CHAPTER 11

ZONING

11.01 PURPOSE.

This ordinance is adopted pursuant to Sections 61.35 and 62.23(7), Wisconsin Statutes, for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the Village; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship between residential, business, commercial, and manufacturing uses for the mutual benefit of all.

11.02 ABROGATION.

This ordinance is not intended to interfere with, abrogate or annul any easements, covenants or other agreements between parties. However, where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are required by other ordinances, rules or regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern.

11.03 DEFINITIONS.

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

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; words of the masculine gender include the feminine and the neuter; words of the feminine gender include the masculine and the neuter; words of the neuter gender include the masculine and the feminine; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.

Accessory building or use: A subordinate or supplementary use to the primary use; or a building or portion of the main building, the use of which is purely incidental to the use of that of the main building. An automobile trailer or other vehicle, or part thereof, or a building on wheels used as a temporary or permanent dwelling or lodging place, shall not be considered an accessory building or use.

Agricultural Land Use: The use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption, and/or for pasturing or yarding of livestock.

Alley: A public thoroughfare, not over 30 feet or less than 12 feet in width between lot lines, which affords only a secondary means of common access to the abutting property.

Apartment house: A multiple family dwelling as herein defined.

Basement: A story partly underground but having at least one-half of its height below the mean level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurements if the vertical distance between the ceiling and the mean level of the adjoining ground is more than 5 feet, or if used for business purposes, or if used for dwelling purposes. **Basement** is the same as, and includes, the word **cellar.**

Boarding House: A residence where meals, or meals and lodging, are served for compensation to between 2 and 8 persons.

Brewpub: A pub or restaurant with an attached brewery. The brewery cannot produce more than 10,000 barrels per year on site, with no more than 1,000 barrels per year being wholesaled to other retailers.

Building, height of: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the two-thirds height level between eaves and ridge for gable, hip and gambrel roofs.

Building line: The front line of the main building by which the depth of the front yard is determined.

Carport: A structure with a roof and at least two sides used for the protection of one or more vehicles.

Cellar: See "Basement".

Child welfare agency: Any facility or person that, with or without transfer of legal custody, provides care and maintenance for seventy-five (75) days in any consecutive 12-month period for four or more children at any one time, and which or who is required to be licensed under Section 48.60, Wisconsin Statutes, by the Department of Health and Social Services.

Clinic, medical or dental: An organization of physicians, or dentists, or both, who have their offices in a common building. The facility is used for the care, diagnosis and treatment of sick, infirm or injured persons and those who are in need of medical, dental, or surgical attention, but who are not given in-patient care. The clinic may include laboratory facilities in conjunction with normal clinic services.

Commercial Land Use: The use of land for the retail or wholesale sale of goods or services.

Commission or Plan Commission: The Village of Allouez' Plan Commission.

Community-based residential facility: A place where three or more unrelated adults reside, in which care, treatment and services above the level of room and board, but not including nursing care, are provided to persons residing in the facility as a primary function of the facility and which is licensed by the Department of Health and Social Services under Section 50.03, Wisconsin Statutes.

Community living arrangement: Any of the following facilities licensed or operated or permitted under the authority of the State Department of Health and Social Services (Section 46.03 (22), Wisconsin Statutes): Child welfare agencies under Section 48.60, Wis. Stats., group homes

for children under Section 48.02 (7), Wis. Stats., and community-based residential facilities under Section 50.01, Wis. Stats.; but not including adult family homes, day-care centers, nursing homes, general hospitals, special hospitals, prisons and jails.

Construction Site Erosion Control Measure: A control measure used to meet the requirements of Section 11.15.

Copy Area: That space on the face of a sign where information is displayed.

Curb level: The mean level of the established curb in front of a building. Where no such curb has been constructed, the Village Board shall establish such curb level for the purpose of these regulations.

Day-care center: An establishment for the care and supervision of four or more children under seven years old for less than 24 hours a day, required to be licensed under Section 48.65, Wis. Stats., by the Department of Health and Social Services.

Day-care home, family: A dwelling licensed as a day-care center by the Department of Health and Social Services under Section 48.65, Wis. Stats., where care is provided for not more than 8 children.

Driveway: A paved or surfaced area which provides ingress and egress to a parking area or garage.

Dwelling: A building or a portion of a building designed exclusively for residential occupancy. The term "dwelling" includes one-family dwellings, two-family dwellings, and multiple family dwellings with individual sleeping, toilet and cooking facilities, but does not include buildings intended for use by transients.

Dwelling unit: A room or group of rooms providing complete living facilities for one family.

Dwelling, one-family: A building designed for and occupied exclusively by one family.

Dwelling, two-family: A building designed for and occupied exclusively by not more than two families.

Dwelling, multiple-family: A building or portion thereof used or designed as a residence for three or more families, including apartment houses, apartment hotels and group houses.

Employee or staff member, full-time: A person who works full-time at the building or use regulated. For computation of the sum of employees at a use scheduling more than one shift, the sum shall be based on the maximum number of employees at any one shift, who work thirty hours or more per week.

Employee or staff member, part-time: A person who works less than full-time (30 hours per week), at the building or use regulated.

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

Erosion Control Measure: A practice, or combination of practices, to control erosion and attendant pollution.

Erosion Control Plan: A written description of the number, locations, sizes, and other pertinent information of control measures designed to meet the requirements of this ordinance which is submitted by the applicant for review and approval by the Village Administrator or Building Inspector.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel.

Fence: Any barrier made of wood, iron, stone or any other material, or a hedge.

Frontage: The front line of the lot, lots or tract of land which abuts a public street, road, highway or right-of-way.

Garage, private: A completely enclosed building used in connection with one or more private dwelling units for the purpose of housing one or more vehicles, only one of which may be a commercial vehicle not exceeding 1 2 tons, owned by the occupant of the residence and which are used for personal or family use. A private garage also is a garage used in connection with a two-family dwelling or any type of multiple dwelling, for the purpose of housing vehicles for each family living unit, all of which garage space is assigned to occupants of the dwelling, only one of which shall be a commercial vehicle not exceeding 1 2 ton capacity for each dwelling unit.

Garage, public: Any building or premises used by the public for housing two or more motor-driven vehicles and which has an area of more than 500 square feet.

Group home for children: Any facility operated by a person required to be licensed by the Department of Health and Social Services under Section 48.625, Wis. Stats., for the care and maintenance of five to eight children, with or without transfer of legal custody.

Hard Surface: A driveway or parking lot surfaced with concrete, paving brick, blacktop or porous pavement or bituminous paving (Gravel, rock, patio blocks, bricks and other like materials are not considered hard surface).

Hereafter: After March 13, 1967.

Home occupation: "Permitted home occupation" is defined as any business or commercial activity that is conducted from property that is zoned for residential use.

Hospital: An institution where the sick or injured are given medical or surgical care, either by inpatient or outpatient means.

Hotel: A building containing four or more sleeping rooms and having no cooking facilities in any individual lodging where lodging is furnished to transients.

Inactive: No construction activity taking place on the site.

Indoor recreational, physical fitness, or training facility: A facility of 40,000 square feet, or more, of enclosed heated space which contains one or more tennis courts, racquetball courts, handball courts, paddleball courts, squash courts, swimming pools (natatorium), diving wells, exercise rooms, rehearsal spaces for dance or theatrical productions, and/or similar areas, whose principal use is to promote and to engage in recreational sports, physical fitness, and/or training and rehearsals in the fine arts.

Land Development activity: The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

Land Disturbing Construction Activity: Any man-made change of the land surface including removing vegetative cover, excavating, filling and grading but not including agricultural land uses such as the planting, growing, cultivating and harvesting of crops; the growing and tending of gardens; the harvesting of trees; and landscaping modifications.

Landowner: Any person holding title to or having an interest in land.

Land User: Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his or her land.

Lodging house: A residence building where lodging is provided for compensation for more than two but not more than eight persons.

Lot: A parcel of land occupied or to be occupied by one main building or use, with its accessory building and/or use, and including the open spaces accessory to the same. No area shall be counted as accessory to more than one space or adjoining area. No area shall be counted as accessory to more than one main building or use. No area necessary for compliance with the open space requirements for one main building or use and shall be included or counted in the calculation of the open space accessory to any other main building or use.

Lot area, gross: The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by a river, lake, stream or any other body of water.

Lot, corner: A parcel of land at the junction of two streets intersecting at an angle not greater than 135 degrees, providing however, such lot is not less than 50 feet wide and is not a triangular lot.

Lot, depth of: The mean horizontal distance between the front and the rear lot line, measured within the lot boundaries.

Lot, interior: A lot other than a corner lot; providing, however, that any portion of a corner lot which is located more than 70 feet distant from the street with the greater frontage, shall comply with all provisions applicable to interior lots.

Lot line, front: The boundary of a lot which is along an existing or dedicated public street or, where no public street exists, which is along a public way. In the case of a corner lot, the front lot line is that line which borders the street which determines the address and upon which the main entrance is or will be located.

Lot line, rear: That boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line.

Lot lines: The lines bounding a lot as defined herein.

Lot of record: A parcel of land, the deed to which has been recorded in the Office of the Register of Deeds of Brown County.

Lot, reversed corner: A corner lot with a single adjoining interior lot which abuts a street different from the street upon which the adjoining interior lot abuts.

Lot, through: A lot having frontage on two parallel or approximately parallel streets.

Mobile home: A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used for long term occupancy with or without a permanent foundation; and containing sleeping accommodations, a flush toilet, a tub or shower-bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside utility systems.

Motor home: A self-propelled vehicle on a chassis, outfitted for travel, but not for permanent housing.

Motor vehicle: A self-propelled vehicle, and/or a combination of two or more vehicles, which is used or intended to be used for the transportation of freight or passengers upon a street or highway, except a device used exclusively upon stationary rails or tracks.

Non-conforming use: A use of property which the Village permits to continue after a zoning ordinance prohibiting it has been established for the area.

Parking area: That portion of a lot either under cover or open, which has been paved or surfaced and which has been specifically created to comply with s. 11.13 C(3) of this Code.

Personal communications service: A provider of personal wireless service facilities as now defined in Section 704 of the Telecommunications Act of 1996, 47 U.S.C. ' 332, and as the same may be amended from time to time.

Personal wireless facilities: Transmitters, antenna structures and other types of installations used to provide personal wireless services.

Personal wireless service: A commercial or for-profit provider of personal wireless services, including but not limited to personal communications service, cellular radiotelephone service, and paging, which are available to all or a substantial portion of the public to access or receive calls from the public switched telephone network. It includes services which are not licensed by the Federal Communications Commission, and common carrier wireless exchange access services. It does not include the providing of video programming signals from direct broadcast satellites, multi-channel multiple distribution (wireless cable) providers, and television broadcast stations.

Private road: A private thoroughfare used for vehicular travel only by the owner and those having express or implied permission from the owner and which does not constitute a "street" as otherwise herein defined.

Public Utility Easement: Any strip of land reserved by the subdivider for public utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of servitude.

Right-of-Way: (a) A strip of land occupied or intended to be occupied for a special use. Right-of-ways intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency or public utility shall be dedicated to public use by the owner of the plat on which such right-of-way is established.

(b) The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Runoff: The rainfall, snow melt, or irrigation water flowing over the ground surface.

Set of One Year Design Storms shall mean the following rain intensities and rain volumes for the storm durations of 0.5, 1, 2, 3, 6, 12 and 24 hours that occur approximately once per year.

Storm Duration (Hours)	Average Rain Intensity (Inches/Hour)	Total Rain (Inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

Setback area: The minimum horizontal area between a lot line and a building line, as specified within these Ordinances.

Setback, corner side yard: The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the right-of-way line of the fronting street.

Setback lines: Lines established relative to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as otherwise permitted herein.

Setback, rear yard: The minimum horizontal distance between the back line of the building or use, and the rear lot line.

Setback, side yard: The minimum horizontal distance between the side line of the building or use, and the side lot line; except that if the side line of the building or use is parallel to a street, it shall be a corner side yard setback.

Sign: A name, identification, display, illustration, statuary, or other advertising devise which is placed upon or affixed to land, or to a building or structure, and which promotes, advertises for sale, or directs attention to an object, product, place, activity, person, institution, organization or business.

Site: The entire area included in the legal description of the land on which the land disturbing construction activity or land development activity is proposed in the permit application.

Story: A habitable space between two floors or between a floor and the ceiling above it.

Story, half: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not less than two feet above the floor of such story.

Street: A public thoroughfare 30 feet or more in width.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground.

Structural alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

Transitional Facility: A premises, other than a community living arrangement or community based residential facility, for the temporary placement of persons on parole, extended supervision, or probation in a controlled environment, including supervision or monitoring. A transitional facility may be permitted as a conditional use in the High Density Zoning District, Section 11.07, pursuant to the conditions and guidelines of Section 11.26, Conditional Use, Municipal Code of the Village of Allouez.

Tree Houses/Playhouses: A tree house or playhouse is an accessory structure that is permitted on a residential property.

Underlying zoning: The zoning district existing at the time the overlay conditional use is adopted or is subsequently amended.

Variance: An exemption from certain of the requirements of the zoning district.

Vision clearance triangle: The area in each segment of land at the intersection of two or more streets which is bounded by the street right-of-way lines and a vision clearance setback line. Also known as a "sight-triangle".

Vision clearance setback line: A line connecting the points on each right-of-way line at a street intersection, which points are located thirty feet from the closest intersection of the right-of-way lines.

Yard, front: An open space on the same lot with the main building, extending the full width of the lot and situated between the front lot line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be the mean distance as measured between the front line of the building and the front lot line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard.

Yard, rear: An open space on the same lot with a main building, extending the full width of the lot and situated between the rear lot line and the rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be the mean distance as measured between the rear line of the lot, or the centerline of the alley if there be an alley, and the rear line of the building.

Yard, side: An open space on the same lot with a main building situated between the side of the building and the adjacent side line of the lot, and extending from the rear line of the front yard to the front line of the rear yard. The street side yard on corner lots shall extend to the rear line of the lot in every case.

11.04 GENERAL PROVISIONS.

A. Districts Established.

In order to regulate and restrict the location of trades, industries, residences, and other uses, and the location of buildings designed, erected, altered or occupied for specified purposes, to regulate and limit the height and size of buildings hereafter erected or altered, to regulate and determine the area of yards and other open spaces, and to regulate and limit the density of population, the Village of Allouez is hereby divided into Districts of which there shall be nine, known as:

(1) "A" Residence District

(2) "B" Residence District

(3) High Density District

(4) "C" Professional Office and Residence District

(5) High Rise Residence District

(6) Commercial District

(7) Light Industrial District

(8) Highway Business Uses District

(9) Planned Development District

B. District Boundary Map.

The Village of Allouez is hereby divided into nine classes of districts aforesaid and the boundaries of such districts are shown upon the zoning map which is on file in the office of the Village Clerk and made a part of the Zoning Ordinance, and said map and all the notations, references and other information shown thereon shall be as much a part of the Zoning Ordinance as if the matters and information set forth by said map were all fully described herein.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning map, the following rules shall apply:

(1) The district boundaries are either streets, alleys, or lot lines unless otherwise shown, and where the districts designated on the zoning map are bounded approximately by street, alley, or lot lines said street, alley or lot lines respectively shall be constructed to be the boundary of such district.

(2) Where the district boundaries are neither streets, alleys, nor lot lines, unless otherwise clearly indicated on the zoning map, they shall be determined by use of the scale on said zoning map.

(3) Where a district is bounded by a navigable stream, the regulations and restrictions which apply upon the uplands are intended to apply also to the adjacent riparian rights.

C. Height.

(1) On through lots the height of the building may be measured from the mean elevation of the finished grade along either the front or back of the building.

(2) Chimneys, cooling towers, elevator bulkheads, scenery lofts, monuments, domes, spires, parapet walls, similar structures and necessary mechanical appurtenances may be erected to any height in accordance with existing or hereafter adopted ordinances of the Village of Allouez.

D. Building and Uses.

(1) No building shall be erected, reconstructed, or structurally altered, nor shall any building or land be used, for any purpose other than as is permitted in the district in which such building or land is located.

(2) No building shall be erected, reconstructed, or structurally altered to exceed the height limit herein established for the district in which such building is located.

(3) No improvement shall be made upon any lot which does not front upon a dedicated street which provides vehicular access to such lot. Each lot shall have a street frontage not less than the minimum frontage required for lots in the various districts in the Village of Allouez, except that in

the Commercial District and Light Industrial District the minimum frontage shall be fifty (50) feet.

(4) All principal structures shall be located on a single lot; and only one principal structure shall be located, erected or moved onto a lot in the "A" Residence and "B" Residence Districts.

(5) Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall also apply to the accessory building.

E. Area.

(1) No lot area shall be so reduced or diminished if the yards or other open spaces shall be smaller than prescribed by this ordinance; no yard or open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building; no yard or open space on an adjoining premises shall be considered as providing a yard or open space on a lot whereon a building is to be erected; and there shall not be more than one building on one lot, excepting as hereinafter provided.

(2) Buildings on through lots and extending from street to street need not comply with the requirements for a rear yard if there is furnished an equivalent open space on the same lot in lieu of the required rear lots, provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.

(3) Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves provided, however, that none of the aforesaid projections shall project into a minimum side yard more than one-third of the width of such yard or more than 24 inches, whichever is less.

(4) Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than 5 feet shall be permitted where so placed as not to obstruct light and ventilation.

(5) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or any other open space required for another building.

(6) A platform, deck or stoop which serves an exit from a dwelling may project into the front yard setback area a distance of not more than 25 square feet, not inclusive of the steps/stairs or wheelchair access ramps serving such platform, deck or stoop.

F. Fences, Walls, and Hedges.

Refer to Section 26.04.

G. Driveways: Commercial, Highway Business and Light Industrial Districts.

(1) General Driveway Requirements.

No driveway shall hereafter be constructed for any lot zoned Commercial, Light Industrial, or Highway Business, unless such driveway complies with the following requirements. As used in this section, the word "driveway" shall include any curb cut for a driveway.

(a) No driveway shall exceed 40 feet in width at the curb line or 30 feet in width at the outside sidewalk line.

(b) No driveway shall be closer than 15 feet to any other driveway at the curb line.

(c) On a corner lot, no driveway shall be closer than 15 feet to the point of intersection of the two intersecting curb lines, nor closer than 20 feet to the point of intersection of the two intersecting outside sidewalk lines.

(d) Where two driveways are permitted from one street on one lot, a safety island shall be constructed of concrete between them which shall be not less than 8 inches high and 8 inches wide, and located on the property of the owner as near to the inside sidewalk line as the lot line will permit.

(e) All driveways shall be constructed of concrete not less than 6 inches thick and shall have a curbing on both sides running continuously from the outside sidewalk line to the curb, and such curbing shall not be higher than a line drawn from the grade level of the sidewalk to the grade level of the curb. All grade levels shall be established by the Village Engineer.

(f) No proposed driveway shall increase or tend to increase the flow of surface water beyond the capacity of existing or proposed storm sewers.

(g) No driveway shall cause:

(1) An unreasonable hazard to motor vehicle or pedestrian traffic.

(2) A change in existing motor vehicle traffic patterns to the detriment of the neighborhood and the Village.

(3) An adverse effect on current or probable future pedestrian traffic patterns or habits.

(4) An unreasonable increase in motor vehicle traffic on any street.

(5) An obstruction to visibility by or of motor vehicle or pedestrian traffic within or about to enter an intersection.

H. DRIVEWAYS: "A" AND "B" RESIDENCE DISTRICTS. All driveways in "A" and "B" Residence Districts, with the exception of existing unpaved driveways as of December 6, 2011, shall be paved with a hard surface material.

I. RESIDENTIAL DENSITY RESTRICTIONS FOR DESIGNATED SEX OFFENDERS. Any structure or other place intended for human habitation, on a temporary or permanent basis, including without limitation, a single family dwelling, boarding houses, lodging houses, apartment house, multi-family dwelling, a hotel or motel shall not include more than one individual who is a designated sex offender under the provisions of Wisconsin Statutes §301.45 and §301.46. This section shall not apply to a designated sex offender who is living with his/her immediate family. For purposes of this section, immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Wisconsin Statutes.

A designated offender means any person who is required to register under Wis. Stat. §301.45 for any sexual offense against a child or any person who is required to register under Wis. Stat. §301.45 and who has been designated a Special Bulletin Notification (SBN) sex offender pursuant to Wis. Stat. §301.46(2) and (2m).

J. HOME OCCUPATION

1) Regulations for Home Occupation:

A. The use shall be conducted entirely within a dwelling and carried on by the inhabitants hereof and no others.

B. The use shall be clearly incidental and secondary to the use of the residence for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs or the emission of sounds or vibrations that carry beyond the premises.

1. There shall be no display of products visible in any manner from the outside of the dwelling.

2. No advertising display signs shall be permitted.

3. No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.

C. No storage of goods, materials or products connected with a home occupation shall be allowed in accessory buildings, detached garages or outside of the dwelling.

D. The area set aside for home occupations shall not exceed 20% of the total floor area of such residence.

E. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the district in which it is located and there shall be no deliveries to or from a home occupation with a vehicle larger than a 20,000 GVW truck.

F. The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

G. No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.

H. Direct sales of products on display shelves or racks are not allowed, but a person may pick up an order placed earlier, although, delivery of that item to the buyer should occur off the premises whenever possible.

