or less the window area.
   2. One group directory sign may be affixed at each public entrance which faces a public street or alley right of way or private parking lot.

G. Location of all signs shall be set back five (5) feet from the front lot line or sideyard lot line if on corner lots. In Commercial, Industrial and Business Park Districts, a detached or projecting sign with its lowest point not less than ten (10) feet above the ground level may be located within the five (5) foot setback but not projecting into the public highway right-of-ways.

H. No person, firm or corporation shall post or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark on any sidewalk, curb, gutter, street, any post, pole or tree, nor shall any of said objects be defaced in any manner, unless sanctioned by the provisions of this Chapter or other provisions of the Village Ordinances or by the Village Building Inspector in carrying out the provision of this Chapter or any public work or construction.

I. Subdivision entrance signs may be permitted at the discretion of the Village Plan Commission and subject to the requirements of this Chapter. Specific design, sign appearance, location, size and continuing maintenance responsibility shall be submitted to the Plan Commission for approval. In all cases, subdivision signs shall not be erected less than ten (10) feet from any side or rear lot line and may be placed within the street right-of-way after the Building Inspector has made a determination with Public Works that such location will not interfere with the use or maintenance of the street by the public. Approval shall not be given unless the Plan Commission shall find that the design, size and location of the sign will not have an adverse effect on public safety, is of appropriate size and aesthetically compatible with the area.

J. Multi-dwelling units may be allowed signs at the discretion of the Village Plan Commission and subject to the requirements of this Chapter. Specific design, sign appearance, location, size and continuing maintenance responsibility shall be submitted to the Plan Commission for its approval.

K. The use of banners, pendants, flags, balloons, streamers or other similar media for advertising shall be strictly prohibited except for special promotions lasting not more than fourteen (14) days and only upon approval of the Building Inspector. Upon application, the Building Inspector shall have the authority to approve up to three (3) permanent pendant, flag, balloon, streamer or other similar advertising media locations for individual property locations throughout the Village.

L. Except as provided in subsection “S” of this Section, each lot, whether occupied by one or more business establishments, shall be limited to any combination of signs with total signage permitted to be determined pursuant to subsection “D” of this Section..
   1. Any individual display surface of a detached sign shall not exceed one hundred (100) square feet and the total vertical height including structural supports shall not exceed twenty (20) feet with all measurements being measured from the adjacent grade; and
   2. Any individual display surface of a roof sign shall not exceed one hundred (100) square feet.

M. Externally illuminated signs, including flood lighting shall illuminate only the immediate area of the sign, concentrating light upon the sign without radiating light upon adjacent public or private property as to interfere with the comfort and repose of those residing in the neighborhood dwellings or constituting a traffic hazard or detriment to traffic safety.

N. Internally illuminated signs shall illuminate only the immediate area of the sign, concentrating light within the sign without radiating light upon adjacent public or private property so as to interfere with the comfort and repose of those residing in the neighboring dwellings.

O. Wall signs shall be located on the premises being served and the display surface shall not exceed one hundred (100) square feet for each such sign. The number of wall signs used on a lot shall not be

limited, provided; however, the total allowed gross surface sign area for restricted signs is not exceeded and not project from a building by more than eighteen (18) inches.

P. Painted skeleton cutout letter signs shall be located on the building or structure being served and shall only be permitted on cornice, lintel or panel of the building or structure.
   1. The number of painted skeleton cutout letter signs shall not be limited, provided; however, the total allowed gross surface sign area for restricted signs is not exceeded.
   2. There shall be no maximum dimensions for the size of letters contained in skeleton cutout signs.

Q. Projecting signs shall be located on the premises being served and shall be limited to one (1) such sign for each business for each public street or alley right-of-way or public parking lot upon which it faces. No projecting sign shall be at its lowest point less than ten (10) feet above any walkway, driveway, parking lot, nor exceed twenty (20) feet in height and fifty (50) square feet in area.

R. Business signs shall be located on the premises being served and shall be limited to permitted combinations of detached, flat, painted, projecting or skeleton cutout letter signs as may be allowed under the total allowed gross surface area of all business signs.

S. Area identification signs and/or joint identification signs for shopping centers, office complexes and similar structures shall be addressed through the Plan Commission's Design Review process and ultimately approved by the Twin Lakes Village Board. (Ord. 98-10-1 § 2 (part)).

