

Village of Mukwonago
SPECIAL PLAN COMMISSION MEETING
Notice of Meeting and Agenda
Tuesday, May 14, 2019

Time: **6:00 p.m.**

Place: **Mukwonago Municipal Building/Board Room, 440 River Crest Court**

1. Call to Order

2. Roll Call

3. New Business

Discussion and Possible Action on the Following Items:

A. Consider Recommendation to the Village Board regarding adoption of the Ordinance regarding Act 67 (Chap. 100).

B. Consider Recommendation to the Village Board approval of the Village Code relating to the Historic Preservation (Chap. 100).

4. Adjournment

It is possible that members of, and possibly a quorum of, members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Please note that, upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through appropriate aids and services. For additional information or to request this service, contact the Clerk's Office, 440 River Crest Court, (262) 363-6420, Option 4.

**VILLAGE OF MUKWONAGO
WAUKESHA AND WALWORTH COUNTIES**

ORDINANCE NO. ____

**ORDINANCE TO AMEND SECTIONS 100-352 and 100-354
OF THE VILLAGE OF MUKWONAGO MUNICIPAL CODE
REGARDING CONDITIONAL USES**

The Village Board of the Village of Mukwonago, Waukesha and Walworth Counties do ordain as follows:

SECTION I

Section 100-352 of the Municipal Code of the Village of Mukwonago is hereby amended to add the following additional sections:

Section 100-352 Application

- (6) All applications for a Conditional Use Permit must be accompanied by a Plan of Operation that describes in detail, acceptable to the Zoning Administrator, the following characteristics as proposed:
- a. Hours of operation;
 - b. Number of employees, including both full time equivalents and maximum number of personnel to be on the premises at any time;
 - c. Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate the impacts of these matters on neighboring properties;
 - d. Descriptions of any materials stored outside and any activities, processing or other operations taking place outside of an enclosed building;
 - e. Compliance with the Village's Storm Water Ordinance, Erosion Control Standards where applicable;
 - f. Sanitary facilities and private on-site waste transfer systems are in compliance with the requirements of the County agencies with jurisdiction;
 - g. Facilities for managing removal of trash, solid waste and recycling materials;
 - h. Anticipated daily traffic, including, but not limited to, the types and weights of vehicles, night provisions, necessary intersection and road improvements or other measures proposed to accommodate increased traffic and/or the weight of the vehicles being utilized;
 - i. List of hazardous, toxic or explosive materials to be stored on site and any spill containment, safety or pollution measures which will be put in place for the use;
 - j. Outdoor lighting and measures taken to mitigate light pollution, impacts to neighboring properties;

SECTION II

Section 100-354 of the Municipal Code of the Village of Mukwonago is hereby amended add the following additional sections:

Section 100-354 Review, findings and approval

- (h) Only complete Applications will be accepted. In the event there are any orders pending with respect to the property or the property is in violation of the terms and conditions of the Village Code, or in the event there are fees, special charges for current services or other sums owned by the owner or occupant of the property to the Village, the Application will not be considered until such time as the outstanding fees, costs or assessments are paid and the property is in compliance with Village Ordinances.
- (i) The Village may consult with a person or persons with appropriate expertise as determined by the Village to effectively evaluate a Conditional Use Permit Application. The review that may be conducted by the consultant may include, but not be limited to, peer review of the reports, analysis and opinion of the applicant's consultant or experts. The adequacy of the measures proposed to protect the public health, safety and welfare, as well as the impact of traffic, noise, odors, lighting and containment, the safety or pollution prevention measures necessary to implement the Conditional Use Permit. The Village Administrator or his/her designee will select the consultant. The applicant for the Conditional Use Permit shall bear all reasonable costs and expenses associated with such consultation. The Zoning Administrator shall advise the applicant of the Village's intention to exercise its authority under this section. The applicant may withdraw a pending Conditional Use Permit Application to avoid the incurring of fees under this paragraph until such time as the expert or consultant is retained; after which the applicant shall be responsible for the fees incurred by the expert consultant until the time the Application withdrawn. The Village may postpone action on any Conditional Use Permit until any pending violations of the Village's Municipal Code are resolved and the property owner brings the property to full compliance with applicable standards and any outstanding fees, costs or expenses incurred by the property owner, or any tenant, are paid in full.
- (j) The Plan Commission may require, in its reasonable discretion, a bond or other financial guaranty to dismantle equipment, buildings or structures that may pose a hazard or nuisance after a Conditional Use Permit is abandoned or revoked, unless otherwise required by an applicable State Law or Administrative Code provision. Any bond or financial instrument provided hereunder shall expressly state that it will remain in full force and effect for a period of at least six months after the surety provides the Village with written notice of an expiration or termination of the surety's obligation under the bond. The applicant shall remove any equipment or structure placed or erected pursuant to a Conditional Use Permit that may pose a hazard or nuisance after the permit is abandoned or revoked not less than thirty days prior to termination or expiration of the bond or financial guaranty. The amount of the surety shall be based upon the estimated cost of the removal of the equipment, building or structure, plus twenty percent.
- (k) The Plan Commission shall require the following standards for approval to be met in order to approve any Conditional Use Permit Application:
 - (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare of the Village.
 - (2) That the uses, values and enjoyment of other property in the surrounding neighborhood that are already permitted shall be, in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
 - (3) That the establishment of the conditional use will not impede the normal and ordinary development and improvement of the surrounding property for uses permitted within the district and/or which are consistent with the standards in the Comprehensive Plan.

- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made to accommodate the use.
- (5) That adequate measures have been taken or will be taken providing ingress and egress to minimize traffic congestion on public streets so as not to diminish the level of service of any intersection which is impacted by traffic arising from the conditional use.
- (1) The Plan Commission shall approve a Conditional Use Permit if the terms and conditions of this Ordinance are met. However, in the event the terms and conditions of the Ordinance are not consented to and complied with by the applicant, the Commission may reject the Conditional Use Permit. In addition, the Commission may reject the Conditional Use Permit Application or place conditions on it if substantial evidence, as defined in Wisconsin Statute §62.23(7) is presented. That evidence shall demonstrate the inability of the applicant to comply with or meet the conditions of this Ordinance or that the conditions to be applied by the Plan Commission are necessary to protect the public health, safety or welfare of the community based upon the presentation of substantial evidence.

SECTION III

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION IV

The several sections of this Ordinance shall be considered severable. If any section shall be considered by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other portions of the Ordinance.

SECTION V

This Ordinance shall take effect upon passage and publication as approved by law, and the Village Clerk shall so amend the Code of Ordinances of the Village of Mukwonago, and shall indicate the date and number of this amending ordinance therein.

PASSED AND ADOPTED by the Village Board this _____ day of _____, 2019.

APPROVED:

Fred Winchowky, Village President

Countersigned:

Judith Taubert, Village Clerk/Treasurer

Sec. 64-8. - Definitions.

The following definitions shall apply to words, terms and phrases within this chapter 64:

Abandoned sign: An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lease, service, owner, product or activity, or for which no legal owner can be found, and which has no historical significance.

Accent symbol: An accent symbol means a solid color or multi-colored design as part of a wall sign system having the intent of drawing attention to the sign or providing a color or colors associated with the business or organization.

Abutting residential: For the purpose of sign regulation in the Village of Mukwonago, abutting residential shall mean when a sign on a same front, side or rear of a property that is contiguous to a property used for and zoned residential, or separated there from only by a nonarterial street, alley, railroad right-of-way from property used for and zoned residential. A sign on or along a front or side of a building that is opposite of the side of a property away from a residential property, although the property on which the sign is located is abutting residential, the sign is not considered abutting residential.

Adjacent grade: For the purpose of sign regulation in the Village of Mukwonago, adjacent grade means the highest finished grade level onto which the sign is attached.