I. No motor power other than electrically operated motors shall be used in connection with a home occupation.

J. No commercial telephone directory listing, newspaper, website, radio or television shall be used to advertise the location of a home occupation to the general public.

K. The following non-exhaustive uses are not appropriate as home occupations and are not permitted:

1. Service, repair, painting, or onsite selling of any vehicle, including but not necessarily limited to motorized or non-motorized vehicles, trailers, boats, personal watercraft, recreation vehicles and snowmobiles. This provision does not prohibit an individual from working or selling his or her personal motorized or non-motorized vehicle, subject, however, to all other applicable laws, rules, ordinances and regulations.

2. Construction equipment or materials storage.

3. Equipment or vehicle rental.

4. Furniture sales.

5. Funeral director, mortuary or undertaker.

6. Glazier's or painter's shop.

7. Heating, plumbing or air-conditioning services.

8. Laboratory or taxidermy shop.

9. Medical or dental clinic.

10. Private club.

11. Restaurant.

12. Art, handicraft, music, writing, photography or similar studios receiving more than one customer per hour.

13. Dressmaker, seamstress, tailor receiving more than one customer per hour.

14. Hair cutting and styling receiving more than one customer per hour.

15. Non-principal offices of any professional service which typically serves several clients on a daily basis receiving more than one customer per hour.

16. Repair of small appliances, small engines and limited machining of small parts, office machines, cameras and similar small items.

17. Sale of produce, seasonal trees, flowers etc. (roadside stands subject to different provisions).

18. Commercial kennels or veterinarian clinics.

19. Ammunition manufacturing or the sale of ammunition;

20. Sales or rentals of videos, magazines or books;

21. Dispatch centers where persons come to the dwelling unit and are dispatched to other locations;

22. Any personal property rental business.

23. Any welding or machine shops.

24. Any home occupation that jeopardizes the health and safety of village residents.

L. The following is a non-exhaustive list of uses which may be conducted as home occupations within the limits established in this section:

1. Direct sale product distribution (Amway, Avon, Tupperware, etc.).

2. Mail-order sales.

3. Telephone sales and order-taking.

4. Tutor to include music.

2) Garage Sales:

Notwithstanding any provision contained herein to the contrary, garage, basement, yard or other similar sales shall not be allowed more than four times each year, one per quarter, and each sale shall not last more than 72 consecutive hours.

11.05 "A" RESIDENCE DISTRICTS.

A. Use Regulations.

Unless otherwise provided in this ordinance, in an "A" Residence District no building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:

(1) Single family dwellings.

(2) Churches.

(3) Family day care homes, licensed and unlicensed.

(4) Museums, libraries, parks, playgrounds, recreational facilities, or community centers owned and operated by the Village of Allouez, the State of Wisconsin, or any other governmental entity.

(5) Other Village of Allouez municipal facilities.

(6) Public utility distribution/transmission lines.

(7) Schools which are public or church affiliated educational institutions.

(8) Accessory uses and buildings incidental to and on the same zoning lot as a principal use, as follows:

(a) Boathouses, private; one (1) per lot.

(b) Garages, private; one (1) per lot.

(c) Greenhouses and conservatories, private (non-commercial).

(d) Stadiums and grandstands, and athletic fields.

(e) Swimming pools and tennis courts, private (non-commercial).

(f) Tool houses, sheds, and other similar buildings for the storage of domestic supplies; one (1) per lot.

(9) Cemetery

(10) Home occupation shall be regulated as set forth in Section 11.04 J. Home Occupation.

B. Height Regulations.

In an "A" Residence District no principal building shall be hereafter erected or structurally altered to exceed 35 feet or 2½ stories in height; except that public and semi-public buildings may be erected to a height not exceeding 75 feet, provided the side yards are increased one-half (1/2) square foot for each foot such building exceeds the height limit above specified. No detached accessory building shall exceed 15 feet in height.

C. Area Regulations.

(1) Front Yards.

On every lot in an "A" Residence District there shall be a front yard having a depth of not less than 30 feet provided, however, as follows:

(a) Where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted so as to require a front yard depth of more than 50 feet.

(b) No front yard depth is required to be greater than the deepest front yard depth for existing main buildings on the lots abutting on either side of the lot in question, providing the said buildings on such abutting lots are less than 100 feet apart.

(2) Side Yards.

(a) Every lot in an "A" Residence District shall have two side yards, one on each side of the principal structure. Neither of such side yards shall be less than 6 feet in width and the total width of such two side yards shall not be less than 14 feet; and provided further, however, that for any principal structure which exceeds 35 feet or 2 stories in height, or 60 feet in length or width, neither of such side yards shall be less than 10 feet in width.

(b) Detached accessory buildings shall not project to within 4 feet of any side lot.

(c) For any lot having a width of less than 50 feet and which is of public record at the time of the adoption of this ordinance, the required total width of the two side yards shall be that heretofore prescribed less 2 foot for each foot the said lot is less than 50 feet in width; and provided further, that no side yard shall be less than 4 feet in width.

(d) The side yard regulations in (a) and (b) of this subsection shall apply to all lots except corner lots. The side yard on the street side of a corner lot shall have a width not less than 50% of the front yard depth required on the lots in the rear of such corner lot. No accessory building on a corner lot shall project beyond the front building line of the lots to the rear.

(3) Rear Yards.

Every lot in the "A" Residence District shall have a rear yard with a depth of not less than 20% of the depth of the lot; provided that such rear yard shall not be required to exceed 30 feet in depth, but shall not in any case be less than 15 feet in depth.

(4) Lot Area and Minimum Lot Dimensions.

(a) Every lot in an "A" Residence District not of public record or under contract of purchase at the time that these zoning regulations, or similar regulations, were adopted, shall have an area of not less than 7500 square feet, a frontage of not less than 75 feet, and a mean width of not less than 65 feet.

(b) Exception. In situations where the terrain and shape of the surrounding lots make it impossible to comply with the requirements that lots in an "A" Residence District have a frontage of not less than 75 feet and a mean width of not less than 65 feet, a lot shall be deemed to comply with the lot area and minimum lot dimension requirements of this ordinance if it has an area of not less than 7500 square feet and a width of not less than 75 feet at the front yard line established for building by s. 11.03 C.(1) of this Code.

(5) Limitations on Size of Buildings.

(a) A building together with any accessory building shall not occupy in excess of 50% of a corner lot, or in excess of 40% of an interior lot. Public and semi-public buildings such as churches, schools and hospitals in existence at the time of the original passage of these zoning regulations, which may be hereafter destroyed wholly or partially by fire or otherwise, are permitted to rebuild on the original

area and to the original set-back lines within said district.

(b) A detached accessory building may not occupy more than 30% of the area of a required rear yard.

D. Accessory Building Sizes.

The accumulative square footage of all accessory buildings to include detached and attached garages shall not exceed 1200 square feet.

E. Off Street Parking.

Off-street parking shall be regulated as set forth in Section 11.13, Off-Street Parking Requirements.

F. Signs.

Signs shall be regulated as set forth in Section 11.28, Signs.

G. Building Design and Construction Regulations.

The minimum size of dwelling units, exclusive of porches, garages, and other outbuildings shall be as follows:

(1) One, two, and three bedroom dwellings: 1000 sq. ft.

(2) Four bedroom dwellings: 1300 sq. ft.

(3) Five bedroom dwellings: 1600 sq. ft.

(4) Six or more bedroom dwellings: 2000 sq. ft.

H. Exceptions.

For exceptions, see Section 11.15.

I. Tree Houses/Playhouses

Tree houses and playhouses must meet the following zoning requirements.

(1) Building Permit Required
To ensure that a playhouse (accessory structure with ground supports) is meeting the zoning and building requirements, a building permit is required when:

- the structure has supports to the ground or
- is to be supplied with electricity and/or water

A tree house (accessory structure supported solely and entirely by a tree or trees) does not require a building permit unless it is to be supplied with electricity and/or water, but is required to meet the zoning requirements described below.

(2) Zoning Requirements

Defined: The Zoning Ordinance does not specifically define a tree house or a playhouse. Such structures are regulated under the provisions of accessory structures. The Zoning Ordinance has been interpreted such that a tree house is considered an accessory structure that is supported solely and entirely by a tree or trees. If the structure is supported by a tree or trees but also has any support directly to the ground, it is considered a playhouse.

(3) Setback Requirements: Setback requirements vary by the size and shape of the lot, the zoning district, and whether it is a corner lot, interior lot, or double frontage lot. Tree houses and playhouses are not permitted in the required front yard, side yard adjoining a street, or a minimum side yard. Tree houses are allowed in a required rear yard.

(4) Maximum height: Tree houses and playhouses, as accessory structures, are permitted up to 15.0' in height from adjacent grade to the highest point of the roof.

(5) Impervious surface coverage requirements: Playhouses (accessory structures with ground supports) must meet the impervious surface coverage requirements, which are based on their location on a lot.

(6) Total lot coverage and floor area: Playhouses (accessory structures with ground supports) may be counted as square footage for lot coverage and floor area. The maximum permitted lot coverage and floor area vary by lot size.

(7) Separation from house: Playhouses (accessory structures with ground supports) are to be a minimum of 10.0" form the nearest wall of the house.

(8) Separation between accessory structures: A minimum of four (4) feet separation is required between roofed accessory structures as measured from the walls of each structure.

(9) Maximum size of roofed accessory structure: Playhouses and tree houses, as a roofed accessory structure, may not exceed 150 square feet in area.

11.06 "B" RESIDENCE DISTRICTS.

A. Use Regulations.

Unless otherwise provided in this ordinance, in a "B" Residence District no building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:

(1) Any use permitted in the "A" Residence Districts.

(2) Two-family dwellings, boarding houses, lodging houses.

(3) Religious, eleemosynary or philanthropic institutions; except that the following shall not be a permitted use:

(a) Apartment house.

(b) Multiple-family dwelling.

(c) Sale, display, or advertising for sale, of any item or thing which is not otherwise specified herein as permitted.

(d) The providing or advertising of services by any person, firm, association or corporation which are not otherwise specified herein as permitted.

(4) Hospitals and clinics other than correctional institutions, but not including veterinary hospitals and clinics.

(5) Private clubs, fraternities, sororities, and lodges; but excepting those whose chief activity is a service customarily carried on as a business.

B. Height Regulations.

In a "B" Residence District no building shall be hereafter erected or structurally altered to exceed 40 feet or 3 stories in height; except that public and semi-public buildings may be erected to a height not exceeding 75 feet, provided that the side yards are increased one-half foot for each foot such building exceeds the height limit above specified.

C. Area Regulations.

(1) Front Yards.

Every lot in a "B" Residence District shall have a front yard having a depth of not less than 25 feet; provided, however, as follows:

(a) Where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted so as to require a front yard depth of more than 40 feet.

(b) No front yard depth is required to be greater than the deepest front yard depth for existing main buildings on the lots abutting on either side of the lot in question, providing the said buildings on such abutting lots are less than 100 feet apart.

(2) Side Yards.

(a) Every lot in a "B" Residence District shall have two side yards, one on each side of the principal building. Neither of such side yards shall be less than 6 feet in width; and provided further, however, that for any building which exceeds 35 feet or 2 2 stories in height or 60 feet in length, neither of such side yards shall be less than 10 feet in width.

(b) Detached accessory buildings shall not project to within 4 feet of any side lot.

(c) For any lot of public record at the time of the adoption of this ordinance, which has a width of less than 50 feet, the required total width of the two side yards shall be that heretofore prescribed less 2 square foot for each foot the said lot is less than 40 feet in width; and provided further, that no side yard shall be less than 4 feet in width.

(d) The side yard regulations in paragraphs (a) and (b) of this subsection shall apply to all lots except corner lots. The side yard on the street side of a corner lot shall have a width not less than 50% of the front yard depth required on the lots in the rear of such corner lot. No accessory building on a corner lot shall project beyond the front building line of the lots to the rear.

(3) Exception: Zero Lot Line Duplexes.

The side yard setback may be zero on one side provided that:

(a) The lot adjacent to that side yard is held under the same ownership at the time of initial construction on both lots.

(b) The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.

(c) The opposite side yard on both of said lots is not less than 8 feet.

(d) When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance, shall be addressed by private covenants and deed restrictions, all of which shall be placed of public record, and the approving authorities shall not be held responsible for same.

(e) Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.

(f) There shall be a common wall. Wherever improvements abut on the common boundary line between adjoining units there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof sheathing. Such basement wall, if any, shall be waterproofed masonry.

(g) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit. Both units may use common sewer and water laterals to the street, provided that such lateral connections are separated at a point outside the structure so as to provide separate access to each dwelling unit.

(4) Rear Yards.

Every lot in a "B" Residence District shall have a rear yard with a depth of not less than 20% of the depth of the lot; provided that such rear yard shall not be required to exceed 30 feet in depth but shall not in any case be less than 15 feet in depth.

(5) Lot Area and Minimum Lot Dimensions.

Every lot in a "B" Residence District not of public record or under contract of purchase at the time that these zoning regulations, or similar regulations, were adopted, shall have an area of not less than 9000 square feet, a frontage of not less than 90 feet, and a mean width of not less than 65 feet.

(6) Limitation on Size of Buildings.

(a) A building together with any accessory building shall not occupy in excess of 50% of a corner lot, or in excess of 40% of an interior lot. Public and semi-public buildings such as churches, schools and hospitals in existence at the time of the original passage of these zoning regulations which may be hereafter destroyed wholly or partially by fire or otherwise, are permitted to rebuild on the original area and to the original set-back lines within the said district.

(b) A detached accessory building may not occupy more than 30% of the area of a required rear yard.

D. Off-Street Parking.

Off-street parking shall be regulated as set forth in Section 11.13, Off-Street Parking Requirements.

E. Signs.

Signs shall be regulated as set forth in Section 11.28, Signs.

F. Building Design and Construction Regulations.

The minimum size of two-family dwelling units, exclusive of porches, garages, and other outbuildings, shall be as follows:

(1) One and two bedroom units: 750 sq. ft.

(2) Three bedroom units: 1000 sq. ft.

(3) Four or more bedrooms: 1400 sq. ft. plus 400 sq. ft. for each bedroom in excess of four.

G. Exceptions.

For additional exceptions, see Section 11.15.

11.07 HIGH DENSITY DISTRICT.

A. Use Regulations.

In a High Density District no building or land shall be used and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) Apartment buildings.

(2) Multiple dwellings, boarding houses, and lodging houses.

(3) Accessory uses and buildings, which are limited to private garages, private parking areas, and private non-commercial swimming pools and tennis courts.

(4) Village of Allouez municipal facilities.

(5) Child day care centers for more than 8 children.

(6) Family day care homes, licensed.

(7) Community based residential facilities as defined in 11.01 of the Village Code and the Wisconsin Statutes shall be permitted.

(8) Public utility distribution/transmission lines.

B. Height Regulations.

(1) In a High Density District, no principal building shall be hereafter erected or structurally altered to exceed 40 feet or 3 stories in height; except that public and semi-public buildings may be erected to a height not exceeding 75 feet, provided that the side yards are increased one-half foot for each foot such building exceeds the height limit above specified.

(2) No detached accessory building shall exceed 15 feet in height.

C. Area Regulations.

(1) Front Yards. Every lot in a High Density District shall have a front yard having a depth of not less than 30 feet; provided, however, as follows:

(a) Where lots comprising 30 percent or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building erected or structurally altered after December 27, 1968, shall project beyond the average front yard line so established; and provided further that this regulation shall not be interpreted so as to require a front yard depth of more than 50 feet.

(2) Side Yards. Every lot in a High Density District shall have two side yards, one on each side of the building as follows:

(a) All Lots Except Corner Lots. Each side yard shall have a width of no less than 20 feet.

(b) Corner Lots. Except as provided in paragraph (c) below, the side yard regulations in sub-paragraph (a) above shall apply to all corner lots, except that the side yard on the street side of each corner lot shall have a width equal to the front yard depth of either the adjoining inside lot facing such street or, if no inside lot adjoins, the nearest inside lot facing such street; but in no event shall the side yard on the street side be less than that required for front yards under subsection C (1).

(c) Reversed Corner Lots. The side yard regulations in paragraph (a) above, shall apply to all reversed corner lots, except that the side yard on the street side of such corner lot shall have a width equal to the front yard depth of either the adjoining inside lot facing such street, or if no inside lot adjoins, the nearest inside lot facing such street; but in no event shall the side yard on the street side be less than that required for front yards under subsection C (1).

(3) Rear Yards. Every lot in a High Density District shall have a rear yard having a depth of not less than 20 percent of the depth of the lot; except that such rear yard is not required to exceed 50 feet in depth, and shall not be less than 30 feet in depth.

(4) Lot Area and Minimum Lot Dimensions.

(a) There shall be at least 2,000 square feet of lot area for each dwelling unit in an apartment building or a multiple dwelling.

(b) The total area above grade occupied by the building, accessory buildings, and car stalls or parking places, shall not exceed 50% of the total area of the lot on which they are located.

(c) Frontage. Every lot in a High Density District shall have a frontage of not less than 100 feet and a mean width of not less than 100 feet.

(d) Depth. Every lot in a High Density District shall have a depth of not less than 125 feet and a mean depth of not less than 125 feet.

(5) Accessory Buildings.

All accessory buildings permitted in Section 11.07 A.(3) above shall conform to all applicable area regulations set forth in this subsection.

(6) Exterior Storage.

No exterior trash or garbage disposal area or storage of garbage or refuse, is permitted in a High Density District. Any storage of trash, garbage or refuse shall be within an area which is completely enclosed by walls and a roof.

D. Minimum Dwelling Unit Size.

The minimum size of dwelling units in a High Density District residence building shall be 700 square feet for one-bedroom units, and 1,000 square feet for units with two or more bedrooms. No dwelling units without a bedroom are permitted.

E. Off-Street Parking.

Off-street parking shall be regulated as set forth in Section 11.13, Off-Street Parking Requirements.

F. Signs.

Signs shall be regulated as set forth in Section 11.28, Signs.

11.08 "C" PROFESSIONAL OFFICE AND RESIDENCE DISTRICT.

A. Use Regulations.

In a "C" Professional Office and Residence District, no structure or land shall be used, and no structure shall be hereafter erected or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:

(1) A professional office building which does not have therein an accessory use specified in S11.08A (5) (d).

(2) An administrative office building which does not have therein an accessory use specified in S11.08A (5) (d).

(3) A telephone exchange building.

(4) A child day care center serving 9 or more children, as provided under Chapter ILHR 60, Part III of the Wisconsin Administrative Code.

(5) The following if approved as a "Special Use" under the provisions of S11.08 H.:

(a) An apartment building.

(b) A hotel.

(c) A motel.

(d) A professional office building, hotel, motel, or an administrative office building, or a combination thereof, in which there is located one or more of the following accessory uses: a beauty parlor, a barber shop, a retail outlet for the sale of fermented malt beverages and/or intoxicating liquors, a restaurant, a health club, or a pharmacy which is operated in conjunction with a medical office.

(e) In conjunction with a permitted principal use, such accessory use as approved under the provisions of S11.08 H.

(f) A hospital.

(g) A clinic.

(6) One identity or directory sign, not exceeding 32 square feet in total area, for and located upon the premises, as an accessory use of a professional or administrative office building, hotel, or apartment building. Any such sign shall comply with all applicable requirements contained in Section 11.28 of this Code.

(7) A facility for the practice of "massage therapy or bodywork" as those terms are now or may hereafter be defined in Section 440.97, Wisconsin Statutes, by one or more persons who:

(a) are massage therapists or body workers licensed by the Wisconsin Department of Regulation and Licensing under Chapter 440, Wisconsin Statutes, or

(b) hold a current license, permit, registration or certification granted by the State of Wisconsin or the federal government, who engage in the practice of massage therapy or bodywork within the scope of

his or her license, permit, registration or certification, and who do not use any title or description that implies that he or she is registered, or represents himself or herself to be registered, under Chapter 440, Wisconsin Statutes.

(8) A school providing instruction to students in "massage therapy or bodywork", as those terms are now or may hereafter, be defined by Section 440.97, Wisconsin Statutes, in preparation for the registration of such students under Chapter 440, Wisconsin Statutes, and which school is operated under the direct supervision of one or more persons who are either licensed as a massage therapist or body worker under said Chapter 440, or who are permitted to engage in the practice of massage therapy or bodywork within the scope of a current license, permit, registration or certification granted by the State of Wisconsin or the federal government to such person.

(9) College/University

B. Height Regulations.

In a "C" Professional Office and Residence District, no building shall hereafter be erected or structurally altered so as to exceed 40 feet or 3 stories in height, whichever is lower.

C. Area Regulations.

(1) Front Yards. Every lot in a "C" Professional Office and Residential District shall have a front yard with a depth of not less than 30 feet provided, however, as follows:

(a) Where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be interpreted so as to require a front yard depth of more than 50 feet.

(b) No front yard depth is required to be greater than the buildings on the lots abutting on either side of the lot in question, providing the said adjoining buildings on such abutting lots are less than 100 feet apart.

(2) Side Yards. Every lot in a "C" Professional Office and Residence District, shall have two side yards, one on each side of the principal building, as follows:

(a) All Lots Except Corner Lots. Neither of such side yards shall be less than 10 feet in width.

(b) Corner Lots. Except as provided in paragraph (c) below, the side yard regulations in paragraph (a) above shall apply to all corner lots, except that the side yard on the street side of each corner lot shall have a width equal to the front yard depth of either the adjoining inside lot facing such street or, if no inside lot adjoins, the nearest inside lot facing such street, but in no event shall the side yard on the street side be less than that required for front yards under subsection C (1) or subsection C (1)(a) above, whichever is applicable.