17.57.110 Signs Permitted Without A Building Permit.

With the exception of signs located in Residential Districts, the following types of signs shall be permitted without a Building Permit, subject to requirements for location, size and number as specified herein and subject to all Village and State Building Code requirements and Electrical Code requirements if illuminated:

A. Address number;

B. Residential name plates;

C. On-premises commemorative, historical, building marker or similar types of signs;

D. Awning or Canopy Signs. These shall be located on the premises being served and shall only display the owner's name or business name. One (1) awning or canopy sign shall not occupy more than thirty percent (30%) of the area vertical face of such awning or canopy. No canopy or awning shall be less than eight (8) feet in height from the sidewalk. No sign shall be installed above or below the canopy or awning.

E. Bulletin signs for public, charitable or religious institutions which shall be located on the premises of the institution being served and shall be limited to one (1) such sign for each institution except on corner lots where two (2) signs, one (1) facing each street, shall be permitted. One (1) bulletin sign shall not exceed thirty- two (32) square feet in area.

F. Real estate signs advertising a property for sale, rent or auction. Such signs shall be unlighted; and shall not exceed nine (9) square feet for single and two-family residences and thirty-two (32) square feet for multiple-family residences and non-residences; and shall be removed not more than ten (10) days after a transaction is complete. No real estate sale sign shall be erected in any street right-of-way or less than ten (10) feet from a side or rear lot line. There shall be no more than two (2) real estate signs on the premises.

G. Construction signs for ongoing construction which shall be located on the site of construction with any one (1) individual sign not exceeding thirty-two (32) square feet in area and with total signage for all construction signs on site not to exceed seventy-five (75) square feet. Such signs shall be unlighted and shall be removed within ten (10) days after final inspection by the Building Inspector.

H. Political Signs. Political signs or posters announcing candidates seeking public political office and/or political and public issues contained on a ballot are permitted in all districts without a Building Permit, subject to the following conditions:
   1. Unless otherwise specified herein, all political signs on Residential properties which address a particular election may be erected pursuant to Section 12.04 of Wisconsin Statutes;
   2. Political signs shall not be located on any buildings or grounds that are owned or maintained by

any public agency, or any pole, post or apparatus owned by a utility or upon any traffic control post or road right- of-way so as to ensure traffic and pedestrian safety. On any property where political signs are permitted to be located, permission to erect such signs shall be obtained from the owner of such property. No political sign shall be placed closer than seven (7) feet from the edge of the street pavement nor so close to a pedestrian way as to hinder or endanger safe passage or obstruct vision setback for traffic and pedestrian safety purposes;

3. No political signs on nonresidential properties shall be erected before the first day of circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, or in the case of a referendum, sixty (60) days prior to such referendum election;
4. On both Residential and nonresidential properties, the candidate, party or parties responsible for the erection of any signs shall be jointly and severally liable for the removal of such signs within ten (10) days after the election to which the sign refers;
5. If a political sign is located contrary to this Section or if a political sign is not removed within the ten (10) day period, the Village shall cause such sign to be removed without the necessity of giving notice and the responsible party shall be responsible for the cost of removal and associated costs pursuant to Section 2.78.020 of this Code;
6. Political signs on nonresidential properties shall not exceed twenty (20) square feet in area unless such sign is affixed to a permanent structure and does not extend beyond the perimeter of the structure, and further provided the sign does not obstruct a window, door, fire escape, ventilation shaft or other area which is required by an applicable building bode to remain unobstructed. The total area of signage on all political signs erected on one (1) nonresidential parcel shall not exceed eighty (80) square feet;
7. Political signs shall not have electric, mechanical or audio auxiliaries.

I. Incidental signs shall be located on the premises being served and shall be unlimited as to the number of such signs. No individual incidental sign shall exceed ten (10) square feet in area and shall comply with the minimum height and setback requirements.

J. Open House Signs.
   1. Such signs shall not be illuminated and shall not exceed six (6) square feet. Such signs may be placed at a rate of one (1) per intersection per company and shall only be displayed for a period from eight (8:00) a.m. to eight (8:00) p.m. on the day of the open house. No more than four (4) directional open house signs may be placed within the Village limits for any one (1) house.
   2. The principal broker of the real estate company shall be responsible for compliance with this Section. Failure to comply with this Section may be subject to fine or suspension of privileges in accordance with Section 17.57.170 of this Chapter.

K. The flag, pennant or insignia of any government, or any religious or fraternal organization. Such flag, pennant or insignia shall not exceed two hundred (200) square feet.

L. Yard cards provided such signs are displayed for a maximum period of five (5) days, only one (1) such sign is displayed at one (1) time, and such signs are displayed for a period no greater than sixty (60) days in any twelve (12) month period.

M. Temporary signs or banners for the purpose of advertising a festival, auction, bazaar, or other special event must be approved by the Village Board. (Ord. 2005-1-3, 2005; Ord. 98-10-1 § 2 (part)).

17.57.120 Residential Signs.

A. Signs Permitted. In Residential Districts, only the following signs are permitted as regulated by this Chapter:
   1. Address numbers;
   2. Residential nameplates;
   3. Election signs;
   4. Temporary open house signs;

5. Real estate signs;
6. Residential construction signs;
7. Home occupation signs;
8. On-premises commemorative, historical or similar types of signs;
9. Private garage or yard sale signs;
10. The flag or insignia of any government, religious or fraternal organization;
11. Yard cards; and
12. Multi-dwelling unit signs.

B. Private Garage, Yard or Rummage Sale Signs. Such signs shall not exceed five square feet and are permitted for a period of not more than five consecutive days in residential districts only.

C. Home Occupation Signs. Home occupation signs are permitted to be placed within residential districts subject to the following conditions:
1. The home occupation complies with the requirements of Section 17.20.070 of this code;
2. The sign is not greater than five square feet in area and is mounted flat against the building. (Ord. 98-10-1 § 2 (part)).

17.57.130 Temporary Development Signs.

A. Permit Required. No sign shall be erected which shall advertise or designate the promotion of a subdivision or other similar development without first obtaining approval from the Plan Commission's Design Review Board and a permit from the Twin Lakes Building Inspector. At the time of Design Review under Chapter 17.42 the owner or developer shall make application for the erection of such sign; application shall indicate the location on the property, wording, size, which shall not exceed thirty-two (32) square feet, and the period of time in which the sign is to remain on the premises. (Ord. 98-10-1 § 2 (part)).

17.57.140 Construction And Maintenance Of Signs.

A. Wind Pressures and Deadload 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 deadloads as required in Village or state building Codes or other Ordinances.

B. Maintenance and Safety. The owner of any sign shall keep such sign in good maintenance and repair which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clear, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and grass.

C. Supporting Members or Braces. The supporting members or braces of all signs shall be constructed of galvanized iron, properly treated steel, copper, brass or other noncorrosive material. All projecting signs, if placed at right or other angle to the wall of roof of any building, shall be attached by such noncorrosive 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 of device used for attaching any sign shall extend through the walls or roof to the building and shall be securely anchored by wall plates or nuts to the inside of the walls or to bearing on the underside 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) square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.

D. Sign Repair. Signs affixed which shall fail to comply with the orders of the Building Inspector relative to the painting, repair, alteration, maintenance or removal of said sign pursuant to a written notice thereof and within thirty (30) days thereafter shall be painted, repaired, altered, maintained or removed. In the event public safety necessitates sign repair, the building inspector may make such orders as are reasonably necessary to assure the signs threat to public safety is abated. In such cases involving issues of public safety, the Building Inspector shall be permitted to order repair within twenty-four (24) hours to thirty (30) days after receipt of a notice of safety violation. Following the lapse of time as specified in

the Building Inspector's notice, the sign shall be repaired, altered, maintained or removed under the authority of the Building Inspector and any cost incurred shall be paid by the owner of the premises on which the sign is located.

E. Electrical Requirements. All electrical installations shall be done according to national, state and local codes to insure safety and function. (Ord. 98-10-1 § 2 (part)).

17.57.150 Nonconforming Signs.

A. Any sign located in the Village on the date of adoption of this code, or located in an area annexed to the Village hereafter, which does not conform with the provisions of this code, is a nonconforming sign and may be continued, except as provided below:
   1. The sign is structurally altered in any way except for normal maintenance and repair.
   2. The sign is removed from its fast or when substantial repairs are required amounting to either repair of fifty percent (50%) or more of damaged sign or the sign is damaged so that the overall value of the sign is decreased beyond fifty percent (50%) of the sign's present day value.
   3. The existing sign face no longer advertises a bonafide business, product or services associated with that enterprise in the Village of Twin Lakes.
   4. The sign is structurally altered for purposes of maintenance and repair in such a way that the sign will be less in compliance with the requirements of this code than it was before alteration.
   5. The sign is relocated.