(c) Reversed Corner Lots. The side yard regulations in subsection C (2)(a) above shall apply to all reversed corner lots, except that the side yard on the street side of such corner lot shall have a width equal to the front yard depth of either the adjoining inside lot facing such street or, if no inside lot adjoins, the nearest inside lot facing such street, but in no event shall the side yard on the street side be less than that required for front yards under subsection C (1) or subsection C (1)(a).

(d) Exception. Zero lot line duplexes. The side yard setback may be zero on one side provided that:

(1) The lot adjacent to that side yard is held under the same ownership at the time of initial construction on both lots.

(2) The adjoining side yard setback of the lot adjacent to the zero side yard setback is also zero.

(3) The opposite side yard on both of said lots is not less than 8 feet.

(4) When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance, shall be addressed by private covenants and deed restrictions, all of which shall be placed of public record, and the approving authorities shall not be held responsible for same.

(5) Easements shall be provided across zero lot lines where necessary for water, sewer, and utility services.

(6) There shall be a common wall. Where ever improvements abut on the common boundary line between adjoining units, there shall be a one-hour fire wall running from the lowest floor level, including the basement if it is the common wall, to the underside of the roof

sheathing. Such basement wall, if any, shall be waterproofed masonry.

(7) When attached dwelling units are created, the plans, specifications and construction of such buildings shall require that the installation and construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit. Both tenants may use common sewer and water laterals to the street, provided that such lateral connections are separated at a point outside the structure so as to provide separate access to each dwelling unit.

(3) Rear Yards. Every lot in a "C" Residence District shall have a rear yard with a depth of not less than 20 percent of the depth of the lot; provided that such rear yard shall not be required to exceed 30 feet in depth, but shall not in any case be less than 15 feet in depth.

(4) Lot Area and Minimum Lot Dimension.

(a) Every lot in a "C" Residence District utilized for a single family dwelling and not of record or under contract of purchase at the time that these zoning regulations, or similar regulations, were adopted, shall have an area of not less than 7,500 square feet, a frontage of not less than 100 feet, and a mean width of not less than 100 feet.

(b) Every lot utilized for two or more families shall have an area of not less than 9,000 square feet, a frontage of not less than 100 feet, and a mean width of not less than 100 feet.

(c) Every lot in a "C" Residential District shall have one enclosed parking stall for each dwelling unit, plus one additional space located to the rear of said apartment building or multiple family dwelling for each dwelling unit. Two parking spaces must be provided on a paved surface parking lot located to the rear of said apartment building or multiple family dwelling for each 100 square feet of floor space used for a restaurant, drug store, delicatessen, valet shop, beauty shop, or barber shop.

(5) Total Area. The total area occupied by the building, accessory buildings and car stalls or parking places, shall not exceed 50 percent of the total area of the lot on which they are located.

(6) Accessory Buildings and Parking Areas. All accessory buildings shall conform to all area regulations set forth in subsection C. above.

D. Exterior Storage.

No exterior trash or garbage disposal area, or storage of garbage or refuse is permitted in a "C" Professional Office and Residential District. No exterior incineration of garbage or refuse is permitted. Any storage of trash, garbage or refuse shall be within an area which is completely enclosed by walls.

E. Minimum Dwelling Unit Size.

The minimum size of dwelling units in a "C" Residential District residence building shall be 700 square feet for one bedroom units, and 1,000 square feet for units with two or more bedrooms. No dwelling units without a bedroom are permitted.

F. Access.

(1) Every lot and other parcel of land in a "C" Professional Office and Residential District shall be provided with permanent access for the purposes of ingress and egress by means of either a "street" or a "private road" as defined in Section 11.03 of this ordinance.

(2) No lot or other parcel of land without such access shall be used for any purpose permitted in such district, and no improvements thereon shall be made or structurally altered, unless such lot is under common ownership with one or more abutting lots or parcels of land which have such an access and all such lands under common ownership lay entirely within the "C" Professional Office and Residential District, have a common principal use, and are in full compliance with all of the regulations for such district.

G. Off-Street Parking Regulations.

Off-street parking shall be regulated as set forth in Section 11.13, Off-Street Parking Requirements.

11.09 HIGH RISE DISTRICT.

A. Use Regulations.

In a High Rise District no building or land shall be used and no building shall be erected or structurally altered, except for one or more of the following uses:

(1) Apartment houses and multiple family dwellings.

(2) In buildings containing not less than 10 dwelling units, said structures may include restaurants, drug stores, delicatessens, valet shops, beauty shops, and barber shops, which are accessible to the public only through the lobby of the building, but provided that no advertising or display for such accessory uses shall be visible from outside said building, and that all of such accessory uses are located on only one floor in each building.

B. Height Regulations.

In a High Rise District, no building shall be hereafter erected or structurally altered so as to be less than 40 feet or 4 stories in height, whichever is higher, or more than 100 feet or 10 stories in height, whichever is lower.

C. Building Design and Construction Regulations.

(1) All structures in the High Rise District shall provide at least one public elevator.

(2) No exterior trash or garbage disposal area or storage of garbage or refuse is permitted in a High Rise District. No exterior incineration of garbage or refuse is permitted. Any storage of trash, garbage or refuse shall be within an area which is completely enclosed by walls and a roof.

(3) Every apartment building or multiple family dwelling shall have at least one service entrance located at the rear or side of said building.

(4) The minimum size of dwelling units in high rise residence buildings is 700 square feet for one bedroom units, and 1,000 square feet for units with two or more bedrooms. No dwelling units without a bedroom are permitted.

D. Area Regulations.

(1) Yards. Every lot in a High Rise District shall have a front yard with a depth of not less than 75 feet, plus an additional one foot of depth for each 10 feet by which the building height exceeds 40 feet; interior side yards of not less than 50 feet in width, plus an additional one foot of width for each 10 feet by which the building height exceeds 40 feet; a corner side yard of not less than 75 feet in width, plus an additional one foot for each 10 feet by which the building height exceeds 40 feet; and a rear yard of not less than 40 feet in depth. The rear 25 feet of every lot shall be sodded and landscaped.

(2) Minimum Lot Dimensions.

(a) Frontage. Every lot in a High Rise District shall have a frontage of not less than 150 feet, and a mean width of not less than 125 feet.

(b) Depth. Every lot in a High Rise District shall have a depth of not less than 275 feet and a mean depth of not less than 265 feet.

(c) Total Area. Every lot in a High Rise District shall have a minimum size of 2 2 acres. The total area occupied by the buildings on property in a High Rise District shall not exceed 40 percent of

the total area of the lot on which they are located.

E. Off-Street Parking.

Off-street parking shall be regulated as set forth in Section 11.13, Off-Street Parking Requirements.

11.10 COMMERCIAL DISTRICT.

A. Use Regulations.

Only the approved specified uses are allowed in the Commercial zoning district. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses:

(1) Office Buildings

(2) Buildings which are devoted to retail trade or service

(3) Indoor tennis facilities - public or private

(4) Health facilities, gymnasiums, yoga centers, meditation centers, martial arts training facilities and the like

(5) Dance studios

(6) Greenhouses

(7) Bank buildings and drive-up banking facilities in conjunction with bank buildings located on the same parcel

(8) Restaurants, excluding drive-in restaurants or food serving facilities offering in-car service from a drive-through service window or counter

(1) Taverns and pubs including licensed liquor establishments and excluding brewpubs

(10) Laundromats and dry cleaning establishments providing direct retail customer services

(11) Day Care Centers

(12) Hospital(s)

(13) Clinic(s)

(14) Hair styling salons, beauty salons, and/or Health and Beauty Spa facilities

(15) The following, if approved as a "Conditional Use" under the provisions of section 11.26:
(a) Brewpub

Advertising signs on and off-premises are subject to the requirements of Section 11.28, Signs.

C. Height Regulations.

In the Commercial District no building shall be hereafter erected or structurally altered to exceed 4 stories or 50 feet in height, except public and semi-public buildings may be erected to a height not exceeding 75 feet, providing the side yards are increased one-half (2) square foot for each foot such building exceeds the height limit specified.

D. Area Regulations.

(1) Front Yards. Every lot in the Commercial District shall have a front yard with a depth of not less than 15 feet, except that where lots comprising 40 percent or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted as to require a front yard depth of more than 25 feet.

(2) Side Yards.

(a) Where a lot abuts on the side of a lot in a residence district, there shall be a side yard of not less than 6 feet in width.

(b) Every side yard that is provided, but which is not required by these regulations, shall be not less than 6 feet in width.

(c) Corner lots shall have a side yard not less than 15 feet in width, on the side of the lot which abuts the street.

(3) Rear Yards. Every lot shall have a rear yard with a depth of not less than 6 feet, except that if the rear of a lot abuts a lot in a residential district, the rear yard shall be not less than 10 feet in depth.

(4) Total Lot Area. There is no minimum size lot requirement.

E. Off-Street Parking.

Parking shall be regulated as set forth in Section 11.13, Off-Street Parking Regulations.

F. Architectural Requirements.

All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure.

11.11 LIGHT INDUSTRIAL DISTRICT.

A. Use Regulations.

In a Light Industrial District no building or land shall be used and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) All uses permitted in the Commercial District, including those that require a conditional use permit.

(2) Storage of structural material, exclusive of coal or oil.

(3) Privately owned athletic field operated for profit.

(4) Warehousing or wholesaling materials not otherwise prohibited in this ordinance.

(5) Hospitals and Clinics.

(6) Any other use except the following:

(a) Abattoirs.

(b) Acetylene gas manufacture, storage or bottling.

(c) Acid manufacture, storage or bottling.

(d) Alcohol manufacture, storage or bottling.

(e) Ammonia, bleaching powder or chlorine manufacture.

(f) Arsenal, explosives manufacture or storage including fireworks.

(g) Asbestos manufacture.

(h) Asphalt manufacture or refining.

(i) Assaying or smelting by the furnace method, but not including one furnace of 2 cubic foot capacity.

(j) Automobile wrecking or junk yard.

(k) Automobile or machinery wrecking, salvaging and rebuilding.

(l) Babbitt metal manufacture.

(m) Bag cleaning or burlap manufacture.

(n) Black smithing and horseshoeing.

(o) Blast furnace.

(p) Brewing or distilling of liquors, except for the case of a brewpub.

(q) Brick, tile or terra cotta manufacture.

(r) Building material storage, except where storage is for sale for local building operations.

(s) Candle manufacture.

(t) Carbonic gas manufacture.

(u) Carpet or rug cleaning.

(v) Celluloid or plastic manufacture.

(w) Cement, lime, gypsum or plaster of paris manufacture.

(x) Chemicals manufacture.

(y) Coke ovens.

(z) Coal, wood or coke storage except where consumed on the premises.

(aa) Coal tar products manufacture.

(bb) Concrete manufacture.

(cc) Concrete mixing or product manufacture.

(dd) Creosote treatment or manufacture.

(ee) Cooperage works.

(ff) Creamery, milk condensing, or cheese manufacture.

(gg) Crematorium.

(hh) Dextrine, glucose and starch manufacture.

(ii) Disinfectant manufacture.

(jj) Distillation of bones, coal or wood.

(kk) Dyestuff manufacture.

(ll) Dye works employing more than 2 dyers.

(mm) Exterminator and insect poison manufacture.

(nn) Enameling, japanning or lacquering, except where liquids applied by hand brush or where not over one employee is engaged at this work.

(oo) Excelsior and fiber manufacture.

(pp) Explosive manufacture, processing or storage.

(qq) Fat rendering.

(rr) Fertilizer manufacture.

(ss) Fish cleaning, curing, packing, smoking, storage, propagation or handling for commercial purposes.

(tt) Flour milling.

(uu) Foundry products manufacture.

(vv) Forge plant.

(ww) Gas (illuminating or heating) manufacture, storage or bottling.

(xx) Glass products manufacture.

(yy) Grain elevators.

(zz) Garbage, offal or dead animal reductions or dumping.

(aaa) Glue, size or gelatin manufacture.

(bbb) Ice manufacture or cold storage plant from which ice is sold for delivery away from the premises.

(ccc) Iron, steel, brass or copper foundry or fabricating plant, mills or shops.

(ddd) Junk yards.

(eee) Lamp black manufacture.

(fff) Leather tanning or processing.

(ggg) Livestock barns or corrals.

(hhh) Liquors (malt) manufacture, except for the case of brewpub.

(iii) Manufactured home sales.

(jjj) Massage parlors or health clubs.

(kkk) Meat packing plant.

(lll) Mobile home parks or trailer courts.

(mmm) Oil cloth or linoleum manufacture.

(nnn) Oiled rubber or leather goods manufacture.

(ooo) Ore dumps or elevators.

(ppp) Paint, oil, shellac, lacquer, turpentine or varnish manufacture.

(qqq) Paper and pulp manufacture.

(rrr) Petroleum products, refining or wholesale storage thereof.

(sss) Planing mills.

(ttt) Plastics manufacture.

(uuu) Plating works.

(vvv) Potash works.

(www) Poultry killing, dressing or live storage except for retail sales on premises.

(xxx) Power plants.

(yyy) Printing ink manufacture.

(zzz) Pyroxylin manufacture.

(aaaa) Railroad freight or other yards or shops.

(bbbb) Raw hides or skins, storage, curing or tanning.

(cccc) Repair shop for motor vehicles unless it is operated in connection with a licensed motor vehicle dealership.

(dddd) Rock crushing, stone mill or quarry.

(eeee) Rolling mills, feed grinding.

(ffff) Rubber or gutta percha manufacture.

(gggg) Salt works.

(hhhh) Sauerkraut or pickling manufacture.

(iiii) Sausage manufacture.

(jjjj) Saw and planing mill.

(kkkk) Smelting of tins, copper, zinc or iron ores

(llll) Soap manufacture.

(mmmm) Soda or washing compound manufacture.

(nnnn) Shipyard, other than for the sale, storage and maintenance of pleasure craft not exceeding 75 feet in length or 80 gross tons in weight.

(oooo) Shoe blacking and stove polish manufacture.

(pppp) Shoddy manufacture or wool scouring.

(qqqq) Stable, riding academy, livestock corral, barn for livestock except on farms of 10 or more acres.

(rrrr) Stock yards or slaughter of animals.

(ssss) Storage or baling of scrap paper, iron, bottles, rags or junk.

(tttt) Sugar re-fining.

(uuuu) Stamped or enameled ware manufacture.

(vvvv) Sulfuric, nitric or hydrochloric acid manufacture.

(wwww) Tallow, grease or lard manufacture or refining from animal fat.

(xxxx) Tar distillation or manufacture.

(yyyy) Tar roofing or waterproof manufacture.

(zzzz) Tavern, liquor store or warehouse.

(aaaaa) Tobacco (chewing) manufacture or treatment.

(bbbbb) Vinegar manufacture.

(ccccc) Wool pulling or scouring.

(ddddd) Yeast plant.

(eeeee) Those uses which have been declared a nuisance in any court of record, or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.

B. Height Regulations.

In a Light Industrial District, no building shall be hereafter erected or structurally altered so as to exceed 4 stories or 50 feet in height.

C. Area Regulations.

(1) Front Yards. Every lot in a Light Industrial District shall have a front yard with a depth of not less than 15 feet, except that where lots comprising 40% or more of the frontage on one side of a block are developed with

buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building thereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted so as to require a front yard depth of more than 25 feet.

(2) Side Yards.

(a) Where a lot abuts upon the side of a lot in a residence district, there shall be a side yard of not less than 6 feet in width.

(b) No building or use which is excluded from a Commercial District shall be permitted within 10 feet of any lot in a residence district.

(c) Every side yard that is provided where not required by these regulations shall not be less than 6 feet in width.

(3) Rear Yards. No rear yard shall be required except as follows:

(a) Every rear yard that is provided but which is not required by these regulations, shall be not less than 6 feet in depth.

(b) Where the rear of a lot abuts on the side of a lot in a residential district, there shall be a rear yard of not less than 6 feet in depth.

(4) Total Lot Area.

There is no minimum lot size or minimum lot width.

D. Off-Street Parking.

Off-street parking requirements shall be regulated as set forth in Section 11.13, Off-Street Parking Regulations.

E. Architectural Requirements:

All mechanical equipment for brewpubs shall be screened using architectural features consistent with the principal structure.

11.12 HIGHWAY BUSINESS USE DISTRICT.

A. Use Regulations.

In a Highway Business Use District, no building or land shall be used, and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

(1) Drive-in restaurants intended by design to serve patrons in their automobiles.

(2) Ice cream or confectionery stands.

(3) Public garages or any building used for the storage, repair, or maintenance of any motor vehicle.

(4) Filling stations or any building used for the sale of petroleum and allied products.

(5) Business establishments intended by design to provide service to automobiles or patrons in automobiles.

B. Height Regulations.

In a Highway Business District, no building shall be hereafter erected or structurally altered so as to exceed 4 stories or 50 feet in height.

C. Area Regulations.

(1) Front Yards. Every lot in a Highway Business District shall have a front yard with a depth of not less than 15 feet, except that where lots comprising 40% or more of the frontage on one side of a block are developed with buildings having an average front yard depth with a variation of not more than 6 feet from such average, no building hereafter erected or structurally altered shall project beyond the average front yard line so established; and provided further that this regulation shall not be so interpreted so as to require a front yard depth of more than 25 feet.

(2) Side Yards.

(a) Where a lot abuts on the side of a lot in a residence district, there shall be a side yard of not less than 6 feet in width.

(b) Every side yard that is provided but which is not required by these regulations, shall be not less than 6 feet in width.

(c) Corner lots shall have a side yard not less then 15 feet in width, on the side of the lot which abuts the street.

(3) Rear Yards.

Every lot shall have a rear yard with a depth of not less than 6 feet, except as follows:

(a) If any part of a building is used for dwelling purposes, the rear yard shall have a depth of not less than 20 feet.

(b) If the rear of a lot abuts a lot in a residential district, the rear yard shall have a depth of not less than 10 feet.

(4) Lot Area and Minimum Lot Dimensions.

There is no minimum lot size or minimum lot width.

D. Off-Street Parking.

Off-street parking requirements shall be regulated as set forth in Section 11.13, Off-Street Parking.

11.13 OFF-STREET PARKING.

A. General Requirements.

(1) Nothing in this section shall be interpreted to prevent an owner or lessee from providing parking space in excess of those amounts specified. The specified amounts shall be interpreted as minimum requirements.

(2) Existing parking facilities shall not be eliminated or reduced to an amount less than that required for new buildings.

(3) Required off-street parking space as provided herein shall not be considered as supplying loading space as herein required.

(4) In all districts and in connection with every use, there shall be provided at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking spaces in accordance with the requirements as specified herein.

(5) No person shall allow or permit a vehicle to be parked in the front or corner side yard setback adjoining a public street, on a residential lot, except on a permanent driveway or parking area as defined in Section 11.03 of this ordinance.

(6) Any vehicle parked on a driveway within a setback area must be parked in such a manner so that all wheels shall be on the paved or surfaced driveway area.

(7) No person shall allow or permit a vehicle to stand or to be parked in that part of a driveway that lies between the closest curb line of a street or highway and the edge of the sidewalk farthest from said curb line, if there is a sidewalk, or the front property line. The area between the closest curb line of a street or highway and the edge of the sidewalk farthest from said curb line, if there is a sidewalk, or the property line, if there is no sidewalk, shall remain open and unobstructed at all times for use as a public right-of-way.

(8) No person shall allow or permit any vehicle to be parked on any vacant residential lot, unless such vacant lot is provided with a permanent driveway and parking area, as defined in Section 11.03 of this ordinance.

(9) No motor vehicle over 1 2 ton rated capacity and bearing a commercial license, no motor vehicle equipped or used for the purpose of auto salvage (commonly referred to as a "wrecker"), and no commercially licensed trailer, shall be parked on any street or highway, or garaged or otherwise stored in a platted residential district, except when loading, unloading, or rendering a service; or in the case of an emergency.

(10) No attached or unattached carports shall be allowed in the "A", "B", or "C" Professional Office and Residence Districts, or in the High Density or High Rise Districts.

(11) No person, firm or corporation shall allow or permit any vehicle to be parked, or shall park any vehicle, on that part of an off-street parking lot which is not designated as a parking stall on a plot plan approved by the Village Board under Section 11.13 I(1). An owner of property whose tenant, tenant=s employee, tenant=s invitee, or invitee, and/or a tenant whose employee or invitee, shall park in violation of this subsection shall be presumed to have had knowledge of, and to have allowed or permitted, the parking violation.

B. Changing Requirements. Whenever there is change in the number of employees or in the lawful use of the premises, or in any other unit of measurement specified in this section, and whenever such change creates a need for an increase or a decrease of more than 15% of the number of automobile parking spaces as determined by the requirements of this section, off-street parking facilities shall be provided within 60 days of the date of such change, on the basis of the adjusted needs as determined by this section.

C. Design Standards.

(1) All off-street parking facilities shall be designed with appropriate means of access to a street or alley, and so as to provide adequate maneuvering areas.

(2) A parking stall shall be the space to park one car, and shall be a rectangle not less than 10 feet in width measured at the lateral centerline, and 20 feet in length measured at the longitudinal centerline. Regardless of the angle of the stall to the front boundary line of a row of two or more stalls, no part of the stall shall extend over the front boundary line of the row, except that if two rows share a common front boundary line, opposite stalls may share a common front center point of their longitudinal center lines. Unless it abuts a public street or highway, the rear of a stall in a row of two or more stalls shall be bounded by an access aisle whose width shall be measured from the rear center point of the longitudinal centerline of the stall to the farthest boundary line of the aisle, or to the rear center point of the longitudinal centerline of an

opposite stall in a row of two or more stalls, whichever is applicable. No part of a parking stall shall encroach upon any part of a public street or highway. The width of the access aisle shall be not less than the following, based on the angle of the parking stall with the front boundary line of the row:

90 degrees	24 feet
60 degrees	18 feet
45 degrees	14 feet

(Other angles are not permitted.)

(3) All parking areas shall be hard-surfaced, have adequate drainage, and be provided with bumper guards where required.

(4) All parking areas shall be used for the parking of automobiles only, and no sales, storage, repair work, dismantling, or servicing of any kind to an automobile is permitted.

(5) A parking area shall preferably be on the same property as the building to which it is the accessory use, but in no case shall it be more than 250 feet from the main entrance of the said building.

(6) Where setback lines are required from the street, the setback area shall not be considered as part of the parking area; except that this provision shall not apply to medical facilities, treatment centers or residential uses serving handicapped persons when the application of such provisions restrict, inhibit, or prevent the creation or proper location of handicapped parking or loading areas required by any applicable federal or state law, rule, regulation or guideline.

(7) Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a manner as to not create a safety hazard or a nuisance.

D. Mixed Uses. In the case of mixed uses, the parking facilities required shall be the sum of the requirements for the various individual uses computed separately in accordance with this section.

E. Increased Use.

When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity, or any other units of measurement, parking areas and loading facilities, as required herein, shall be provided, within 60 days of the date of such increased use. In the event that prior to such increased use the then lawfully permitted parking areas were less than what is then presently provided herein, and such increased use, as

measured by the additional floor space or such other means as herein provided, is:

(1) 50% or less of the use prior to such increase, additional parking areas and loading facilities shall be provided for all of such increased use and for not less than 50% of the said prior deficiency in such areas and facilities.

(2) Over 50% of the use prior to such increase, additional parking areas and loading facilities shall be provided so that the entire premises meets all of the then current requirements of this ordinance.

F. Changed Use.

Whenever the existing use of a building or structure shall hereafter be changed to a new use, the parking areas and/or loading facilities as then currently provided herein are required for such new use.

G. Handicapped Parking Requirements.

The size and configuration of all stalls used as handicapped parking or loading areas shall comply with and not be less than what is required by all applicable federal and state laws, rules, regulations and guidelines.

H. Computation.

(1) When determination of the number of off-street parking spaces required by this ordinance results in a fractional space, any fraction of 2 or less may be disregarded providing at least one space is required and any fraction in excess of 2 shall require one parking space.

(2) The parking spaces required on an employee basis shall be based on the maximum number of employees on duty plus those residing on the premises at any one time.

(3) The parking spaces required on a floor area basis shall be based on the total floor area of the building. Basement floor areas shall be included in the off-street parking requirement for that part of the basement which either is or may be used for any uses requiring off-street parking.

I. Approval of Plans.

(1) No building permit shall be issued for the construction of any building in the Village for any use, except for one and two-family residences, until the plat plan showing the required parking facilities as set forth in this section shall have been approved by the Village Board.

(2) Any building erected, constructed or reconstructed without providing the off-street parking and loading requirement established herein, shall be deemed an unlawful structure and the Building Inspector or any other official designated by the Village Board may bring an action to enjoin such erection, construction or reconstruction; or to cause such structure to be vacated, removed or razed; or to enjoin its use.

J. Specific Zoning District Requirements.

(1) "A" Residence District Requirements.

(a) One garage of at least 220 square feet shall be required for each dwelling unit.

(b) On all lots with a street frontage of 75 feet or more, such garage must be attached to the principal building.

(c) Allowed unattached garages shall conform to the completion requirements specified elsewhere in this ordinance.

(d) Construction of the required garage shall be completed before an occupancy permit is issued for the principal building.

(2) "B" Residence District Requirements.

(a) One garage of at least 220 square feet shall be required for each dwelling unit.

(b) On all lots with a street frontage of 90 feet or more, such garage must be attached to the principal building.

(c) Allowed unattached garages shall conform to the setback requirements specified elsewhere in this ordinance.

(d) Construction of the required garage shall be completed before an occupancy permit is issued for the principal building.

(3) "C" Professional Office and Residence District Requirements.

(a) One garage of at least 220 square feet shall be required for every single family dwelling unit.

(b) One garage of at least 220 square feet shall be required for each unit of a 2-family dwelling.

(4) High Rise District Requirements.

(a) Apartment buildings, or multiple family dwellings shall provide 1 2 parking spaces contained within

and under the cover of said building for each dwelling unit, plus one additional space located on a paved surface parking lot located to the rear of said apartment building or multiple family dwelling for each dwelling unit. Two parking spaces must be provided on a paved surface parking lot located to the rear of said apartment building or multiple family dwelling for each 100 square feet of floor space used for a restaurant, drug store, delicatessen, valet shop, beauty shop, and/or barber shop in such buildings.

(b) Each stall or parking place required in paragraph (4)(a) above shall be at least 10 feet wide and 20 feet long, and shall be directly accessible to driveways or access ways without passing through other parking spaces. Every parking space located in a parking lot shall be within 200 feet of the building to which the space is assigned.

(c) No separate garage buildings or carports are permitted in the High Rise District.

(d) No parking will be permitted on any street located in or immediately adjacent to a High Rise District.

(5) High Density District Requirements.
At least one parking space for each dwelling unit shall be in an enclosed garage.

K. Parking Space Requirements.

Unless specifically required by Section 11.13 J. above, the following parking areas shall be required for the use specified:

(1) Any Building of Over 10,000 Square Feet of Floor Area. One parking space for each 250 square feet of floor area or fraction thereof, unless the type of building or use requires a greater number or permits a lesser number of parking spaces under some subsection of this code.

(2) Automobile Service Station Uses and Automobile Wash Facilities. One space per employee on the maximum shift and two spaces per service stall or bay, plus three stacked spaces for each fueling position or car washing facility.

(3) Banks, Business and Professional Offices. One parking space for each 200 square feet, or fraction thereof, of floor area for the first 8,000 square feet of floor area; one additional parking space for each 700 square feet, or fraction thereof, for the next 12,000 square feet of total floor area; and one parking space for each 1,000 square feet, or fraction thereof, of that total area in excess of 20,000 square feet.

(4) Bowling Alley. Four parking spaces per alley, plus such additional spaces as are required for such additional uses that are being or shall be made of the premises.

(5) Churches and Other Places of Worship. One parking space for each five seats in the main assembly room.

(6) Community Centers, such as Libraries, Art Galleries, Museums, etc. One parking space for each two employees working the same hours during the time the facility is open to the public, plus one parking space for each 300 square feet of floor area.

(7) Dance Halls, Skating rinks, Lodge Halls, Exhibition Halls Without Fixed Seats. One parking space for each 100 square feet of floor area used for dancing or assembly.

(8) Elementary, Middle or Junior High School. One parking space for every five seats provided in the main assembly rooms.

(9) Foster Homes. One parking space for each four foster children cared for.

(10) General Commercial (not listed above). One parking space for each two regular employees or for each 1,000 square feet, or fraction thereof, of floor area used for work or trade, whichever will provide the greater amount of parking space, plus such additional parking space as shall be required for customers or users, directly or indirectly, in the conduct of the enterprise.

(11) Government Buildings, Federal, State, County, and Village. One parking space for each 200 square feet of floor area.

(12) Hospitals. One parking space for each two beds, plus one additional space for each three employees (including nurses and staff doctors) and visiting doctors.

(13) Hotels. One parking space for each guest room, plus such additional space as shall be required for supplemental uses, such as bars, ballroom, or night club facilities in the hotel.

(14) Industrial or Manufacturing Establishments. One parking space for each two regular employees or for each 1,000 square feet, or fraction thereof, of floor area used for work or trade, whichever will provide the greater amount of parking space, plus such additional parking space as shall be required for customers or users, directly or indirectly, in the conduct of the enterprise.

(15) Lodging, Rooming and Boarding Houses. One parking space for each guest room, plus one parking space for each occupant/owner unit.

(16) Medical, Dentist and Other Health Care Clinics. One and one-half parking spaces for every 200 square feet of gross floor area, plus one space for each employee on the shift having the greatest number of employees.

(17) Mortuaries or Funeral Homes. One parking space for each five seats in the main assembly room or 100 square feet of floor area, whichever is greater.

(18) Motor Vehicles, Machinery Sales and Repair Garages. One parking space for each 400 square feet of floor area, plus one space per employee on the shift having the greatest number of employees.

(19) Multiple Family Dwellings. Two parking spaces for each dwelling unit.

(20) One Family Dwellings. Two parking spaces for each dwelling unit.

(21) Restaurants and Taverns. One parking space for each 100 square feet of floor area of building, plus one space for every two employees.

(22) Retail Stores and Super Markets. Any building up to 10,000 square feet of floor area or less, one parking space for each 200 square feet or fraction thereof.

(23) Senior High Schools. One parking space for every two employees plus one parking space for every 8 students, or one parking space for every four seats in the main assembly room or auditorium, whichever is greater.

(24) Stadiums, Ball Parks, and Other Outdoor Sports Arenas. One parking space for each three seats. Said parking area, or any portion thereof, shall be not more than 800 feet to the nearest corner of the property on which the place of assembly is located.

(25) Theaters, Indoor Sports Arenas, Auditoriums, Other Than Those Incidental to Public or Parochial Schools. One parking space for each three seats.

(26) Two-Family Residences. Two parking spaces for each dwelling unit.

(27) Welfare Institutions, Such as Asylums, Homes For The Aged and Orphans, Convalescent Homes and Nursing Homes. One parking space for each two employees working the same hours, plus one parking space for every five beds.

(28) Additional For All Retail, Commercial And Industrial Uses:

Square Feet of Gross Floor Area in Structure	Minimum Required Parking Spaces
0 to 10,000	None
10,001 to 50,000	1

50,001 to 100,000	2
100,001 to 200,000	3
Each additional 100,000	1 additional

(29) For All Hotels, Office Buildings, Restaurants And Similar Establishments:

Square Feet of Gross Floor Area in Structure	Minimum Required Spaces or Berths
0 to 50,000	None
50,001 to 150,000	1
150,001 to 300,000	2
300,001 to 500,000	3
500,001 to 1,000,000	4
Each additional 500,000	1 additional

(30) Indoor Recreational Physical Fitness, or Training Facility:

(a) One space per employee on the shift having the greatest number of employees, plus one parking space for each 250 square feet of floor area.

(b) "Floor area" shall not include:

(1) A room or defined area which contains a swimming pool of at least the minimum regulation size suitable for competitive and sanctioned swim meets;

(2) A room or defined area which has as its primary purpose to contain a diving tank or pool of at least the regulation minimum size suitable for competitive and sanctioned diving meets;

(3) A room or defined area which has as its primary purpose to contain a pool for wading or swimming instruction.

(4) A room which contains the mechanical equipment for operation of any such pools and/or tanks;

(5) A room or court which has as its principal use the playing of a sport which involves a ball and two or more players; or

(6) A room or defined area which has as its principal use rehearsal space for dance and/or theater, and/or the storage of props and/or costumes.

(c) "Floor area" shall be determined by the Building Inspector by examination of the state approved plans and the building, and/or by verification by actual measurement

of the foundation footprint and each occupied floor, and as approved by the Village Board.

L. Kindergartens, day schools, and similar child training and care establishments shall provide loading and unloading space on a private drive, off-street, to accommodate one motor vehicle for each ten students or children cared for by the establishment.

M. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential use or district shall be designed and constructed so as to fully enclose the loading operation, in order to reduce the effects of the noise of the operation on adjacent residences. Where adjacent to residential uses or districts, off-street loading areas shall be screened from the view of the residential use or district.

11.14 SPECIAL USES, EXCEPTIONS AND GENERAL REGULATIONS.

The foregoing use regulations and height and area regulations shall be subject to the following exceptions and regulations.

A. Height.

(1) In the "A" Residence Districts, "B" Residence Districts, and the Commercial Districts, public and semi-public buildings may be erected to a height not exceeding 75 feet provided the side yards heretofore specified are increased 2 foot for each foot such building exceeds the height limit heretofore specified.

(2) On through lots the height of the building may be measured from the mean elevation of the finished grade along the front of the building considering the end facing either street as the front.

(3) Chimneys, cooling towers, elevator bulkheads, scenery lofts, monuments, domes, spires, parapet walls, similar structures and necessary mechanical appurtenances may be erected to any height in accordance with existing or hereafter adopted ordinances of the Village of Allouez.

B. Area.

(1) An unattached accessory building not over 15 feet in height may occupy not more than 30 percent of the area of a required rear yard, but shall not project within 4 feet of any side lot line, or within 2 1/2 feet of any rear lot line in a residence district.

(2) Buildings on through lots and extending through from street to street may waive the requirements for a rear yard by furnishing an equivalent open space in lieu of such required rear yard.

(3) Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves provided, however, that none of the aforesaid projections shall project into a minimum side yard more than 1/3 of the width of such yard and in any case more than 24 inches.

(4) Open or lattice enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than 5 feet shall be permitted where so placed as not to obstruct light and ventilation.

(5) No cornice shall project over a street line more than 8 inches.

(6) No building shall be moved into the Village of Allouez, nor from one location to another until approval of the Village Board has been obtained.

C. Driveways, Commercial and Light Industrial Districts.

(1) General Driveway Requirements. No driveway shall hereafter be constructed for any lot zoned commercial or light industrial under the zoning ordinance of the Village of Allouez unless such driveway complies with the following requirements. As used in this section, the word driveway, shall include any curb cut for a driveway.

(a) No driveway shall exceed 40 feet in width at the curb line or 30 feet in width at the outside sidewalk line.

(b) No driveway shall be closer than 15 feet to any other driveway at the curb line.

(c) On a corner lot, no driveway shall be closer than 15 feet to the point of intersection of the two intersecting curb lines, nor closer than 20 feet to the point of intersection of the two intersecting outside sidewalk lines.

(d) Where two driveways are permitted from one street on one lot, a safety island shall be constructed of concrete between them which shall be not less than 8 inches high and 8 inches wide and located on the property of the owner as near to the inside sidewalk line as the lot line will permit.

(e) All driveways shall be constructed of concrete not less than 6 inches thick and shall have a curbing on both sides running continuously from the outside sidewalk line to the curb, and such curbing shall not be higher than a line drawn from the grade level of the sidewalk to the grade level of the

curb. All grade levels shall be established by the Village Engineer.

D. Pools Prohibited.

It shall be unlawful for any person to operate a public swimming pool on any premises zoned residential. The operation of a public swimming pool on residential premises is hereby declared to be a public nuisance.

E. Exceptions.

The following paragraphs of this section do not apply to High Density Districts or "C" Professional Office and Residence Districts:

(1) Paragraph (1) of subsection A. Height.
(2) Paragraph (1) of subsection B. Area.

F. (Handicap Waiver was removed on 12.6.11 - addressed in 11.04E(6))

11.15 NON-CONFORMING USES.

The lawful use of a building or premises existing at the time of the adoption of this ordinance may be continued although such use does not conform with the provisions of this ordinance, and such building may be reconstructed or structurally altered and the non-conforming use therein changed subject to the following regulations.

A. The order of classification of uses from highest to lowest for the purpose of this section shall be as follows: "A" Residence District uses; "B" Residence District uses; "C" Professional Office and Residence District uses; Commercial District uses, and Light Industrial District uses as permitted under this ordinance.

B. A non-conforming use may be changed to a use of higher classification but not to use of lower classification, nor shall a non-conforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Appeals after public notice and hearing to be no more harmful to the surrounding neighborhood, from the standpoint of the purposes of this ordinance, than the existing non-conforming use.

C. A non-conforming use shall not be extended, but the extension of a use to any portion of this ordinance primarily arranged or designed for such non-conforming use shall not be deemed to be an extension of a non-conforming use.

D. The remodeling involving structural alterations made in a non-conforming building shall not during its life exceed 50 percent of its assessed value, nor shall the building be enlarged unless the use therein is changed to a conforming use; provided, however, that a non-conforming building damaged by fire, explosion, tornado, earthquake or similar uncontrollable cause to an extent of not more than 60 percent of its value may be

repaired or rebuilt within 12 months of the date of such damage, but not thereafter.

E. If a non-conforming use is discontinued, any further use of the building and premises shall be in conformity with the provisions of this ordinance. Sixty days interim, however, between tenants and occupants shall not be construed to mean discontinued.

F. The foregoing provisions of this section shall also apply to non-conforming uses in districts hereafter changed.

11.16 BOARD OF APPEALS.

A. Organization.

The Board of Appeals shall consist of 5 members and 2 alternates, appointed by the Village President and subject to confirmation by the Village Board, for terms of 3 years. All terms of office of regular members shall be staggered so that not more than 2 members are appointed annually. The terms of office of alternate members shall be staggered. The members of the Board shall serve without compensation and shall be removable by the Village Board for cause upon written charges and after a public hearing. The Village President shall designate one of the members as Chairman. The Board of Appeals may elect one of its regular members the vice-chairman, and shall designate a secretary and an office in which its records shall be kept. Each year the Village President shall designate one of the alternate members as "First Alternate" and the other as "Second Alternate". The first alternate shall act, with full power, only when a member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent, or when more than one regular member of the Board so refuses or is absent. Vacancies shall be filled for the unexpired terms of regular and alternate members whose terms become vacant, in the same manner as original appointments.

B. Meetings.

Meetings of the Board of Appeals shall be held at the Village Hall at the call of the Chairman and at such other times and places as the Board may determine. Such Chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 and shall be a public record.

C. Powers and Duties.

The Board shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance;

(2) To hear and decide special exceptions to the terms of this ordinance;

(3) To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done; and

(4) In appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, to permit a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

In exercising the above-mentioned powers such Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

D. Appeals.

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Allouez within thirty days by filing with the Board, and with the officer from wherein the appeal is taken, a written notice of appeal specifying the grounds thereof. The officer shall forthwith transmit to the Board all the papers constituting the records upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

E. Effect of an Appeal.

An appeal shall stay all legal proceedings in furtherance of the action appealed form, unless the officer from whom the appeal is

taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

11.17 ANNEXED TERRITORY.

All new territory annexed to the Village of Allouez shall automatically become a part of the "A" Residence District and all the provisions of this ordinance applicable in the "A" Residence District shall apply to all such annexed territory until definite district boundaries and regulations for such annexed territory are adopted by the Village Board; provided, however, that definite district boundaries and regulations for such annexed territory shall be adopted by the Village Board within 90 days from the date of annexation to the Village.

11.18 BUILDING PERMITS.

A. It shall be among the duties of the Building Inspector of the Village of Allouez to see that the requirements of this ordinance are met and that the provisions thereof are enforced insofar as they lie within his power under the laws of the State of Wisconsin and the ordinances of the Village of Allouez. Appeals from the decisions of the Building Inspector involving this ordinance shall be taken to the Board of Appeals as provided for in Section 62.23 (8) of the Wisconsin Statutes and Section 11.16 of this ordinance and acts and ordinances amendatory thereof and supplementary thereto.

B. Duplicate copies of the completed plans and specifications for the erection or alteration of any building within the Village of Allouez including sewage disposal and water systems, with all information necessary for the completion of the work, together with a statement of ownership, map of the property showing thereon the exact location of all existing and proposed buildings and systems, and such other information as may be necessary to provide for the enforcement of this ordinance shall be filed with the Building Inspector but no such work or excavation for such work shall be commenced by any person, firm or corporation without first receiving a building permit from the Building Inspector, who shall issue or refuse such permit in writing within 10 days after proper application therefor.

C. Each application for a building permit shall be accompanied by a plat in duplicate drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, its location on the lot, all existing buildings in their proper location, the streets and alleys abutting upon the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the

Building Inspector. In case of those buildings which require submission to the Wisconsin Department of Industry, Labor and Human Relations for approval in order to be constructed, the approval of said department shall be submitted to the building Inspector before he shall issue a permit.

11.19 CERTIFICATES OF OCCUPANCY.

No vacant land shall be used or occupied, except for agricultural purposes, and no building hereafter erected or structurally altered shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof complies with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A certificate of occupancy either for the whole or a part of a building, shall be issued within 10 days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected.

No vacant land shall be used or occupied, except for agricultural purposes, and no building hereafter erected or structurally altered shall be used or changed in use until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof complies with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A certificate of occupancy whether for the whole or a part of a building, shall be issued within 10 days after the erection or structural alteration of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No permit for excavation for, or erection of, any building or part of a building, or for repairs to, or alterations of a building shall be issued until after a statement of its intended use has been filed by the applicant.

11.20 INTERPRETATION, PURPOSE AND CONFLICT.

The provisions of this ordinance shall be deemed to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall govern.

11.22 AMENDMENTS.

The Village Board may from time to time on its own motion or on petition after public notice and hearing as provided by law amend, supplement, change, modify or repeal the boundaries or regulations herein or subsequently established after submitting the same to the Plan Commission.