B. On the date of the occurrence of any of the above, the sign shall be removed by the owner, agent or person having beneficial use of the premises upon which such sign may be found within thirty (30) days after written notification by the Building Inspector. After such notice from the Building Inspector is given to the owner, agent or person having beneficial use of the premises upon which the sign may be found, the Building Inspector is authorized to enter upon the premises and retrieve any such sign and any expense incurred shall be paid by the owner of the premises upon which the sign is located. (Ord. 98-10-1 § 2 (part)).

17.57.160 Building Permit For Signs.

No person shall erect, relocate, reconstruct any signs without having first obtained and having in force and effect a permit from the Village Building Inspector.

A. Applications for a Building Permit for a sign shall be made to the Building Inspector and shall contain or have attached thereto the following information:
   1. The name, address and telephone number of the applicant;
   2. The location of the building, structure or lot to which or upon which the sign is to be attached or erected;
   3. The name of the person, firm, corporation or association erecting the sign;
   4. The written consent of the owner or lessee of the building, structure or land to which or upon which the sign is to be affixed, in the event that the applicant is not the owner;
   5. A scale drawing of such sign indicating the dimensions, the materials being 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. Such additional information as may be required by the Building Inspector or the Village Board of Appeals.

B. Fee Receipt. For each individual sign for which a permit is required pursuant to Section 17.57.070 of this Chapter, the Building Inspector shall collect the fee pursuant to Section 14.64.030.

C. Application for Building Permit for Signs. The application for a permit for a sign shall be filed with the Building Inspector with the appropriate fee as set forth in subsection “B” of this Section and upon such filing the Building Inspector shall examine plans and specifications and other data and the premises upon which the sign is to be erected as set forth in the application and if it shall appear that the proposed sign is in compliance with all of the requirements of the Ordinance codified in this

Chapter and all other Ordinances of the Village of Twin Lakes and the laws, Rules and Regulations of the State of Wisconsin and its administrative agencies, the Building Inspector shall then issue such Building Permit. If the Building Inspector shall determine that the permit cannot be issued as a proposed sign does not conform to this Chapter, other Ordinances of the Village or state statute or the Wisconsin Administrative Code, or if the Building Inspector is of some doubt as to whether or not the sign is a proper sign considering all factors, or is of the type of sign that should be referred to the Village Plan Commission's Design Review Board, then the Building Inspector shall refer the application to the Design Review committee with his comments for the Village Design Review Board's consideration and decision in accordance with this Chapter. The Building Inspector shall attend the meeting of the Village Design Review Board and present any comments or evidence that he has for the benefit of the Village Design Review Board. Appeals to the Design Review Board may be made by any aggrieved person pursuant to this Chapter. Each case before the Design Review Board shall be decided on its own merits, with the Design Review Board issuing a written decision including its reasons for the granting or denial of the appeal. Appeals from the Plan Commission's Design Review Board shall be made directly to the Board of Appeals. A signed permit issued under this Chapter shall be valid for a period of four (4) months after the date of issue, and after such four months if the sign is not installed, such permit shall automatically lapse and be null and void without further notice or action on the part of the Building Inspector.

D. Violations. Any person who shall erect or cause to be erected any sign subject to this Chapter without first obtaining a permit therefore as required by this Chapter, shall be subject to a permanent fee in twice the amount set forth in subsection "B" of this Section. In addition, violation of this Chapter shall allow the Twin Lakes Building Inspector to cause the removal of the offending sign and assess the cost of such removal to the person or entity violating this Chapter. If such cost is not paid within thirty days (30) after demand, the Village Clerk shall charge the cost to the lot or parcel on which the offending sign is located as a special tax against said lot or parcel and the same shall be collected like other taxes on real estate.

E. Preliminary Inspection. The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Village Building Inspector who will assure the sign complies with the regulations of this Chapter.

F. Annual Inspections. The building inspector shall inspect prior to July 1st of each year, every projecting sign. If any such sign is found to be insecurely fastened or in any way conflicts with this Chapter or state statute or the Wisconsin Administrative Code, the Building Inspector shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign is not made to comply within thirty days (30) after such notice, it may be removed or altered to comply at the expense of the holder of the permit or the owner of the property by the Building Inspector, further provided that the Building Inspector may cause any sign to be removed summarily and without notice whenever public safety requires this to be done immediately.

G. Liability. Acceptance of fees for a Building Permit for a sign as provided herein shall not be deemed an assumption of any liability by the Village and the owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to person or property by the erection of such sign.

H. Revocation of Permit. The Village Building Inspector may at any time for a violation of this Chapter, revoke a permit or require changes so the sign conforms with this Chapter. The holder of a revoked permit shall be entitled to an appeal pursuant to subsection "C" of this Section. (Ord. 2013-11-1 (B); Ord. 98-10-1 § 2 (part)).