11.23 VALIDITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Village Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

11.24 ENFORCEMENT, VIOLATION, PENALTIES.

Any building erected, constructed, reconstructed or used in violation of this ordinance or regulations adopted pursuant thereto shall be deemed an unlawful structure and the Village may bring an action to enjoin such erection, construction, or reconstruction, or cause such structure to be vacated or removed.

It shall be unlawful to erect, construct, reconstruct or use any building or structure in violation of this section or regulations adopted pursuant thereto. Any person, firm or corporation violating such provisions shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a forfeiture of not more than $500. Each and every day during which said illegal erection, construction, reconstruction or use continues shall be deemed a separate offense.

In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is or is proposed to be used in violation of this section or regulations adopted pursuant thereto, the Village or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction or use. The legal remedies hereinbefore outlines shall not be exclusive, and there are hereby specifically reserved any and all other statutory and common law remedies which may be available for the enforcement of this ordinance.

11.25 PLANNED DEVELOPMENT DISTRICT.

A. Established.

There is herewith established a use district to be known as the Planned Development District.

B. Application to Existing Use Districts.

A Planned Development District shall be an overlay zoning district, shall operate as a conditional alternative to the permitted uses and regulations applicable to existing districts, and shall be applicable only to those lands which may be hereafter established as Planned Development Districts by the Village Board. There shall be no more than one Planned Development District established for all or any part of any one parcel of land. Basic underlying zoning requirements and the Site Plan Design and Review Ordinance, Section 11.29 for lands established as a Planned Development District shall continue in full force and effect, and shall be solely applicable, until the day following publication of the ordinance creating the Planned Development District. After such publication, the basic underlying zoning and the Site Plan Design and Review Ordinance Section 11.29 requirements shall continue in force and effect only to the extent that they are not contrary to the requirements of the existing overlaid Planned Development District.

C. Purpose.

The purpose of the Planned Development District and the regulations applicable to the same is to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well balanced, aesthetically satisfying Village and economically desirable development of building sites within a Planned Development District. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate effective and efficient use of remaining open lands.

D. Definitions.

(1) Basic Zoning Regulations - means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.

(2) Building Site - a tract of land controlled by a single owner or owned by a condominium group. The site must be

located on a public street or highway, or have direct access over a private right-of-way having the minimum width of 70 feet.

E. Uses Permitted.

(1) Basic Zoning Uses. The following uses are permitted in a Planned Development District upon obtaining all necessary approvals required under this ordinance:

(a) All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.

(b) Where a building site is situated in more than one use district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to be 50 percent of the smaller of the areas of the portion of the property located in either district.

(c) Such additional uses, or mixture of uses, as are approved by the Village Board, to qualify under this section.

(2) Building Restrictions. When all necessary approvals required under this ordinance are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the basic zoning regulations shall not be applicable, but rather such requirements as are made a part of the approved precise development plan and the plan itself, shall be construed to be and shall be enforced as part of this ordinance.

F. General Provisions.

(1) Engineering Design Standards. Normal standards or operational policies regarding right-of-way widths, provisions for sidewalks, street lighting and similar design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Village, pursuant to the criteria as set forth in subsection G. hereof shall be made a part of the approved plan and shall be enforceable as a part of this ordinance.

(2) Approvals. The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Village Board. Any changes or additions to the original approved development site, structures, or plans of operation shall require re-submittal and recommendation by the Plan Commission, and approval by the Village Board.

(3) Rescinding Approval. Failure to comply with the conditions, commitments, guarantees, or recommendations established in the approval of such development project, or to complete the project for which the use is granted within two (2) years from the date of final approval, shall be cause for repealing the ordinance creating the Planned Development District and rescinding the designation of the property as a Planned Development District. Upon at least five (5) days prior written notice given to said developer by the Building Inspector, Village Administrator or Village President, the developer shall appear as requested before the Village Board at a public meeting, to explain any such failure to comply with and/or to complete the project. A failure of the developer to appear either in person or by representative shall be deemed an acknowledgment by the developer of non-compliance and his or her consent and approval to the Village Board's action under subparagraph (a) below. The Village Board at such hearing shall determine whether or not the developer shall have failed to comply and/or to complete the project, and if there has been such a failure, may either:

(a) Enact an ordinance imposing a moratorium of not more than six (6) months on making improvements in or on, or further developing, the property within the Planned Development District and rescinding all building permits, and take appropriate action to repeal the ordinance establishing the Planned Development District; or

(b) Adjourn such hearing for a period not to exceed *sixty-five* 65 days to enable the developer to comply; including at the option of the Village Board a performance bond provided by the developer, if at the end of such period the developer is then in substantial compliance and it is then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time as there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with subparagraph (a), immediately above.

G. Criteria for Approval.

As a basis for determining the acceptability of a Planned Development proposal the following criteria shall be applied to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of

this ordinance, and produces significant benefits in terms of good land use principles:

(1) Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the site shall be of such a visual, aesthetic and operational character that they:

(a) Are compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.

(b) Would produce an attractive environment compatible with the general development plans established by the community.

(c) Would not adversely affect the anticipated provision for school or municipal services.

(d) Would not create a traffic or parking demand which exceeds the capacity of those facilities proposed to serve it.

(2) Economic Feasibility and Impact. The Village Board shall be provided with satisfactory evidence that the proposal is economically feasible, has available adequate financing to insure its completion, and will not adversely affect the economic prosperity of the village or the values of surrounding properties.

(3) Engineering Design Standards. The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines, and provision for drainage and other similar engineering considerations shall be based upon information provided by the Village Director of Public Works.

(4) Preservation and Maintenance of Open Space. Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of- way either by private reservation or dedication to the public.

(a) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village, as part of the conditions for project approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for non-commercial recreational or cultural purposes compatible with the open-space objective may be permitted only where specifically authorized as part of the development plan, or, subsequently

with the express approval of the Village Board following the recommendation of building, site and operational plans by the Plan Commission.

(b) In the case of roadways and other rights-of-way which are not dedicated to the public, there shall be granted to the Village such easements over the same as may be necessary to enable the Village to provide suitable and adequate fire protection, sanitary and storm sewer, water, and other required municipal services to the project area.

(c) The care and maintenance of such open space reservations and rights-of-way shall be assured either by establishment of appropriate management organization for the project or by agreement with the Village for establishment of a special service district for the project area on the basis of which the Village shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case the Village shall have the right to carry out, and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Village. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.

(d) Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Village and made part of the conditions of the plan approval.

(5) <u>Factors and Requirements to be considered by the Plan Commission and Village Board.</u>

(a) Heights of structures.
(b) Auto parking facilities.
(c) Screening and fencing.
(d) Landscaping.
(e) Set backs.
(f) Open space reservations.
(g) Compatibility of site with existing neighborhood use.
(h) Nature and use of the proposed structures.
(i) Adequacy of traffic pattern and proposed parking areas.
(j) Proposed roadway, driveway and walk locations.
(k) Highway access to the site, number of openings and location of same.
(l) Drainage.

(m) Capacities required for sewer, water and other necessary utilities.
(n) Proposed methods and hours of operation.
(o) Educational capacity capabilities (number of families and school load).
(p) Economic impact on the Village, its inducements, attractions and detractions.
(q) Lighting.
(r) Comparison of open space as required by the underlying basic zones with that of the proposed project.
(s) Operational control.
(t) Commencement and completion dates.
(u) Highway dedication.
(v) Deed restrictions and sureties deemed necessary to protect the health, safety and welfare of the community.
(w) Such other limitations, conditions or special requirements as may be deemed necessary to complete and implement the operation of the project as approved.
(x) Exterior signs.

(6) Implementation Schedule. The proponents of a planned development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission and the Village Board, including suitable provisions (and the Village may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and shall be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

H. Procedure.

The procedure for approval of a planned development project shall consist of three phases:

(1) Preliminary approval, consisting of approval of the proposed project in principle only, and

(2) Final approval, consisting of approval of the proposed project in all its terms and details.

(3) Passage and publication of an ordinance establishing the Planned Development District.

I. Preliminary Approval.

(1) Notice and Fee. A person desiring to develop a particular site as a planned development district project shall apply to the Building Inspector on such forms as shall be provided by the Village, and shall pay a fee as outlined in Section 8.16, which shall accompany such written application. Such application shall contain the names, mailing addresses and telephone numbers of the

owners and developers, and a description of the development site.

(2) Notice to Committee. The Village Clerk-Treasurer shall inform the Village Board and the Plan Commission of the application and shall coordinate a date for a preliminary discussion between the developer and the Plan Commission and shall notify such developer of such date.

(3) Committee Recommendations. The Plan Commission, after such preliminary discussions and such further discussions as may be required with the developer, shall report in writing such proposed project development to the Village Board, together with its recommendation for either approval or disapproval of the same. Recommendation shall specifically recite the primary reasons for such recommendation and separately summarize discussion for each specific site plan review requirement applicable. Such report and recommendation of the Commission shall be made to the Village Board no later than four months from the date of the filing of the application with the Clerk-Treasurer. A recommendation by the Commission shall in no way be binding on the Village Board. The Village Board shall either approve or disapprove the proposed development project, with or without modification. Any such approval shall be a Preliminary Approval, only, and shall not bind the Village Board regarding Final Approval.

(4) Information Required for Preliminary Submittal. The following information shall be provided by the applicant in adequate detail to satisfy the Plan Commission for its recommendation regarding preliminary approval:

(a) A statement describing the general character of the intended development.

(b) An accurate map of the project area, showing nature, use and character of abutting properties, prepared by a registered surveyor.

(c) A general development plan of the proposed project showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subparagraphs (1), (2), (3), (4) and (6) of subsection G. of this ordinance.

(1) The pattern of public and private roads, driveways, and parking facilities.

(2) The size and location of lots.

(3) The type, size and location of structures.

(4) The location of sanitary and storm sewer lines, water mains, and lighting.

(5) The location of recreational and open space areas reserved or dedicated for public uses such as school, park, etc.

(6) General landscape treatment.

(d) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the

development, and any other data pertinent to the evaluation under the criteria of subparagraphs (1), (2), (3), (4) and (6) of subsection G. above.

(e) Architectural drawings and sketches illustrating the design and character of proposed structures.

(f) General outline of intended organization structure related to property owner's association, deed restrictions and private provision of common services, if any.

(g) An accurate drawing showing the location, size, height, type and design of all exterior signs.

J. Amendment of Preliminary Approval.

The recommendation of the Plan Commission and the preliminary approval of the Village Board, shall be based on and include as conditions thereto the building site and operational plans for the development as approved as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the preliminary plans. Detailed construction and engineering plans need not necessarily be completed at this time, but the approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Plan Commission, and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall timely make an appropriate written recommendation to the Village Board relating to an amendment of the Preliminary Approval.

K. Final Approval.

(1) Petition for Final Approval. After the Village Board has issued its Preliminary Approval of the proposed plan, the developer may file with the Village Clerk a petition executed by the owner of the property to be developed, or his agent, for the final approval, stating that he seeks to develop such property under the provisions of this Section.

(2) Plan submittal. Ten (10) dated copies of all PDD site plans shall be submitted to the Zoning Administrator and one (1) digital copy on CD or DVD containing Auto CAD.dwg files referenced to the Brown County Coordinate System NAD83, NAV88. All plans and all subsequent revisions shall be dated and shall be drawn to an engineering scale no greater than one (1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) inches by seventeen (17) inches and include the following information:

a) Name of project/development;

b) Location of project/development by street address;

c) Name and mailing address of developer/owner;

d) Name of mailing address of engineer/architect;

e) North point indicator;

f) Scale;

g) Boundary lines of property, with dimensions;

h) Location, identification, and dimensions of existing and proposed:
   i. Topographic contours at a minimum interval of two (2) feet;
   ii. Adjacent streets and street rights-of-way;
   iii. On site streets and street rights-of-way;
   iv. Utilities and utility easements:
      - Electric
      - Natural Gas
      - Telephone
      - Water
      - Sewer (sanitary and storm)
      - Fiber optic lines
      - Antenna, satellite dishes, other communication poles and transmission lines
   v. All buildings and structures;
   vi. Parking facilities; with provisions for bicycles, scooters, motorcycles
   vii. Water bodies and wetlands; including flood plain, floodway delineations
   viii. Surface water holding ponds, drainage ditches, and drainage patterns;
   ix. Sidewalks, walkways, trails and driveways;
   x. Off street loading areas and docks;
   xi. Fences and retaining walls;
   xii. All exterior signs;
   xiii. Exterior refuse storage/collection areas;
   xiv. Exterior lighting; and
   xv. Traffic flow on and off site.

i) Location of open space;

j) Site statistics, including:
   i. Site square footage;
   ii. Percent site coverage;
   iii. Percent open space; and
   iv. Floor area ratio.

k) Location and dimensions of proposed outdoor display areas;

l) Architectural rendering of the proposed structures and buildings, including:
   i. All exterior dimensions;

ii. Gross square footage of existing and proposed buildings and structures; and

iii. Description of all exterior finish materials.

m) Erosion control plans;

n) A staging plan for any projects involving more than one phase or construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates;

o) Impact analysis to determine the potential direct or indirect effects of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, noise, environment and other factors

p) Other information considered pertinent by Village of Allouez staff and/or the developers.

(3) Plan Commission Meeting. After receipt of a petition and the filing of the required plans, the Plan Commission shall meet to discuss the plans and recommend to the Village Board that the petition be either approved or disapproved, and that an ordinance establishing the Planned Development District be either passed or not passed.

(4) Village Board Hearing. Upon receipt of the recommendation of the Plan Commission, the Village Board shall hold a public hearing on whether or not to give final approval to the proposed project and to pass an ordinance establishing the Planned Development District. The Village Board may make modifications and/or additions as it may deem advisable prior to establishing the ordinance creating the Planned District Development ordinance. The hearings on such final approval and such ordinance may be held concurrently. The Village Board shall give notice of such hearing by publication of the same as a Class 2 notice in the official newspaper of the Village, and may adjourn such hearing at the time thereof without further publication. Within a reasonable time following such hearing, the Board shall either, issue a Final Approval and pass the ordinance, issue a modified Final Approval or refer to Plan Commission for further review with recommendations and comments or disapprove such petition.

(5) Effect of Final Approval by Village Board. No construction shall be commenced on the building site until the Board has passed the ordinance establishing the Planned Development District, except such construction as shall be in compliance with both the requirements of the underlying zone and proposed planned development as submitted for final approval. Neither Preliminary Approval nor Final Approval shall constitute approval for construction of any building or structure, but approval for such construction shall be obtained through the

procedure for applying for and obtaining a building permit as is now and as shall be hereafter prescribed elsewhere in the Code of Ordinances of the Village and pursuant to State law.

(6) Amendment of Final Approval. A petition for an amendment to the final approval shall require an additional fee as outlined in Section 8.16 A(2). No subsequent change or addition to the planned development after Final Approval shall be allowed or permitted until approved by the Village Board after hearings and the recommendation of the Plan Commission, all in accordance with the procedure and requirements of subparagraphs (1), (2), (3) and (4) of this Section K. The ordinance establishing the Planned Development District shall be amended to reflect any changes or additions made after Final Approval, if reasonably necessary. Amendments to the final approval shall not extend the project completion date beyond the original date of final approval.

L. Zoning Ordinances.

(1) A Planned Development District ordinance shall be enacted, repealed and/or amended as herein above provided, and in accordance with the provisions of Section 62.23(7), Wisconsin Statutes, as applicable, and as the same may be amended from time to time.

(2) In the event that an ordinance establishing a Planned Development District is repealed under Section 11.25 F.(3), above, the basic zoning regulations of the underlying zone shall be solely applicable; and improvements to and uses first made of the property during the effective period of the Planned Development District shall not be deemed to be non-conforming uses which can continue contrary to the provisions of the underlying zoning.

(3) No part of this ordinance shall be interpreted to prohibit:

(a) an ordinance establishing a Planned Development District for property which was in whole or in part within a Planned Development District which is no longer valid or in effect, or if the ordinance establishing the same has been repealed; or

(b) an amendment to or change of the ordinance establishing the underlying zoning district or the overlying Planned Development District.

11.26 CONDITIONAL USES.

A. Establish.

In recognition that there are certain uses which because of their unique characteristics cannot be properly limited to any particular district or districts, there is hereby established

conditional uses for all districts. Such conditional uses shall be either uses publicly operated or traditionally affected with a public interest, or, uses entirely private in character of such a nature that they are compatible as an accessory use to the designated premises and shall not present problems to neighboring property or public facilities.

B. Petition.

Any natural person or corporation having a freehold interest, or an exclusive possessory interest, or a contractual interest legally enforceable to become a freehold or exclusive possessory interest, may file a petition for one or more of the conditional uses of the land as herein provided. Such petition shall be made similar to a petition for a change of zoning, and shall include a statement in writing together with adequate evidence to show that the proposed conditional use will conform to the standards hereinafter set forth.

The Village may prescribe from time to time a form for such petition. A public hearing shall be held on the proposed conditional uses, similar to a hearing as held on a petition for change of zoning, and notice of the time and place of such hearing shall be published as a Class II notice.

C. Standards.

No conditional use shall be granted unless it shall be found:

(1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(2) That the conditional use will not substantially reduce the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and shall not substantially diminish or impair property values within the neighborhood;

(3) That adequate facilities, access roads, drainage, parking, and any other necessities have been or are being provided;

(4) That adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion in the public streets; and

(5) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

D. Conditions and Guarantees.

Prior to the granting of any conditional use, the Village may impose such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the

public interest and to secure compliance with the standards and requirements specified above; and that in all cases in which conditional uses are granted, the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

E. Revocation.

In the event that:

(a) The conditional use is not made of the premises within six months after the approval of the petition;

(b) There is a discontinuance of such conditional use for a period of six months; or

(c) There is a failure to comply with the conditions and guarantees of the grant of the conditional use,

the Village may, after holding an appropriate hearing and giving notice the same as required for a change of zoning, revoke the conditional use.

F. Separability of Provisions.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be illegal, invalid, or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance; and the Village Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, if such illegal, invalid or unconstitutional section, subsection, sentence, clause or phrase had not been included therein.

11.27 MOBILE TOWER SITING REGULATIONS.

(1) PURPOSE.

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

(2) AUTHORITY.

The Village Board has the specific authority under ss. 61.35, 62.23 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

(3) ADOPTION OF ORDINANCE.

This ordinance, adopted by a majority of the Village Board on a roll call vote with a quorum present and voting and proper notice

having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class I co-location, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class II co-location, co-location on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(4) DEFINITIONS.

Words and phrases used in this ordinance shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in other ordinances of the village or by state statute shall be given the meanings set forth in such ordinance or statute. For the purpose of this ordinance, in the event of any conflict in definitions of any word or phrase as defined in this ordinance, and as defined in any other village ordinance, the definition in this ordinance shall take precedence and be used.

(a) "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

(b) "Application" means an application for a permit under this section to engage in an activity specified in sub. (2)(a) or a class II co-location.

(c) "Building permit" means a permit issued by the village that authorizes an applicant to conduct construction activity that is consistent with the village's building code.

(d) "Class I co-location" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in substantial modification.

(e) "Class II co-location" means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.

(f) "Co-location" means class I or class II co-location or both.

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

(h) "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

(i) "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the village.

(j) "Fall zone" means the area over which a mobile support structure

is designed to collapse.

(k) "Mobile service" has the meaning given in 47 USC 153 (33).

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

(m) "Mobile service provider" means a person who provides mobile service.

(n) "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility.

(o) "Zoning Permit" means a permit, other than a building permit, or approval issued by the village which authorizes any of the following activities by an applicant:

1. A class I co-location.
2. A class II co-location.
3. The construction of a mobile service support structure.

(p) "Public utility" has the meaning given in s. 196.01 (5).

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

(r) "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.
3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

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

(t) "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for

telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

(5) SITING AND CONSTRUCTION OF ANY NEW MOBILE SERVICE SUPPORT STRUCTURE AND FACILITIES

(a) Application Process.

1. A village zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the village obtainable with this permit.
2. A written permit application must be completed by any applicant and submitted to the village. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

e. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is

economically burdensome to the mobile service provider.

3. A permit application will be provided by the village upon request to any applicant.

4. If an applicant submits to the village an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the village shall consider the application complete. If the village does not believe that the application is complete, the village shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the village may agree in writing to an extension of the 90 day period:

   a. Village staff shall review the application to determine whether it complies with all applicable aspects of the village's building code and, subject to the limitations in this section, zoning ordinances.

   b. Plan Commission shall meet to discuss the plans and recommend to the Village Board that the application be approved, approved with conditions, or disapproved based on the compliance of the proposed project to Wisconsin State Statute 66.0404 and aspects of the village's building code and, subject to the limitations in this section, zoning ordinances as these apply.

   c. Upon receipt of the recommendation of the Plan Commission, the Village Board shall meet to discuss the plans and recommendations and make the final decision whether the application be approved, approved with conditions, or disapproved based on the compliance of the proposed project to Wisconsin State Statute 66.0404 and aspects of the village's building code and, subject to the limitations in this section, zoning ordinances as these apply.

   d. Notify the applicant, in writing, of the final decision.

   e. If the decision is to disapprove the application, include with the written notification substantial evidence which

supports the decision.

6. The village may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the village provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is listed in the village’s Fee Schedule under Chapter 8 of the village’s ordinances.

(6) CLASS I CO-LOCATION.

(a) Application Process

1. A village zoning permit is required for a class I co-location. A class 1 co-location is a conditional use in the village obtainable with this permit.