17.57.170 Violations.

In the case of any violation of any provision of this Chapter, the Board of Trustees, the Building Inspector or the Village Plan Commission may institute appropriate action or proceeding to enjoin violation of this Chapter. (Ord. 98-10-1 § 2 (part)).

17.57.180 Penalties.

Any person, firm or corporation who falls to comply with any provision of this Chapter shall upon conviction thereof, forfeit not less than fifty dollars ($50.00) nor more than one thousand dollars ($1.000.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. In addition, violation of this Chapter shall allow the Twin Lakes Building Inspector to cause the removal of the offending sign and assess the cost of such removal to the person or entity violating this Chapter. If such cost is not paid within thirty days (30) after demand, the Village Clerk shall charge the cost to the lot or parcel on which the offending sign is located as a special tax against said lot or parcel and the same shall be collected like other taxes on real estate.
(Ord. 98-10-1 § 2 (part)).

Chapter 17.60

QUARRYING AND MINING

Sections:

17.60.010 Intent.
17.60.020 Definitions.
17.60.030 Permit Required.
17.60.040 Rehabilitation Map.
17.60.050 Operation Restrictions.
17.60.060 Applications For Conditional Use Permit.
17.60.070 Restoration Plan.
17.60.080 Plan Commission.
17.60.090 Public Hearing Required.
17.60.100 Time Limitations.
17.60.110 Surety Bonds Required.
17.60.120 Stop Order And Revocation Of Permit.
17.60.130 Permits Not Transferable.
17.60.140 Application To Existing Sites.
17.60.150 Penalties And Forfeitures.

17.60.010 Intent.

It is the intent of this Chapter to establish minimum criteria for any existing operations and proposed future operations involving sand and gravel pits, quarrying, stripping or removing of top soil or the removal of earth materials or for filling. This Chapter is directed to assure a safe and nuisance-free mining or extraction operation leading to a systematically restored site having a future usefulness within the planned or Zoning District. (Ord. 84-3-1 (part)).

17.60.020 Definitions.

As used in this Chapter,

A. "Board" means the Village Board of the Village of Twin Lakes.
B. "Commission" means the Twin Lakes Plan Commission.
C. "Extraction or mining" means the removal of sand, gravel, rock, top soil or other minerals from the earth.
D. "Inspector" means the chairman of the Department of Public Works.
E. "Operator" means any person, association, firm, corporation or partnership obtaining a permit under this Chapter.
F. "Owner" means the owner of any land upon which any extraction or mining operation shall take place. (Ord. 84-3-1 (part)).

17.60.030 Permit required.

No extraction or mining operation shall be conducted within the Village by any person until a Conditional Use Permit has been granted by the Village Board. Such permit shall be granted only after an application has been made, Public Hearing held and a recommendation of the Village Plan Commission. An application shall be made on such forms the commission shall require and in addition thereto, there shall be accompanied with said application a map drawn to scale, of not less than one inch to one hundred (100) feet, which shall show:

A. Existing topography at two (2) foot contour intervals;
B. Location of all existing property lines;
C. The area where extractions shall take place;

D. Utility lines;
E. Location of watercourses;
F. Any drainage systems, whether natural or manmade drainage systems;
G. A diagram of proposed operation, which shall include the location of any buildings, storage areas or equipment areas;
H. A complete layout of proposed operations. (Ord. 84-3-1 (part)).

17.60.040 Rehabilitation Map.

Applicant shall at the time of filing the application also provide another map of the area which shall show a complete plan of restoration, which shall be in accordance with the conditions of this Chapter as hereinafter set forth. (Ord. 84-3-1 (part)).

17.60.050 Operation Restrictions.

Mining or extraction operations shall take place only in Agricultural, Industrial or Commercial Districts where such operations will not adversely affect property or aesthetic values of adjacent areas, and no excavation shall be permitted within two hundred (200) feet of any public street, highway or property line. (Ord. 84-3-1 (part)).

17.60.060 Applications For Conditional Use Permit.

A. Applications for a Conditional Use Permit shall be made by the property owner and the person who shall be responsible for extraction and mining operations on the site. Both the owner and the operator shall be directly responsible for the operations and for compliance with this Chapter. The application shall include a plat survey of the proposed site, a description of operational methods, hours of operation, list of equipment, machinery and structures and for any washing operations shall include the source, quality and disposition of water to be used and proposed or existing access roads and public highways to be used for ingress and egress to the extraction site, and a plan for the control of dust and noise.
B. At the time of filing an application for a permit, the applicant shall pay a fee of two hundred fifty dollars ($250.00), which fee shall be to defray the commission cost and expense of meetings, publications and hearings. No part of the fee shall be refunded. (Ord. 84-3-1 (part)).

17.60.070 Restoration Plan.

The restoration plan shall contain details as to the contours of the land after filling or restoration and all matters concerned with rehabilitation of the land including, but not limited to, types of fill to be used, plantings of trees and shrubs, depth of restored topsoil, which shall not be less than twelve (25) inches and type of grass or cover to be planted and a time schedule, which shall be strictly adhered to for each phase of the restoration. (Ord. 84-3-1 (part)).

17.60.080 Plan Commission.

The Plan Commission in its consideration of the application shall consider, but shall not be limited to, the following:

A. The effect of the proposed operation on streets and highways to be used by the operators;
B. The neighborhood development and proposed land usage;
C. Drainage and water supply, soil erosion and natural beauty and aesthetics of the area;
D. The land value of the locality, all steps and measures to be taken by the operation for restorations of public roads, control of dust, noise and protection of persons and property and environment both within and surrounding the proposed site and such other information, plans or specification as the commission may require to make a recommendation to the Village Board. (Ord. 84-3-1 (part)).

17.60.090 Public Hearing Required.

A. Application shall be made to the Village Board, who shall refer the matter to the Plan Commission for a Public Hearing and recommendation to the Board. Notice of Public Hearing shall be by a Class II notice published in a newspaper of general circulation in the Village and posted in the same manner and places as Ordinances are posted. In addition to the published notice, the secretary of the commission shall notify by first class mail all property owners within one thousand (1000) feet of the proposed extraction and mining site, as well as the Town Clerk to the Town of Randall and County Clerk of Kenosha County. At said hearing any person of interest may appear in person or by counsel and be heard on the matter of the applicant's application.

B. The Plan Commission shall have authority to consult with any governmental or planning agency or technical advisors that the commission shall deem necessary and shall, after taking all matters into consideration, prepare a written recommendation to the Village Board, which recommendation may approve of the application or approve the application with certain conditions which shall become a part of the permit or reject the application and deny a permit. The recommendation of the Plan Commission shall be considered by the full Village Board at a regular meeting, (the Board may at its discretion hold an additional Public Hearing,) and may grant the permit subject to the Commission's recommendations or deny the application for the permit provided that any action by the Village Board which shall be contrary to the recommendations of the Plan Commission shall require a vote of at least five (5) members of the Village Board. (Ord. 84-3-1 (part)).

17.60.100 Time Limitations.

All mining or extraction operations shall be commenced within three (3) months after the issuance of a permit or said permit shall lapse and be void without further notice to the permittee. No permit shall be issued for an initial period of more than one(1) year, which period may be extended for an additional year, upon approval of the Village Board and a statement by the Chairman of the Commission that the operator has complied with all terms and conditions of this Chapter and the permit. (Ord. 84-3-1 (part)).

17.60.110 Surety Bonds Required.

A corporate surety bond shall be furnished to the Village to insure compliance with the approved rehabilitation and restoration map and plan. Said surety bond shall be in an amount of not less than twice the projected expense of such rehabilitation activity at the time the rehabilitation activity is estimated to occur. The amount of the bond shall be determined by the Commission after consultation with the Village Engineer. In addition thereto, the applicant shall furnish a bond to the Village and, if required, to Kenosha County to insure road damage resulted from hauling of heavy materials and equipment. (Ord. 84-3-1 (part)).

17.60.120 Stop Order And Revocation Of Permit.

A. It shall be the obligation of the Chairman of the Department of Public Works to visit the extraction site on a regular basis to determine that all terms and conditions of this Chapter and the permit issued to the operator are being fully complied with. In the event that the inspector shall find that the operations are not being carried on in accordance with this Chapter and the conditions of the permit and such violations are of sufficient seriousness to endanger persons or property or the environment of the surrounding area, he is authorized to issue an immediate stop operations order. Said order shall remain in effect until the condition is corrected by the operator or the matter proceeds to a revocation hearing as hereinafter set forth.