2. A written permit application must be completed by any applicant and submitted to the village. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

d. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

f. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support

structure.

g. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

3. A permit application will be provided by the village upon request to any applicant.

4. If an applicant submits to the village an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the village shall consider the application complete. If the village does not believe that the application is complete, the village shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

5. Within 90 days of its receipt of a complete application, the village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the village may agree in writing to an extension of the 90 day period:

a. Village staff shall review the application to determine whether it complies with all applicable aspects of the village's building code and, subject to the limitations in this section, zoning ordinances.

b. Plan Commission shall meet to discuss the plans and recommend to the Village Board that the application be approved, approved with conditions, or disapproved based on the compliance of the proposed project to Wisconsin State Statute 66.0404 and aspects of the village's building code and, subject to the limitations in this section, zoning ordinances as these apply.

c. Upon receipt of the recommendation of the Plan Commission, the Village Board shall meet to discuss the plans and recommendations and make the final decision whether the application be approved, approved with conditions, or disapproved

based on the compliance of the proposed project to Wisconsin State Statute 66.0404 and aspects of the village's building code and, subject to the limitations in this section, zoning ordinances as these apply.

d. Notify the applicant, in writing, of the final decision.

e. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

6. The village may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under paragraph 2.f.

7. If an applicant provides the village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the village provides the applicant with substantial evidence that the engineering certification is flawed.

8. The fee for the permit is listed in the village’s Fee Schedule under Chapter 8 of the village’s ordinances

(7) CLASS II CO-LOCATION.

(a) Application Process.

1. A village zoning permit is required for a class II co-location. A class II co-location is a permitted use in the village but still requires the issuance of the village permit.

2. A written permit application must be completed by any applicant and submitted to the village. The application must contain the following information:

a. The name and business address of, and the contact individual for, the applicant.

b. The location of the proposed or affected support structure.

c. The location of the proposed mobile service facility.

3. A permit application will be provided by the village upon request to any applicant.

4. A class II co-location is subject to the same

requirements contained in Chapter 13 of the village ordinances for the issuance of a building permit to which any other type of commercial development or land use development is subject.

5. If an applicant submits to the village an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the village shall consider the application complete. If any of the required information is not in the application, the village shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

6. Within 45 days of its receipt of a complete application, the village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the village may agree in writing to an extension of the 45 day period:

   a. Make a final decision whether to approve or disapprove the application.

   b. Notify the applicant, in writing, of the final decision.

   c. If the application is approved, issue the applicant the permit.

   d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

7. The Village Board shall be notified upon approval of the zoning permit.

8. The fee for the permit is listed in the village's Fee Schedule under Chapter 8 of the village's ordinances.

(8) PENALTY PROVISIONS.

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than the permit fee identified in the village's Fee Schedule, nor more than $10,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the village board may seek injunctive relief from a court of record to enjoin further violations.

(9) SEVERABILITY.

If any provision of this ordinance or its application to any person

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

11.28 SIGNS

A. PURPOSE

The purpose of the sign regulations in this chapter is as follows:

1. To regulate the size, type, construction standards, maintenance, and placement of signs situated within the boundaries of the Village of Allouez, Wisconsin;
2. To promote the public health, safety and welfare, of the general public by:
    a. Reducing distractions and obstructions from signs which would adversely affect traffic safety, and alleviate hazards caused by signs projecting over or encroaching upon the public right-of-way;
    b. Discouraging excessive visual competition in signage and ensuring that signs aid orientation and adequately identify uses and activities to the public; and
    c. Preserving or enhancing the natural beauty and unique physical characteristics of the Village of Allouez as a community in which to live and work by requiring new and replacement signage which is:
        1. Creative and distinctive;
        2. Harmonious with the building, surrounding neighborhood aesthetics and other signs in the area; and
        3. Expressive of the village's identity in a manner which will not diminish property values;
    d. Promote a healthy and properly designed business environment;
    e. Protect property values with the village.

B. SCOPE OF REGULATIONS

A sign may be erected, placed, established, painted, created, or maintained in the Village only in conformance within the standards, procedures, exemptions, and other requirements of this ordinance. All sign-related activity must be done based on this ordinance.

C. DEFINITIONS

Words and phrases used in this ordinance shall have the meanings set forth in this Section. Words and phrases not defined in this Section, but defined in other ordinances of the Village or by state statute shall be given the meanings set forth in such Ordinance or statute. For the purpose of this ordinance, in the event of any conflict in definitions of any word or phrase as defined in this ordinance, and as defined in any other ordinance or any statute, the definition in this ordinance shall take precedence and be used. Principles for computing sign areas and sign heights are contained in Section 11.28 G. All other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; and the word "shall" is mandatory and not directory.

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

Abandoned Sign: A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, lessee, owner, product, service or activity, conduct or product available on the premises, where such sign is displayed or when a rental, sale or compensation is no longer provided.

ATM Structure. Any structure that houses an automated teller machine.

Awning Sign. Any sign that is 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.

Banner. Any sign of lightweight fabric or similar material that is mounted to a pole or 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.

Beacon. A stationary or evolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention, except, however, this term required or necessary under the safety regulations described by the Federal Aviation Administration or similar agencies.

Building. Includes, but is not limited to, any man-made structure for human habitation, for housing or keeping any living organism, for any profession, trade, business or activity, any part appurtenant thereto, and any structure whether permanent or temporary.

Building Inspector. The agent of the Village of Allouez authorized to permit, inspect, approve or deny construction within the Village, and who is the authorized government representative on sign issues.

Building Marker. Any sign indicating the name of a building, date, and incidental information about construction, or any such information, which sign is cut into a masonry surface or is a mounted or embedded plaque made of bronze or other permanent material.

Building Sign. Any sign attached to any part of a building, as contrasted to a freestanding ground sign.

Canopy. Includes, but is not limited to, a free-standing structure typically associated with auto ingress and egress,

attached or unattached to a building.

Changeable Copy/Reader Board Sign. A sign on which the message changes more than once a day shall be considered LED Message Center and not a changeable copy sign for purposes of this Ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance. Such sign shall be free standing, not attached to any building face or existing pylon sign and cannot contain more than two faces, each of which shall be on a different side of the sign. Each face shall not exceed 32 square feet in area and the total area of both faces shall not exceed 64 square feet. Such sign shall be mounted upon a permanent base. Each face of the sign shall be encased and locked. Maximum height of such sign shall not exceed 8 feet from grade, including the base upon which the sign is mounted.

Commercial Message. 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.

Directional Sign. A sign of noncommercial nature which directs the reader to the location of public or educational institutions, or to the location of historic structures or areas, or to the location of public parks or buildings.

Display Surface Area. The net geometric area enclosed by the outer extremities of all letters, characters, symbols, logos, trademarks and delineations; provided, however, "display surface area: shall not include the structural supports for free standing signs.

District or Zoning District. A section or sections of the incorporated area of the Village of Allouez for which the then effective zoning ordinance governing the use of buildings and land are uniform for each class of use permitted therein.

Erect. To build, construct, attach, hang, place, suspend, or affix anything, and to paint a wall sign.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flashing Sign. An illuminated sign on which artificial or reflected light is not maintained stationary and constant in intensity and color at all times when in use.

Freestanding Ground Sign. A sign which is attached to or a part of a completely self-supporting structure. The supporting structure shall be set firmly in or below the ground surface and shall not be attached to any building or any other structure, whether portable or stationary.

Garage/Yard/Rummage Sale Sign. A private sale of personal property used to dispose of personal household possessions. Not for the use of any commercial venture.

Identification and Informational Sign. Signs of identification or of informational nature bearing no advertising.

Illuminated, Direct. Illumination which back-lights the display area.

Illuminated, Indirect. Illumination that reflects from the sign to the eyes of the viewer.

Illuminated Sign. Any sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tube, which are located within the interior of the sign as part of the signs proper structure.

Incidental Sign. A sign, generally informational or directional, that has a purpose secondary to the use of the premises on which it is located, such as no parking, entrance, exit only, loading only, telephone, ATM, and other similar messages. No sign with a commercial message legible from a position off the premises on which the sign is located shall be considered an incidental sign.

Joint Identification Sign. A sign which serves as a 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 shall carry no other advertising matter.

Lease. An agreement by which a property owner grants, either for consideration or for no consideration, to other persons permission to erect and maintain an advertising sign upon the property.

LED Message Center. Is a sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign.

LED Sign. Light emitting diode. A diode that converts electrical energy into light with almost no heat. The diode uses crystalline layers that convert electricity into an optical output. Color is determined by the composition of the material.

Lot. Any parcel of land or a portion of a subdivision, the boundaries of which have been established by some legal instrument which is of public record that is recognized as a separate unit for the purpose of a recordable transfer of ownership.

Mall. Any concentration of retail stores and/or service establishments which share customer parking areas and are located within an enclosure having public walkways whereby a

customer in one store or establishment may walk to another store or establishment without leaving the enclosure.

Mansard Roof. Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to (but permitted to be not necessarily a part of) a low slope roof, and which extends along the full length of the front building wall or at least three quarters of the length of a side building wall. For purposes of this section, a low slope roof shall mean any roof with a pitch of less than three (3) inches rise per twelve (12) inches horizontal.

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection of persons from the weather.

Marquee Sign. Any sign attached to in any manner, or made a part, of a marquee.

Memorial Sign. A sign which serves as a remembrance of a person, event or place.

Monument Sign. A sign fully supported by a solid base and which is not more than 8 feet in height.

Neon Sign. Any sign which uses neon tubing and is composed of a colorless, odorless, inert gaseous element used in electric lamps.

Non-Conforming Sign. A sign existing at the effective date of the adoption of this ordinance, and which could not be built under the terms of this ordinance.

Off-Site Sign. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered, or existing elsewhere than upon the same premises where such sign is displayed. The term off-site sign shall include an outdoor advertising sign on which space is leased or rented by the owner thereof to others for the purpose of convening a commercial or noncommercial message.

On-Site Sign. A sign which directs attention to a business, commodity, service, entertainment or attraction sold, offered or existing on the same lot or premises where such sign is displayed; provided, an on-site sign may also display a non-commercial message.

Outdoor Menu Board. An outdoor sign, associated with restaurants with drive-thru windows, which gives a detailed list of foods served that are available at a restaurant.

Pennant. 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. Any natural person, and any firm, partnership, association, corporation, company or organization, singular or plural, of any kind or nature.

Political Campaign Signs. A political or campaign sign is a sign which promotes a candidate for public office, a particular position on a referendum or for public office, or other matter on election ballot or a particular party.

Portable Sign. Any sign not permanently attached to the ground or any permanent structure, or a sign designed to be transported, including but not limited to: signs designed with wheels; signs converted to A- or T-frames; menu and sandwich boards; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of business.

Portable Swinger Sign and "A" Frame or Sandwich Sign. An advertising device which is ordinarily in the shape of an "A" or some variation thereof, located on the ground, easily movable, not permanently attached thereto, and which is usually two sided.

Portable Temporary Attraction Sign Board. A single or double surface painted or poster panel type sign or some variation thereof, which is temporary in nature, usually mounted on wheels, easily movable, not permanently attached to the ground.

Premises. The lot or lots, parcel or parcels of land, together with the associated buildings and structures to which the sign is appurtenant.

Principal Building. The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Projecting Sign. Any sign that shall be affixed to extend from and at any angle to the wall of any building in such manner to read at an angle to the wall on which it is mounted.

Public Event. Any event that is authorized by the Village of Allouez, regardless of whether it is funded either in whole, in part, or not at all, by the Village.

Public Street. A street, alley or way that is open and maintained for ingress and egress by the public, regardless of ownership.

Reader Board. See definition for changeable copy.

Real Estate Sign. A temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said

property.

Residential Sign. Any sign located in a district zoned for residential uses that contains no commercial message except advertisements for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms to all requirements of the Village of Allouez.

Roof Sign. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and/or extending vertically above the highest portion of the roof.

Roof Sign, Integral. Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than 6 inches.

Setback. The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sight triangle. (As defined in Section 26.08, of this Code.)

Sign. Every device, frame, letter, figure, character, mark, neon, plane, point, design, picture, logo, stroke, stripe, trademark, trade dress, 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. Signs on vending machines or ATMs will be counted in the allowable sign area. If located against the building facade, they will not be counted as a freestanding sign. Newspaper vending machines are not included.

Shopping Center. Two or more retail stores and/or service establishments, or one retail store and one service establishment, sharing customer parking areas, regardless of whether said stores and/or establishments occupy separate structures or are under separate ownerships.

Streets and Sidewalks. 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.

Street Frontage. The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the

same street.

Structure. Includes, but is not limited to, any part of a premise, either man-made or natural, or permanent or temporary, regardless of its height, shape, size or use.

Spot Light Illumination. Illumination which comes from lamps, lenses or devices designed to focus or concentrate the light rays of the source.

Suspended Sign. A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign. Any sign that is used only temporarily and is not permanently mounted.

Wall Sign. Any sign that shall be affixed parallel to the wall or painted on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top to the wall or beyond the end of the building. For the purpose of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered wall signage. Any sign that is affixed to a building marquee, building awning, or a building canopy shall be considered a wall sign.

Window Sign. Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window.

Zone Lot. A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the Zoning Regulations.

D. PERMITS

The Building Inspector of the Village of Allouez is charged with issuance of permits and enforcement of this Ordinance. His/her interpretation of the application of the ordinance to a particular fact situation will be presumed to be valid.

1. *Authority*. It shall be unlawful for any person to erect, repair, alter, relocate, or possess any sign or other advertising structure as defined in this chapter without first obtaining a sign permit from the Village of Allouez and making payment of established fees.
2. *Application for permit*. Application for a sign permit shall be made to the Village of Allouez and shall contain or have attached thereto the following information:
   a. Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
   b. Name of person, firm, corporation, or association erecting the sign.

c. Written consent of the owner of the building, structure, or land to which or upon which the sign is to be fixed.
d. A scale drawing of such sign indicating the dimensions, materials to be used, color scheme, type of illumination, if any, and the method of construction and attachment.
e. A scale drawing indicating the location and position of such sign in relation to nearby buildings and structures.
f. Copies of any other permit required and issued for said sign, including the written recommendation by the Village Plan Commission where required by the zoning code.
g. Additional information as may be required by the Village.

E. FEES
Administrative fees for sign permits shall be in accordance with the Village's established fee schedule.

F. REVOCATION OF PERMITS
The Building Inspector is hereby authorized and empowered to revoke any permit issued by him/her upon failure of the holder thereof to comply with any provision of this chapter.

G. GENERAL REGULATIONS
1. Total Area of Signs. The permitted total area of signs on a parcel of record shall be the cumulative total of the area of all signs located on parcel, a maximum of 300 sq. feet of signage will be allowed.
2. Computations.

The following principles shall control the computation of sign area and sign height.

(a) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of all of the writings, representations, emblems, colors, or other displays, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets these or other Ordinances and is clearly incidental to the display itself.

(b) Computation of Height. The height of a sign shall be computed as the distance from the natural or curb grade, whichever is higher, at or below the base of the sign, to the top of the highest attached component of the sign. Natural grade shall be construed to be the lower of (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the

purpose of locating the sign. In cases in which the natural grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the natural grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(c) Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula in the appropriate section of this Ordinance.

3. Number of Signs. All signs or sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.

4. Wind Pressure. All signs shall be erected and maintained so as to withstand a wind pressure of not less than 30 pounds to the square foot; and when a sign is erected or maintained on any wall of a building it shall be securely fastened or anchored to sure wall or building, and all fasteners or anchors used shall be metal and be maintained free from rust or defects of any kind.

5. Placing Signs on Public Property (Right of Way). No signs other than signs approved by the Village Board shall be erected on any public property; provided directional signs may be erected upon Village Streets under the following conditions, once approval has been obtained;
   a. The signs direct the reader to the location of a public facility attended principally by out-of-town patrons, to a facility operated by a non-profit entity and attended principally by out-of-town patrons, to a facility relating to the public health, safety or welfare, to scenic or historic trails, or to general business or industrial districts;
   b. The signs are fabricated, erected and maintained by the entity requesting the sign;
   c. The entire cost of the signs is borne by the entity requesting the signs;
   d. The signs are installed at locations where they would not constitute a traffic hazard;
   e. The signs conform to the manual on uniform traffic-control devices; and
   f. The maximum number of directional signs permitted under this section shall be 3 for each entity; except that the limitation provided hereby shall not apply to signs directing the reader thereof to scenic or historic trails.

6. Placing Signs on Private Property. No sign shall be placed on any private property without owner’s consent.

7. LED Message Center. Signs of this nature are permitted to contain static text, graphic displays and pictorial representations which can change every 15 minutes on the quarter hour. The sign may not flash, scroll or otherwise depict movement. On-premises LED message centers may also be subject to state or federal regulations when located near a state or federal regulated roadway.

H. PROHIBITED SIGNS

The following types of signs are prohibited in the Village of Allouez:

1. No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind actions.
2. No sign or other advertising structure as regulated by this ordinance shall be erected or continued to be displayed at the intersection of any street or any public right-of-way in such a manner as to obstruct free and clear vision; or at any location, where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words, "STOP", "LOOK", "DRIVE-IN", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.
3. No motor vehicle displaying a sign containing the name of any business, product, service or event, or a sign that it is for sale, or a phone number or address, shall be parked in a non-designated or not Village approved parking stall in a business parking lot or area fronting on a public street or alley.
4. No sign shall be placed on any utility pole, light pole, telephone pole and traffic control sign pole, except for utility identification, governmental or similar purposes.
5. No signs shall be erected, allowed or permitted in the public right-of-way, except for permanent signs, including signs erected by a governmental agency, or a franchised public utility company, or a temporary sign of a contractor doing authorized or permitted work within the public right-of-way, and providing safety alert or warning.
6. It shall be unlawful for any person to continue in operation, erect or maintain any attraction device or sign which contains a beacon of any type.
7. It shall be unlawful to use a vehicle or trailer as a sign in circumvention of this ordinance, except that magnetic signs only may be allowed on the roof or the side of the vehicle as long as no other structural support is added to the vehicle.
8. It shall be unlawful for any person to erect or maintain an attraction device or sign, or to continue in operation an attraction device or sign, which revolves, rotates, or otherwise moves.
9. Neon tubing exposed to view or not covered with an opaque cover of plexiglass or other similar material, is prohibited. Pennants may not be used. (See Section 11.28.I (1)).
10. No person, firm, or corporation shall erect or display any form of temporary advertising device or temporary

sign for commercial or business purposes without first obtaining a sign permit from the Building Inspector.

a. Applications for a temporary advertising device or sign shall be made on a form provided by the Building Inspector and shall be accompanied by a permit fee as set forth in Section 8.15.A (1) of this Code.

b. The term of a temporary sign permit shall not exceed 30 consecutive days from the date of issuance and must be wholly within any one calendar year, at the end of which term such permit shall expire and any sign or advertising device allowed by said permit shall be removed.

c. No person, firm, or corporation shall erect or display more than one temporary advertising device or temporary sign in any one calendar year. Each tenant within a multi-tenant property shall be allowed one temporary sign per calendar year. Multi-tenant businesses are properties with more than one tenant leasing or owning a portion of a building or operating from that location.

d. Each face of a temporary advertising device or temporary sign shall not exceed 32 square feet in area, and the total area of such device or sign shall not exceed 64 square feet. The maximum height of a free-standing temporary sign is restricted to 8 feet.

e. The failure to remove a sign or advertising device upon expiration of the sign permit shall be a violation of this ordinance, and each day of violation thereafter shall be considered a separate offense.

f. Any such sign or device shall not contain more than two faces, each of which shall be on a different side of the sign or device.

g. All signs not expressly permitted under this ordinance or exempt from regulations hereunder in accordance with the previous sections are prohibited in the Village. Such signs include, but are not limited to, billboards, inflatable signs, tethered balloons, pennants except those exempt per Section 11.28.I (1) below, portable signs, and home occupation signs.

I. EXEMPTIONS

1. Pennants may not be used, except for the following:

a. To designate an “open house” on the day of such event only, and provided that such event lasts only one day and the pennant is removed on the day of the event;

b. To control ingress and egress to undeveloped property or to designate in restricted areas thereon; or

c. To designate area (not buildings) under construction or repair, access to which is restricted for purposes of public safety.

2. A temporary sign used by or for a religious or charitable organization to advertise a function or event which

provides an economic benefit solely to such an organization is subject to the provisions of Section 11.28.H (12) above, except as follows:

a. Such sign shall not contain more than two faces, each of which shall be on a different side of the sign;

b. Each face of such sign shall not exceed 32 square feet in area, and the total area of such sign shall not exceed 64 square feet.

c. No more than one sign shall be on any one lot or parcel, and shall not be present from more than 30 consecutive days; and no one organization shall have more than one sign on the same lot or parcel during any one calendar year where the fee is waived. If the organization wishes to place more than one sign in any calendar year, the organization must pay the standard temporary sign fee; and

d. Before any such sign is erected or placed, the organization shall register its intention to place such signs within the Village with the Building Inspector, and obtain the rules and regulations for sign placement.

3. Signs Allowed on Private Property without Permits. The following signs are allowed on private property without the need for a permit, if such a sign does not advertise a business, service or product unless it is a current building contractor on the site, or is a realtor advertising the premises for sale or lease:

a. **House or building identification**, such as street address as defined in Section 13.18 of this Code, and any building marker having an area of no more than 4 square feet and which is attached to the reference building.

b. **Personal Message**, such as the announcing of births, anniversaries, birthdays, yards-of-the-month, which shall have an area not exceeding 20 square feet, which shall not be displayed longer than seven consecutive days, and where a personal message sign is displayed on the lot not more often than 90 days after the last display of the sign.

c. **Flags** of the United States, the state, the city, foreign nations having diplomatic relations with the United States, sports teams, seasonal/decorative flags, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 24 square feet in area in any residential zone, and shall not be flown from a pole the top of which is more than 25 feet in height in any residential zone or 40 feet in height in any commercial or industrial zone. These flags must be flown in accordance with protocol established by the Congress of the United States of the Stars and Stripes. Any flag not meeting nay one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

d. **Construction Signs**. On-site building construction signs shall have a total, combined maximum display surface area not to exceed 16 square feet for "A" and "B" residential lots and 32 square feet for the other zone districts. All such signs on any one lot shall be attached to a single or double post, or may be collectively grouped together to form a single freestanding sign. The height of any one sign, or any group of signs, shall not exceed 8 feet from grade.

e. **Real Estate Signs**. One unanimated real estate sign on an inside lot, and two such signs on a corner lot providing only one sign faces each street, and further provided such signs shall be limited to wall and freestanding signs whose permitted illumination and maximum display surface area shall be as follows:

i. Residential. Eight non-illuminated square feet.

ii. Non-Residential. Thirty-two non-illuminated square feet.

iii. Sold Signs/Stickers. Such signs of a size not greater than 25% of the sign on which it is placed, may be placed at a rate of one per lot or tract, per company. All real estate signs and stickers shall be removed from said lot or tract within 30 days of the date of said sale or within 30 days after the sold sign/sticker has been placed on the real estate sign, whichever date is earliest.

f. **Election Signs**. Said signs are subject to the following regulations:

i. The village may regulate the size, shape or placement of any sign if such regulation is necessary to ensure traffic or pedestrian safety.

ii. Duration and placement of signs shall be further governed by Wisconsin State Statutes and Wisconsin Department of Transportation rules & regulations.

g. **Official Signs**. An official sign authorized and erected by the State, County, or municipality, such as for traffic control, parking restrictions, information and notices.

h. **Memorial Signs or Plaques**. A memorial, sign or tablet, the name of a building and/or the date or erection, which is cut into the masonry surface or inlaid so as to be part of a building, or monument stone or other permanent surface which is constructed of bronze or other non-combustible material and which is not more than 4 square feet in area.

i. **Historical Signs**. An informational sign placed near a historical site or building. Can be free standing with a maximum height of 7 feet from grade and not more than 9 square feet in area.

j. **Neighborhood and park identification signs.** In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or tract identification at all entrances, provided the legend of each sign or display shall consist only of the neighborhood or tract name. Neighborhood identification signs shall be limited to ground signs not exceeding eight (8) feet in height or 32 square feet per sign face.

k. **No Trespassing or No Dumping Signs.** A sign stating "no trespassing" or "no dumping" and which does not exceed one and one-half square feet in area.

l. **No Wake Area on the Fox River.** A control buoy or sign placed so that nautical traffic is alerted to or informed of the "no wake" speed areas designated in Section 5.09 of this Code.

m. **Public Notices.** An official notice posted by a public officer or employer in the performance of his/her duties.

n. **Temporary Window Signs.** A sign attached to the inside surface of a ground floor window in a business, commercial or industrial district. The total area of all such signs on any one lot or parcel shall not exceed 50% of the total window area of the window to which it is attached, and shall not be placed on a door window or any other window needed to be clear for pedestrian traffic.

o. **On-Premise Temporary Signs.** A temporary sign may not exceed 4 square feet in area and must pertain to a fund drive or event of a civic, philanthropic, educational, or religious organization. Any such sign may be posted not more than 30 days before said event and must be removed within 7 days after the event. Such a sign may not be displayed more often than 90 days after the last display of such a sign.

J. EXISTING SIGNS

For the purpose of this Section, a non-conforming sign shall be defined as a sign existing at the effective date of this ordinance but which could not now be built or erected under the terms of this or any other Village ordinance. All on-site and off-site non-conforming signs not otherwise prohibited by the provisions of this Ordinance shall be removed or shall be altered to conform to the provisions of this ordinance when the nature of the business conducted on the premises changes, or the sign is changed or modified either in shape or size. No non-conforming sign may be enlarged or altered in a way which would increase its non-conformity.

K. DESIGN STANDARDS

1. "A" and "B" Residential District Zones. No signage is allowed in "A" and "B" Residential District zones, except as follows and only for those services if properly allowed or legally offered on the premises. Exceptions shall not be construed as relieving the owner of such

signs from the responsibility of complying with other applicable provisions of this ordinance. The exemptions shall apply to the requirement for a sign permit only, and no sign permit shall be required for the erection of the following signs, unless otherwise required:

a. All types of signs listed in 11.28.I.

b. Home Improvement Signs. On-site home improvement signs may be placed in the yard where and when said improvements are being made. No sign shall be placed on any tree or rock. Home improvement signs shall be a freestanding sign not exceeding 6 non-illuminated square feet and may be placed during construction, but must be removed no later than 14 calendar days after construction is completed.

c. Garage/Yard/Rummage Sale Signs. The following regulations shall control garage, yard, and rummage sale signs.

i. Size and Type. All signs shall be no longer than 8 square feet, placed on a single or double stake or other freestanding manner.

ii. Frequency. No individual lot shall be allowed more than one three-day garage, yard, or rummage sale in a single quarter of a calendar year.

iii. Location. No garage, yard, or rummage sale sign shall be placed, affixed, stapled, or taped to any utility pole, street sign, tree, stop sign, or fence, and shall not be placed in any public right-of-way.

d. Identity Signs. A name plate sign not to exceed one square foot in area may be located on the premises. Corner lots shall be permitted two such signs, one facing each street.

e. Uses Other Than Residential Which Are Located In the "A" and "B" Districts. Signs of this type are subject to the requirements as set forth in Section 11.28.D.

f. Changeable copy/reader board signs are allowed for churches and schools in the "A" and "B" residential districts as defined in Section 11.28.D definitions.

g. LED Message Center Signs are allowed for churches and schools in the "A" & "B" residential districts as defined in section 11.28 D definitions.

2. "C" Professional Office and Residential District, High Density and High Rise Districts. No signage is allowed except as follows and only for those services if properly allowed or legally offered on the premises. Exceptions shall not be construed as relieving the owner of such signs from the responsibility of complying with other applicable provisions of this ordinance. The exemptions shall apply to the requirement for sign permit only, and no sign permit shall be required for the erection of the following signs unless so indicated.

a. All types of signs listed in 11.28.I.

b. One freestanding or wall mounted identity or directory sign not exceeding 32 square feet in area per side with a maximum of two sides. Corner lots

shall be permitted two such signs, one facing each street. Maximum height of a freestanding sign is 8 feet from grade. The sign must be set back from property line a distance equal to or greater than height.

c. Illuminated signs must be turned off between the hours of 10:00 P.M. and sunrise, except that an on-site sign may be illuminated during those hours that the business to which it pertains in open and operating.

d. Changeable copy/reader board signs are allowed as defined in Section 11.28.D definitions.

e. LED Message Center Signs are allowed as defined in section 11.28 D definitions.

3. Commercial, Highway Business, and Industrial Zone Districts. All signs are prohibited except for the following:

a. All signs permitted in Section 11.28.I, under the conditions specified.

b. Advertising and Business Signs. Advertising and business signs having as their sole purpose the advertisement of a business being conducted on the same premises, but only if the size, type and location of such signs first shall have been reviewed by the Building Inspector and found to be in compliance with Section 11.28 and all other provisions contained in this ordinance. Any application for such sign shall be filed in writing with the Building Inspector for the Village of Allouez and shall set forth the name and the post office address of the applicant, the type of sign, the dimensions, the locations and the type of illumination or lighting, if any. Sign types and requirements are as follows:

i. Roof Signs. Any sign erected or maintained upon the roof or coping of any building shall not extend above the top most surface of the roof or coping upon which the sign is erected or maintained. If a sign exceeds six square feet in dimension and contains, or is proposed to contain, open space of at least one-half of its front area through which wind may pass and space underneath as above provided, the Building Inspector shall permit said sign to be erected if he/she shall find upon examination that the building or coping of any building upon which the sign is or is proposed to be, built will safely support a structure twice the weight of the sign, and if the applicant otherwise complies with the section. No roof sign shall be constructed or maintained on a fame building unless the building is structurally capable of carrying the same. Total square footage of all roof, canopy and wall signs on a lot shall not exceed a ratio of 72 square inches of sign area of each lineal foot of lot frontage.

ii. Wall Signs. Wall signs shall not project more than 18 inches from the surface upon which they are mounted. Where a building houses more than one business, wall signs shall be limited in number to one wall sign per business. Total square footage of all wall, canopy and roof signs on a lot shall not exceed 15% of the front frontage of the building. a. In multi - tenant buildings each tenant is allowed 15% of their frontage.

iii. Monument Sign/Freestanding Sign.

1. Every sign shall be located back of the street right-of-way, and shall be set back from the street curb line a distance at least equal to the height of the sign.
2. Every sign shall be set back 50 feet from any residential district.
3. Any sign within 30 feet of an intersection or 15 feet of a driveway must be designed and installed so as not to cause a vision problem for vehicular traffic.
4. No sign shall exceed 64 square feet in total area, not including the structure or standard on which the sign is supported. Double faced signs shall not exceed 32 square feet per side.
5. A sign shall not project higher than 8 feet, as measured from preconstruction grade at the base of the sign.
6. A landscape area shall extend a minimum of 2 feet from the face of the sign, and shall fully cover the base that contacts the ground.
7. Where any sign is proposed to be externally illuminated using ground mounted fixtures (i.e. floodlight), landscape plantings or other natural obstructions shall be installed in such a manner so as to entirely shield the light source from the surrounding view. Landscape plantings shall be of the type that will ensure effective yearlong screening.

iv. Outdoor Menu Board. Outdoor menu boards are only allowed on zone lots which have previously been approved for restaurants or car washes with drive-thru windows, and under the following conditions:

8. Only one outdoor menu board shall be permitted, per order window or wash bay, on a lot.
9. Display surface area shall not exceed 24 square feet.
10. If the sign is lighted it may be lighted by internal illumination only.

11. The outdoor menu board lettering may not be legible from any distance off the zoned lot for which it is approved.

v. Changeable copy/reader board signs are allowed as defined in Section 11.28.D definitions.

vi. LED Message Center. Signs are allowed as defined in Section 11.28 D definitions.

4. Off Premise Signage. Off premise advertising and business signs which advertise goods, product, facilities, or services not necessarily on the premises where the sign is located, or directing persons to a different location from where the sign is located. In addition to meeting all other applicable sections of Section 11.28, the installation of off premise signs in the Village of Allouez shall meet the following requirements.

a. The maximum size is 32 square feet, and the maximum height is 8 feet.

b. This should be considered for directional purposes only.

c. The installation of an off premise sign shall require prior approval of the Village Board. The Village Board shall hold a public hearing on an application within forty days from receipt of an application by the Village Clerk Treasurer. Written notice of the time, place, and purpose of the hearing shall be mailed by regular U.S. mail, postage pre-paid, at least ten days before the hearing, to the applicant, to property owners abutting on the street in the block opposite the block in which the proposed advertising sign is to be located, and if the location is on a corner, to the property owners of the other corner.

d. The Village Board may approve a proposed off premise sign if such sign in contents and appearance conforms to the general comprehensive plan of orderly growth and development of the Village, the special characteristics of the Village, and the locality where such advertising signs have been proposed, and the federal requirements for signs provided in Section 11.28.G (4-5) of this ordinance. In making its decision the Village Board shall also be guided by the evidence and testimony presented at the public hearing.

5. Planned Development Districts. In the Planned Development Districts, all exterior signs are prohibited except for the following, but only if the Planned Development District, including such signage, has received the final approval of the Village Board:

a. Signs which are permitted in the underlying zoning as defined in Section 11.03 of this Code.

b. Signs which are permitted in a District (other than a Planned Development District) which permits the use which is the principal and/or primary intended use of the Planned Development District in which the sign is to be placed.

L. ILLUMINATION STANDARDS

1. In addition to complying with the provisions of this ordinance, all signs in which electrical wiring and connections are to be used shall be subject to the applicable provisions of the Village Electrical Code. No person may erect a sign with exposed electrical wires.
2. The use of unshielded lighting, including exposed incandescent light bulbs hung or string on poles, wires or any other type of support intended to illuminate a sign or other advertising device is expressly prohibited.
3. No sign shall be illuminated, either internally or externally, between the hours of 10:00 P.M. and sunrise, except that an on-site sign may be illuminated during those hours, that the business to which it pertains, is open and operating.
4. All sign lighting shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, upon surrounding properties, and into the sky.
5. In no case shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60 foot candles at 2 feet away from the geometric center of the sign.
6. All LED electronic message centers shall have the capacity to be dimmed and shall not exceed 3 watts. They are only permitted as part of a permanent sign. This sign shall be included in the calculation for the total allowable square footage of signage on the building site.

M. LANDSCAPING STANDARDS - Should meet all standards as specified in the Site Plan Review Code **(**11.29(10)**)**

N. LOCATION STANDARDS

1. Location in paved areas. No signage may cause a reduction in required or previously existing off-street parking spaces, or in any manner interfere with the use of such off-street parking spaces.

O. MAINTENANCE AND REMOVAL OF SIGNS

1. All signs and sign structures shall be properly maintained and kept in a neat and proper state of repair and appearance.
2. Duty of Village Board Inspector to Enforce.
   a. The Village Building Inspector shall have the power and duty to enforce the provisions hereof.
   b. The remedies and sanctions in this section for a violation of, or for failure to comply with, the provisions of this Code, whether civil or criminal, or for sign removal, shall be cumulative and shall be in addition to any and all other remedies provided by law.
3. Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements hereof, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Village shall have the right to recover

from the owner or person placing the sign the full costs of removals and disposal for such sign.

4. Removal of Certain Signs. In the event a business ceases operation for a period of time in excess of 30 days, the sign owner, lessee, or the property owner, shall immediately remove any sign identifying or advertising said business or any product sold thereby, provided, however, that this requirement shall not apply where under the provisions of this ordinance an existing conforming sign may be altered to advertise a new business or product sold thereby, and there is evidence that a new business will be in operation on the premises within 30 days. Upon failure of the sign owner, lessee or property owner, to comply with this Section, the Building Inspector shall issue a written notice to the sign owner and any lessee, and to the property owner, which notice shall state that such sign shall be removed within 10 days. If the sign owner, lessee, or property owner, fails to comply with such written notice to remove, the building Inspector is hereby authorized to cause the removal of such sign, and any expense incidental to such removal shall be charged to the owner of the property upon which sign is located and shall constitute a lien upon the property. For the purpose of this section, the word "remove" shall mean:
   a. The sign face, along with posts and columns, and the supports of freestanding signs, shall be taken down and removed from the property.
   b. The sign face and supporting structures of "projecting", "roof", and "wall" signs, shall be taken down and removed from the property.
   c. The sign face of "painted wall signs" shall be removed by painting over the wall sign in such a manner as to completely cover up and hide from sight the sign in question.

5. Destruction of Signs. It shall be unlawful for any person to:
   a. Injure, deface or remove any sign, signal, flare, red light or marker placed for the warning, instruction or information of the public.
   b. Carve or paint on any rock, sign, wall or structure on public park grounds or other public property.
   c. Injure or deface in any manner any public building, facility, sign, fence, table or other Village property on public park grounds or other public property.

P. PENALTIES

Any person who violates any provision of this Chapter shall pay a forfeiture of not less than $10.00 or more than $1000.00 for each violation. Each day a violation occurs or continues shall constitute a separate offense.

Q. SEVERABILITY

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

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

R. VILLAGE INDEMNIFICATION

1. Liability for Damages. The provisions of this title shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage cause by the sign nor shall the provisions of this be construed to impose upon the Village, its officers, or its employees any responsibility or liability by reason of the approval of any sign under the provisions of this title.

11.29 SITE PLAN DESIGN AND REVIEW. Development and design standards in certain districts.

(1) **Introduction.** This ordinance is designed to provide for the future growth and development of those multifamily residences, businesses, and industries that seek an aesthetically attractive working environment. The intent of this ordinance is to promote and maintain desirable economic development that is practical, feasible, and an asset to owners, neighbors, and the Village of Allouez while maintaining an attractive environment.

(2) **Objectives.** The purpose of this ordinance is to establish standards, and procedures for review of all new development proposals and the expansion of existing businesses and industries in the applicable zoning districts in order to:

(a) Provide for safe, efficient vehicular, bicycle, and pedestrian circulation.

(b) Provide for screening, landscaping, signage, and lighting.

(c) Ensure efficient, safe, and attractive land development.

(d) Ensure adequate light and air, proper building arrangements, and minimal adverse effect on adjacent properties.

(e) Develop proper safeguards to evaluate and identify the impact on the environment including but not limited to air quality, wetlands, and waterways.

(f) Ensure the provision of adequate water supply, drainage, storm water management, sanitary facilities, and other utilities.

(g) Encourage modern and innovative design, construction, technology, and planning methods.

(h) Maintain or enhance property values.

(i) Advance sound growth and continued development within the Village of Allouez in keeping with the goals, objectives, and policies of the currently adopted Village of Allouez Comprehensive plan.

(3) **Applicability.** Site Plan and Design Review Ordinance review is required prior to the issuance of a building permit for new

development, to structurally modify the building exterior or site of an existing development, or to facilitate a change of use of a development after a zoning district amendment in the following zoning districts:

(a) "A" Residence District, except single-family dwellings.

(b) "B" Residence District, except two-family dwellings.

(c) High Density District.

(d) "C" Professional Office and Residence District.

(e) High Rise Residence District.

(f) Commercial District.

(g) Light Industrial District.

(h) Highway Business Uses District.

(4) **Standard requirements.** The interpretation and application ofthe provisions of these standards shall be held as minimum requirements for the promotion of the public health, safety, and welfare.

(a) No structure shall be erected, converted, enlarged, reconstructed or altered, and no structure or land shall be used for any purpose or in any manner which is not in conformity with the provisions of this ordinance.

(b) Where permitted and prohibited uses, site and landscape regulations, building design criteria, off-street parking and loading requirements, and other regulations contained herein are either more or less restrictive than comparable conditions imposed by provisions contained in the Village of Allouez of Zoning Ordinance or of any other law, ordinance, rule, resolution or regulations, the requirements that are more restrictive or which impose a higher standard shall govern.

(c) General maintenance and repair of existing structures which are permitted uses in the applicable zoning districts are not subject to site plan and design review, provided there are no structural additions or subtractions and/or the use of the structure does not change.

(5) **Administration.** The administration of this ordinance shall be vested in the following: Village of Allouez Zoning Administrator, the Village of Allouez departments identified in Section (b), below, the Village of Allouez Plan Commission, and the Allouez Village Board.

(a) It shall be the duty of the Zoning Administrator to be in charge of the day-to-day administration and interpretation of the Development and Design Standards. Enforcement of these standards is charged to the Allouez Building Inspector in accordance Wis. Stats. § 62.23(7).

(b) All proposed site plans shall be forwarded to the following Village of Allouez departments: Zoning Administrator, Village Administrator, Building Inspection, Parks, Fire, Police, and Public Works. These departments shall review each plan and make recommendations to ensure the proposal meets the requirements of this and other applicable Village of Allouez ordinances, plans, or policies. These departments shall be responsive to

applicants and their possible time constraints and shall expedite the review process to the extent possible.

(c) From time to time the design criteria may be amended, changed or deleted. Such action shall take place originating before the Village of Allouez Plan Commission with action by the Allouez Village Board in accordance with Wis. Stats. § 62.23(7).

(d) **Administrative Appeals.** Administrative determinations of the zoning administrator or building inspector regarding these requirements may be appealed to the Village of Allouez Zoning Board of Appeals.

(6) **Variances.** The Allouez Village Board may vary the provisions of this ordinance when in the Village Board's judgment applying literally to the provisions would result in an unreasonable hardship, as opposed to a mere inconvenience. Any variance granted shall be entered in the minutes of the Village Board, setting forth the reasons which justified the modification.
Site Plan

(a) **Procedure.** The following procedure shall be followed for the submittal of site plans.

1) **Preliminary consultation.** Prior to the submittal of a site plan, the developer or his/her agent shall meet with the Zoning Administrator, the Building Inspector, and/or other appropriate Village of Allouez staff to discuss all elements considered during site plan review. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Village of Allouez.