B. Upon the verified complaint addressed to the Village Board by the inspector, Chairman of the Commission, Police Officer or any County or State Administrative Officer having jurisdiction of zoning or environmental protection matters, alleging that the operator, its agents and employees are not conducting operations in accordance with any law, Ordinance or terms and conditions of this Chapter and any permit issued under this Chapter, and specifying nature of such violations, the Board shall schedule and hold a hearing on said complaint, which shall be in the nature of show cause order as to why the permit should not be summarily revoked. The operator should be served with

notice of said hearing and a copy of the complaint not less than ten (10) days prior to said hearing. Service of notice and complaint shall be served on the operator and the owner of the property in person or upon any person who is in charge of the operations. A record of said hearing shall be kept by the Village Clerk and all testimony under oath shall be taken by a court reporter or an electronic recording device. After receiving all evidence, the Village Board shall take the matter under advisement and shall issue a written determination within ten (10) days after receiving all arguments, documents or briefs submitted by either party. No action or decision of the board shall be in lieu of and may be in addition to any other penalties or forfeitures, or any other action which may be available to the Village at law or equity. (Ord. 84-3-1 (part)).

17.60.130 Permits Not Transferable.

Permits granted under this Chapter shall not be transferred or assigned to any other owner or operator other than that named in the permit without the prior recommendation to the Board by the Commission and any transfer or assignment of such permit without the approval of the Village Board shall automatically cancel and nullify any privileges granted hereunder. (Ord. 84-3-1 (part)).

17.60.140 Application To Existing Sites.

This Chapter shall apply to all extraction and mining operations, including any existing quarries, pits or extraction sites that have not been in continuous operation since October 1, 1983. (Ord. 84-3-1 (part)).

17.60.150 Penalties And Forfeitures.

In addition to revocation of permit as set forth in Section 17.60.110 above, any person who shall violate any of the terms or conditions of this Chapter or any permit granted pursuant to this Chapter shall upon conviction forfeit not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) together with the cost of prosecution and in default of payment thereof, be imprisoned in the County Jail until such time as full payment is made but not to exceed thirty (30) days for each violation. Each day that a violation shall continue shall be considered a separate offense. (Ord. 84-3-1 (part)).

Chapter 17.64

ADULT ORIENTED ESTABLISHMENTS

Sections:

17.64.010 Definitions.
17.64.020 Location of Adult Oriented Establishments.
17.64.030 Standards of Measurement.
17.64.040 Conformance with Chapter.
17.64.050 Severability.

17.64.010 Definitions.

As used in this Chapter, the following terms have the meanings indicated:

A. "Adult Oriented Establishment" means any premises required to be licensed under Section 5.44.020 including, but not limited to, "Adult Media Stores," "Adult Motion Picture Theaters," "Adult Mini-Motion Picture Establishments" or "Adult Cabarets." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult Oriented Establishment" further includes without being limited to any "Adult Entertainment Studio" or any premises that is physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

B. "Adult Media Store" means an establishment having at least thirty percent (30%) of its inventory or thirty percent (30%) of its floor space comprised of its stock-in-trade for sale, rent, lease, inspection or viewing that is classified as sexually oriented materials, as defined below, or an establishment that holds itself out to the public as providing sexually oriented materials. Establishments that have isolated and access controlled backrooms with sexually oriented materials are not considered adult media stores unless their percentage of inventory or percentage of floor space comprised of sexually oriented materials exceeds those percentages noted above.

C. "Adult Motion Picture Theater" means an enclosed building with a capacity of fifty (50) or more persons used for presenting materials distinguished or characterized by an emphasis on, matters depicting, describing or relating to "Specified Sexual Activities," or "Specified Anatomical Areas," as defined below, for observation by patrons therein.

D. "Adult Mini-Motion Picture Theater" means an enclosed building with a capacity of less than fifty (50) persons used for presenting materials 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" as defined below, for observation by patrons therein.

E. "Adult Cabaret" means a cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

F. "Adult Entertainment" means any exhibition of any motion pictures, 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," or "Specified Anatomical Areas," as defined below.

G. "Sexually Oriented Materials" means any books, films, video cassettes, DVDs, magazines or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to "Specified Anatomical Areas" or "Specified Sexual Activities" as defined below.

H. "Specified Sexual Activities" means simulated or actual:

1. Showing of human genitals in a state of sexual stimulation or arousal;
2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus;
3. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

I. " Specified Anatomical Areas" means:
   1. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below the point immediately above the top of the areola;
   2. Human male genitals in a discernible turgid state, even if opaquely covered.

J. "Booth," "Room," or "Cubicle" means such enclosures as are specifically offered to the public or members of an adult oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure, which shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "Booth," "Room" Or "Cubicle" does not mean such enclosures that are private offices used by the owners, managers or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any persons other than employees, nor shall this definition apply to hotels, motels or other similar establishments licensed by the State of Wisconsin pursuant to Chapter 50 of the Wisconsin Statutes. (Ord. 2003-9-2 § 1 (part))

17.64.020 Location Of Adult Oriented Establishments.

A. In Commercial Districts, adult oriented establishments shall not locate within one thousand (1000) feet of any public or private school, church or religious institution or public park and shall not locate within two hundred fifty (250) feet of a Residential District, or any other adult oriented establishment.

B. Adult oriented establishments as defined in Section 17.64.010 are prohibited in all zones except Commercial Districts. (Ord. 2003-9-2 § 1 (part)).

17.64.030 Standards Of Measurement.

The distances provided in this Section shall be measured in a straight line without regard to intervening structures or objects from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult oriented establishment to the nearest point of the parcel of property or land use district boundary relined from which the proposed land use is to be separated. (Ord. 2003-9-2 § 1 (part)).

17.64.040 Conformance With Chapter.

In all districts where adult oriented establishments are permitted, all regulations and requirements of Title 17 must be met. Additionally, all provisions of the Zoning District in which the establishment is located must also be met. (Ord. 2003-9-2§ 1 (part)).

17.64.050 Severability.

The Sections of the Ordinance codified in this Chapter are declared to be severable. If any Section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific Section or portion thereof directly specified in the decision and not affect the validity of all other provisions, Sections or portions thereof directly specified in the decision and not affect the validity of all other provisions, Sections, or portions thereof of the Ordinance which shall remain in full force and effect. (Ord. 2003-9-2 § 1 (part)).

Chapter 17.100

OFFENSIVE INDUSTRY

Sections:

17.100.010 Intent.
17.100.020 Definitions.
17.100.030 Restrictions on Establishment of Offensive Industry.
17.100.040 Application for Approval.
17.100.050 Violation--Penalty.

17.100.010 Intent.

It is the intent of this Chapter to regulate offensive industries as authorized by Section 66.052 of the Wisconsin Statutes. (Ord. 90-7-1 (part)).

17.100.020 Definitions.

As used in this Chapter, the term "noxious, offensive or unwholesome" is defined as:

Any industrial or business use, or commercial activity involving the danger of fire, explosion, toxic or noxious matter, radiation or other hazards or to create offensive noises, vibrations, smoke or other particulate matter, odorous matter, heat, humidity, glare, or traffic which necessarily infringes the atmosphere with disagreeable, unwholesome or offensive matter when such emission into the atmosphere or activities would interfere with the use of property and enjoyment by persons of ordinary sensibilities. (Ord. 90-7-1 (part)).

17.100.030 Restrictions On Establishment Of Offensive Industry.

No person, corporation, or association shall construct or establish any noxious, offensive or unwholesome industry or business as defined herein, within four (4) miles of the boundaries of Twin Lakes without first obtaining approval of the Village Board. (Ord. 90-7-1 (part)).

17.100.040 Application For Approval.

Application for approval shall be addressed to the Village Board, filed with the Village Clerk and shall contain the following information:

A. Name and address of the applicant or owners of the industry or business.
B. Nature of such business and explanation in detail as to the nature of the industrial product or business and what efforts or devices the owners or applicants have submitted to eliminate conditions as set forth in Section 17.100.020.
C. Application shall be accompanied by a plat showing the location in detail of the property, nature of the surrounding districts in relation to the boundaries of the Village.

Upon receipt of application and plat as set forth herein, the Village Clerk shall refer the matter to the Village Board which will refer the matter to the Village Plan Commission. The Plan Commission shall make its recommendation for approval, approval as modified by the Commission, or denial of the application, to the Village Board. The Village Board shall review the recommendations from the Plan Commission and shall hold a Public Hearing on the application, upon not less than ten (10) days' notice to all interested parties, including owners, adjacent property owners, and to any Municipal Government, wherein the proposed industry or business is to be located. After Public Hearing and discussion, the Village Board may approve the application, approve with modifications, or deny application and prohibit the industry or business from locating within the four (4) mile area. (Ord. 90-7-1 (part)).

17.100.050 Violation--Penalty.

Any person who violates this Chapter by establishing an offensive industry or business as defined herein, without Village Board approval, or who after obtaining such approval, violates any of the terms or conditions of the approval shall be subject to Court action to restrain or abate a public nuisance, and such other relief as the Court shall determine. (Ord. 90-7-1 (part)).