2) **Plan submittal.** Fifteen (15) dated paper copies, one (1) digital image file of all site plans and one (1) digital copy on CD or DVD containing AutoCAD.dwg files referenced to the Brown County Coordinate System requiring review by the Village Board shall be submitted to the Village Clerk along with the corresponding review fee. An aerial photo of the site showing all adjacent properties shall also be included. All plans and all subsequent revisions shall be dated and shall be drawn to an engineering scale no greater than one (1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) inches by seventeen (17) inches and include the following information:

a. Name of project/development;

b. Location of project/development by street address;

c. Name and contact information of the applicant;

i. If the applicant is not the same as the property owner, the applicant shall submit a signed statement from the owner

approving of the site plan and design review application.

d. Name and mailing address of engineer/architect/surveyor;

e. North arrow;

f. Scale;

g. Boundary lines of property, with dimensions and building setback lines;

h. Location, identification, and dimensions of existing and proposed:

i. Topographic contours at a minimum interval of two (2) feet;

ii. Adjacent streets and street rights-of-way;

iii. On site streets and street rights-of-way;

iv. Utilities and utility easements:

1. Electric

2. Natural Gas

3. Telephone

4. Water

5. Sewer (sanitary and storm)

6. Fiber optic lines

7. Cable television lines

8. Antennas, satellite dishes, other communication poles and transmission lines

v. All buildings and structures;

vi. Parking facilities; with provisions for bicycles, scooters, and motorcycles that meet the requirements of Section 11.13;

vii. Water bodies, wetlands, floodplain and floodway delineations, and other environmentally sensitive areas;

viii. Stormwater ponds, drainage ditches, and drainage patterns;

ix. Sidewalks, walkways, trails, and driveways;

x. Off street loading areas and docks that meet the requirements of Section 11.29(11).

xi. Fences and retaining walls meeting the requirements of Section 11.29(8);

xii. All exterior signs meeting the requirements of Section 11.28;

xiii. Exterior refuse storage/collection areas;

xiv. Exterior lighting plan with lumen distribution; and

xv. Traffic flow on and off site, including any ingress/egress easements.

i. Landscaping plan meeting the requirements of Section 11.29(10);

j. Site statistics, including:

i. Site square footage;

ii. Percent site coverage;

iii. Percent open space;

iv. Floor area ratio.

k. Location and dimensions of proposed outdoor display areas, including vending machines and donation bins;

l. Color architectural rendering of the proposed structures and buildings, including:

i. All exterior dimensions;

ii. Gross square footage of existing and proposed buildings and structures; and,

iii. Description of all exterior finish materials.

m. Erosion control and stormwater management plans;

n. A staging plan for any projects involving more than one phase or construction season which sets forth the chronological order of construction and relates to the proposed uses and structures of various service facilities and estimated completion dates;

o. Impact analysis to determine the potential direct or indirect effects of a proposed development on activities, utilities, traffic circulation, surrounding land uses, community facilities, noise, environment and other factors, as requested by the Village of Allouez.

p. Other site specific information considered pertinent by the Village of Allouez.

3) **Review and Approval.**

a. Following submittal of the site plan by the applicant and review by Allouez Village staff, the site plan shall be forwarded to the Plan Commission. The Plan Commission shall determine the overall compatibility of the proposed development in keeping with the Comprehensive Plan of The Village of Allouez and this ordinance and present a

recommendation to the Village Board of Trustees to approve, approve with conditions, or deny the application. The Village of Allouez Board of Trustees will take action to approve, approve with conditions, or deny the application based upon the appropriate zoning district requirements and the criteria set forth in this ordinance and other applicable Village of Allouez ordinances.

b. If approval is conditional, final approval may be withheld until a revision depicting such additional measures and/or modifications necessary to attain approval are submitted to the satisfaction of the Village Board. Alternatively the Village Board may conditionally approve the application subject to the provision of a revised site plan and/or design addressing the approval conditions to the satisfaction of Village staff.

c. The Village Board may further condition approval on applicant providing a performance bond and/or escrow deposit to guarantee performance of applicant's obligations hereunder in such amount and with such surety company as is reasonably determined and requested by the Village Board.

(7) **General building and site plan performance standards.**

(a) In reviewing site plan applications, the Village of Allouez shall utilize the following criteria as a basis to determine whether the submitted site plan and building design shall be approved, approved with conditions, or denied. The purpose of these criteria is to identify site plan and design features that affect the physical aspect of the village's environment. These criteria are not intended to restrict imagination, innovation, or variety, but rather to set minimum standards and assist in focusing on site plan and design principles that will result in creative solutions to develop satisfactory visual appearance within the village, preserve taxable values, and promote the public health, safety, and welfare.

1) All standards of this chapter and other applicable Village regulations are met.

2) Adequate public facilities and utilities are provided.

3) Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is limited insofar as is practical.

4) Appropriate traffic control, parking, ingress/egress, and pedestrian ways are provided.

   a. All parking lots and/or driving areas are paved with concrete, asphalt, or water-permeable pavers.

   b. Landscaped islands, raised sidewalks, or similar techniques are employed to break up the expanses of a parking lot and provide safe pedestrian access. Painted lines shall not be deemed as meeting this requirement.

   c. Prefer parking lots to be located to the side or rear of the principal building.

   d. Owner should provide parking for bicycles.

5) Landscaping must meet the requirements in Section 11.29(10).

6) Exterior lighting is contained on the lot to the extent practicable and meets the requirements of Section 11.29(9).

7) Outside refuse bins are located behind the principal structure and screened from view by use of solid brick/stone screening or opaque, treated wooden fencing. Except for the access gate, plastic or wooden slats through cyclone fencing shall not be deemed sufficient. The pavement adjacent to and under the dumpster must be of a quality to hold up to garbage trucks emptying dumpsters.

8) The building(s) maintain a consistency of design and arrangement.

   a. Buildings have articulated front façades and varied rooflines.

   b. Walls contain windows or other architectural treatments to break up the mass. A change in paint tone or color shall not be deemed sufficient.

   c. Window treatments such as awnings, shutters, trim, and/or casings shall be utilized on the primary façade and windows facing streets.

   d. All mechanical equipment is enclosed or screened. Rooftop equipment is integrated into the design of the structure, enclosed, or screened from ground-level view to the extent practicable.

e. Loading docks shall meet the requirements of Section 11.29(11).

f. Gas station canopies shall consist of mansard, hip, or gable style roofs with architectural shingles and recessed lighting. Canopy supports shall consist of brick, stone, or colored, split-face concrete masonry. Convenience stores with gas filling stations shall be of a similar architectural style.

g. Principal structures shall have their primary façade oriented parallel to the primary street frontage. Where specific site constraints such as environmental features, physical dimensions of the parcel(s), or the existing development pattern make this requirement unreasonable, the Village Board may allow a different orientation provided that a direct pedestrian walkway is provided between the primary building(s) entrance(s) and primary street frontage.

9) Building exterior colors, materials, and finishes shall be coordinated in a consistent manner.

a. In the "A" Residence, "B" Residence, High Density, "C" Professional Office and Residence District, High Rise Residence District, and Commercial District, exterior building cladding and store front materials may consist of the following:

i. Hard burned clay brick.

ii. Natural stone.

iii. Glass curtain walls.

iv. Fiber cement siding.

v. Colored, split-face concrete masonry.

vi. Exterior Insulation and Finish Systems (EFIS).

vii. Stucco.

viii. Wood siding.

b. In the Light Industrial District, exterior building cladding materials may consist of the following:

i. Any materials listed in 11.29(7)(a)(9)a.

ii. Concrete may be poured in place, tilt-up or pre- cast. Poured in place and tilt-

up walls shall have a finish of stone, a texture or a coating. Textured finishes, except in special cases, shall be coated. Pre-cast units which are not uniform in color shall be coated. Coating shall be approved cement or epoxy type with a ten (10) year minimum life expectancy.

iii. Metal siding may be used only in combination with one of the approved materials and with approval of the Village Board. Metal siding may be utilized only on the side and rear building walls that do not face an adjacent street. The first twenty-five (25) feet of any building side wall or twenty-five (25) percent of the side wall surface, whichever is greater, and twenty-five (25) percent of the rear wall (excluding door, window or other openings), shall be constructed of the materials listed under 1) through 5), above. Any metal siding proposed for use shall be entirely coated with a colorfast, abrasion and corrosion resistant, long life (minimum of 20 years) finish that is resistant to chemicals, withstands temperature extremes, and has a low permeability. Such panels shall be insulated (facing shall carry a U.L. Approval), have a vapor barrier and have a minimum eight (8) foot (from floor) interior wear wall. Any material utilized to attach the metal siding to the building shall be concealed or the utilization of shadow panels or semi-concealed fastener panels with fasteners painted to match the panels shall be required.

c. Other materials approved by the Village Board.

d. The building exterior requirements of this Section are intended to be minimum requirements and more stringent requirements may be recommended by the Plan Commission and approved by the Village Board, taking into consideration public interests such as coordinating a consistent appearance and quality of construction with adjacent structures, the size of the proposed structure,

the topography of the site, and the proximity of the structure to public rights-of-way.

(b) **Approval, Construction, Expiration, and Amendments.**

1) No land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this ordinance and shall be subject to all applicable enforcement mechanisms and penalties.

2) Construction shall commence within six (6) months of Village Board approval and be completed within twenty-four (24) months of plan approval. If construction is not completed within 24 months of approval, the site plan approval expires.

3) If Village Board approval is conditional, construction shall commence within six (6) months of the conditions of approval being met, as determined by the Village of Allouez. If construction is not completed within 24 months of the conditions for approval being met, the site plan approval expires.

4) An amendment to the timeline of the site plan approval (either conditional or not) may be granted if agreed upon in writing by the Village and the applicant prior to the expiration of the site plan approval. If the site plan approval does expire, the applicant must reapply for site plan approval for the project to continue.

5) In the event the site plan approval does expire, before the completion of the project, and the applicant does not wish to reapply to complete the project, the Village has a right to provide the necessary services to bring the project to completion or to the satisfaction of the Plan Commission and the Village Board so as to not have an adverse effect upon the community as a result of termination of the project. The Village shall provide the necessary services mentioned above and levy the cost thereof as a special assessment on the tax bills of the applicant.

(c) **Maintenance.** The exterior walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition; free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, cracked, chipped, damaged or otherwise deteriorated shall be replaced, refinished,

repaired, or repainted in accordance with the reasonable determination and order of the Building Inspector within sixty (60) days' notice of such defect.

(8) **Fences.** In the zoning districts and uses subject to site plan review, compliance with Village of Allouez code Chapter 26 Fences is required in addition to the following:

(a) **Construction and maintenance.** Every fence shall be constructed in a substantial, workmanlike manner and of material reasonably suited for the purpose for which the fence is proposed to be used. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health or welfare, is a public nuisance and shall be repaired. Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top except for limited outdoor storage areas.

(b) **Location/height.** On corner lots in all districts, no fence or planting in excess of thirty-six (36) inches above the street center line grade shall be permitted within a triangular area defined as follows: Vision clearance triangle shall be bounded by the street right- of-way lines and a "vision clearance setback line" connecting points on each right-of-way, which are located a distance of 30 feet back from the intersection of the right-of-way lines.

1) In those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate, identifiable as a collapsible section, or other such means of recognizable ingress, shall be unobstructed and a minimum of three (3) feet in width. The location of such ingress points shall be positioned at any point paralleling the front lot line between the side lot property line and the principal structure.

2) Fences shall not exceed eight (8) feet in height.

(9) **Lighting standards:** To provide for the basic needs of safety and security, appropriate lighting shall be provided in order to delineate roads, drives, parking areas, pedestrian ways, buildings, and other organizational points. Lighting shall be an integral part of the overall architectural design. Proposed lighting, whether freestanding or building-mounted, shall complement the architectural character of the principal use. Lighting design shall correlate energy conservation with aesthetic, architectural, and safety factors:

(a) Any lighting used to illuminate off-street parking, loading and service areas, shall be dark sky compliant and shaded, diffused, or arranged to reflect light away from adjacent parcels and public streets. Glare, whether direct or reflected, as differentiated from general illumination, shall not be visible beyond the limits of the site from which it originates. All exterior lighting must be reduced or turned off, in concurrence with signs, according to the shut-off times stated in the village sign ordinance (11.28) for the respective zoning.

(b) Walkway lighting should be of a decorative, pedestrian scale with a height of ten (10) to fourteen (14) feet above grade. Bollard lighting may be used for low level walkway illumination.

(c) Building lighting should occur as part of the overall design concept using recessed lighting in overhangs and at the entrance. Well-designed soft lighting of the building exterior is allowed provided it does not impact on the surrounding properties, complements the architecture, and the light source is concealed.

(d) A photometric lighting plan with lumen distribution shall be submitted for review concurrently with the site plan and design review application.

(10) **Landscaping**

(a) **General statement.** The Village of Allouez finds that it is in the public interest for all developments to provide landscape improvements for the purposes of: complementing the natural environment; improving the general appearance of the Village of Allouez and enhancing its aesthetic appeal; preserving the economic base; improving quality of life; delineating and separating use areas; increasing the safety, efficiency, and aesthetics of use areas and open space; screening and enhancing privacy; mitigating the diverse impact of climate; conserving energy; abating erosion and stabilizing slopes; deadening sound; and preserving the quality of our air and water.

(b) **Landscape plan.** All applicants for building permits in the following districts shall submit a landscape plan, prepared pursuant to (c), below, for review as required herein prior to the request for a building permit. Where procedures and requirements imposed by this section of the ordinance are either more restrictive or less restrictive

than comparable procedures and requirements imposed by any other provision of this ordinance or any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or impose higher standards or requirements shall govern.

1) "A" Residence District, except single-family dwellings.
2) "B" Residence District, except two-family dwellings.
3) High Density District.
4) "C" Professional Office and Residence District.
5) High Rise Residence District.
6) Commercial District.
7) Light Industrial District.
8) Highway Business Uses District.

(c) **Procedure.** The following procedure shall be followed for the submittal of landscape plans if not submitted concurrently with the site plan.

1) **Preliminary consultation.** Prior to the submittal of a landscape plan, the developer shall meet with the Zoning Administrator, the Building Inspector, Parks Director and/or other appropriate Village of Allouez staff to discuss zoning district, site plan, and landscaping plan requirements. Such meeting should occur prior to any extensive outlay of funds on the part of the developer since it is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the Village of Allouez.

2) **Plan submittal.** Fifteen(15) paper copies and one (1) digital copy of all landscape plans to be reviewed by the Village of Allouez shall be submitted as specified on the site plan application form. Landscaping plans may be submitted separately or included with the site plan. All plans and all subsequent revisions shall be dated and shall be drawn to an engineering scale no greater than one(1) inch equals one hundred (100) feet plus one (1) complete set of such plans reduced in size to eleven (11) by seventeen (17) inches and contain the following information:

a. The location, dimensions, and maintenance responsibility of all proposed open space areas;

b. Identification of all proposed vegetation:

i. Symbols, quantities, common names, and size of all plant materials, and whether the plants are ball burlapped, potted, or bare root.

ii. Showing all species to scale of mature crown diameter or spread.

c. All existing vegetation to be saved, removed, or transplanted; and

d. Typical sections of berms, fences, retaining walls, planter boxes, etc.

3) **Reviews.** Review of landscape plans shall be conducted concurrently and follow the same procedure as site plan review.

4) **Species.** The landscape plan shall be reviewed by the Village of Allouez Parks Department to assure compliance with the requirements contained herein.

5) **Implementation/Replacement**

a. Landscaping is to be installed in accordance with compliance timetable

b. Any vegetation included on an approved landscape plan that dies shall be replaced within one planting season. Vegetation replaced shall conform to the approved landscape plan and the requirements contained herein.

6) **Maintenance.** It shall be the joint responsibility of the owner/and or lessee of the principal use, uses, or building to maintain in a neat and adequate manner all landscaping materials, vegetation, screening, and fences contained in the landscape and site plans. The property owner shall engage in a long-term maintenance agreement with the village.

7) **Compliance timetable.** All landscape plans shall include a timetable for construction, installation, or planting within a period not to exceed two (2) years from the date of commencement of construction. Any person who is, or has been, required to landscape any part of a zoning lot and who has not complied with that requirement shall, within sixty (60) days of receipt of written notice from the Building Inspector that a violation of this chapter exists, comply with all requirements or be subject

to Village of Allouez zoning code Section 11.24 Enforcement, Violation, Penalties.

8) District requirements. Landscape plans shall meet the following minimum requirements:

a. If not specified, in 2) or 3) below, all districts shall contain at a minimum the additive value listed below:

i. One (1) tree per dwelling unit.

ii. One (1) tree per 1,000 square feet of gross floor area, and any fraction thereof, for nonresidential uses.

iii. One (1) tree per every eight (8) parking stalls.

iv. One (1) street tree for street frontages greater than 100 feet.

v. Twenty (20) percent of total lot area shall remain as open space.

b. Highway Business Use and Commercial Districts shall contain, at a minimum:

i. One (1) tree per 1,000 square feet, or fraction thereof, of gross floor area.

c. Light Industrial District shall contain, at a minimum:

i. One (1) tree per 10,000 square feet of lot area, or fraction thereof.

9) Buffers. That portion of any High Density District, "C" Professional Office and Residence District, High Rise Residence District, Light Industrial District, or Highway Business Use District which includes or is adjacent to single or two-family residential development shall have a landscaped area of at least six (6) feet wide extending the full length of the Business, Industrial, or Multifamily District and meeting the following minimum requirements:

a. One (1) tree per thirty-five (35) lineal feet, or fraction thereof, of lot line bordering single and/or two-Family residential development.

b. A shrub, border, hedge, wall, fence earthen berm, or other durable landscape barrier, or combination thereof, at least six (6) feet high, but not exceeding eight (8) feet high which is ninety (90) percent opaque to sight

placed along the perimeter of such landscaped strip, except in the front yard setback.

c. **Variance.** The Village Board may vary the buffer provisions and minimum requirements following input from adjoining property owners and residents, consideration of the nature of the business, hours of operation and duration of the business and impact of business on adjacent residential properties. Any waiver or variance granted hereunder by the Village Board is personal to the applicant and the nature of the business at the time of consideration and does not transfer or carry over to any new owner or upon material change in business usage and/or hours of operation, in which event, the waiver and/or variance shall expire and new application need be made.

(11) **Off-street loading requirements:** Shall apply to High Density District, "C" Professional Office and Residence District, High Rise Residence District, Commercial District, Light Industrial District, and Highway Business Uses District:

(a) Minimum facilities. All warehousing, manufacturing plants, or any other building where large amounts of goods are received or shipped, shall provide adequate loading and unloading requirements as determined by the Village Board.

(b) Location.

1) All required loading berths shall be off-street and located on the same lot as the building or use to be served.

2) Loading berths shall be located on the rear or side of the building. If due to production techniques, loading berths must be located in the front of the building, they shall be set back a minimum of five (5) feet from the front of the building.

3) Loading berths located at the side of buildings on a corner lot shall observe the following requirements:

a. Loading berths shall not conflict with pedestrian movement.

b. Loading berths shall not obstruct the view of the public right-of-way from off-street parking access.

c. Loading berths shall comply with all other requirements of this ordinance.

4) Each loading berth shall be located with appropriate means of vehicular access to a street in a manner which will cause the least interference with vehicle, pedestrian, and bicycle traffic.

(c) Surfacing. All areas intended to be utilized for off-street loading shall be surfaced with bituminous asphalt or concrete.

(d) Utilization. Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities.

(e) Change of use. Where a change of use in off-street loading facilities is made necessary due to damage, destruction, increased use, or any other change of use, such change shall be reviewed by the Village Board.

(f) Loading dock screening. All loading dock areas shall be screened from adjacent uses. Screening shall consist of fences, walls, and berms of sufficient height, plantings, or a combination of the above elements. Loading dock areas shall be screened at a minimum elevation of five (5) feet above the finished grade at property lines.

(g) Standards. All plant material shall conform to the specifications and procedures stated in the Landscape Plan Requirements section of these standards.

(h) Maintenance. It shall be the responsibility of the lessee and/or owner of the principal use, uses or building, to maintain in a neat and adequate manner, the loading space, access ways, striping, landscaping, screening, and required fences.

(12) **Outdoor Storage:** Outdoor storage of any material other than motor vehicles in operable condition is prohibited. Storage of materials, equipment, parts, inventory, etc. shall take place in completely enclosed structures that meet the General Building and Performance Requirements contained herein. Outdoor storage of motor vehicles in operable condition is allowed provided such

outdoor parking (storage) areas are screened pursuant to the definition (of screening) contained in the Definitions Section.

(13) **Parking:** Parking shall comply with the requirements of Chapter 11.13.

(14) **Signs:** All signs shall comply with the requirements of Section 11.28.

11.100 DESIGNATION OF BOUNDARIES.

A. Zoning Map.

(1) The Zoning Map established and made a part of this ordinance by Section 11.04 B. above is hereby amended as to designated Zoned Districts in accordance with the provisions of Section B below.

(2) The Zoning Map shall be automatically and concurrently amended in accordance with any and all amendments to the designated Zoned Districts as may hereafter take place.

(3) The Zoning Map shall be redrawn and/or updated as the same becomes necessary from time to time, but not less often than annually.

(4) Amendments to the Zoning Ordinance shall not take effect until a public hearing is held and written notification by mail of the date of such hearing is given to residents within a 200-foot radius of the property proposed for the re-zoning, and until a Class II notice has been published in accordance with state statutes.

B. Boundaries of Districts.

All properties lying within the Village of Allouez are hereby zoned as "A" Residence District, except for properties which are otherwise zoned as follows:

(1) "B" Residence District: as designated in the attached Schedule A.

(2) High Density District: as designated in the attached Schedule B.

(3) "C" Professional Office and Residence District: as designated in the attached Schedule C.

(4) High Rise District: as designated in the attached Schedule D.

(5) Commercial District: as designated in the attached Schedule E.

(6) Light Industrial District: as designated in the attached Schedule F.

(7) Highway Business Use District: as designated in the attached Schedule G.

The properties designated in the attached Schedule H are hereby zoned as a "Planned Development District", which is an overlying zone and an alternative to the basic underlying zone for the purpose of establishing a conditional use.