Applicant: An applicant is a person who applies for any permit or approval to do anything governed by this chapter 64 and who has legal standing to apply for a permit or approval on the specific property.

Awning: An awning means an architectural embellishment covering attached to the outside of a structure, erected on or over a window or door, typically supported by a metal frame and covered in a fabric or flexible vinyl product, or similar flexible durable material. A lighted awning, either internally or from the exterior, without sign copy is not an awning sign.

Awning sign: An awning sign is a sign that is mounted or painted on or attached to an awning, canopy or marquee. An awning sign shall conform to standards or wall signs; however, only the sign copy size and logo size, if displayed, as determined by the square footage within an imaginary polygon drawn around the sign, shall count toward the maximum allowed wall sign square footage for the business. A logo shall not be displayed without the business name. Display of an address on an awning is not a sign.

Banner: A banner is a temporary sign with letters, a message, logo or statement advertising a business made of cloth, paper, fabric or another durable flexible material attached to the building in which the business advertised on the banner is located, or securely attached to and between temporary poles located on the same property on which the business advertised on the banner is located. A banner sign shall be either square in dimension or horizontal with the width dimension greater than the height dimension. Any commonly known banner attached to a pole on one side of the banner is considered a flag for the purposes of this chapter 64.

Billboard: A billboard is an outdoor advertising sign or poster panel which advertises products, businesses, and/or services not connected with the site on which the sign is located, which may be a sign on a substantially permanent structure which display services of a type which are customarily leased for commercial purposes. A billboard is prohibited within the Village of Mukwonago pursuant to section 64-13.

Box sign: A box sign means a sign that is self-enclosed in a typically square or rectangular structure with or without internal lighting. A box sign may be either single faced or double faced, where applicable.

Building name: Building name means a sign made of stone or etched in stone, or a plaque, constructed within a building facade indicating a specialized name of the building, and not a specific business name or conveying a commercial message.

Bulletin board: A bulletin board is a type of directory sign that has changeable copy enclosed in a casement covered by glass, plexiglas or other transparent material. A bulletin board sign may be permitted in any residential district provided it is used in conjunction with government functions, churches, schools or similar institutions. A bulletin board is not a reader board.

Business zoning: Business zoning means any of the separate zoning districts within chapter 100 of the Village of Mukwonago Municipal Code (zoning) that has business as part of the zoning district name and description, normally designated with a "B" and number.

Business: For the purposes of this chapter 64, a business is a person, company, corporation or similar entity engaged in an enterprise that is eligible to be identified with a sign or signs as regulated by this chapter 64.

Building inspector: For the purpose of this chapter 64, the building inspector is a person or any one of a group of persons assigned by the village board and/or village administrator to regulate and inspect matters of sign installation, maintenance and enforcement in accordance with health and safety standards and codes and issue permits for sign installation when required by this chapter 64 if the sign complies with health and safety standards and codes for signs. The person or group of persons assigned with building inspection responsibilities from time to time may be assigned the duties of zoning administrator, but the duties of each described within this chapter 64 are separate and distinct.

Changeable copy sign: See definition of "reader board."

Channel letters: Channel letters are individually illuminated letters or graphics of a wall sign; or if a wood wall sign, channel letters are individual letters not physically connected to other letters.

Cornerstone: A cornerstone is a sign made of stone or etched in stone, or a plaque, constructed within a building facade indicating the date of construction of said building.

Directory sign: A directory sign is a sign or a portion thereof that identifies the names of tenants in a multi-tenant building or a development made up of a group of buildings advertising two or more businesses on the same property. The directory sign shall be a part of a freestanding sign located on the same property of the tenants so identified on the sign.

Double faced sign: A double faced sign has the same dimensions, sign elements and sign copy (except for reader board copy) back to back that can be viewed from opposite directions, or when allowed a V-shaped with the same dimensions, elements and copy.

Electronic message center: An electronic message center is a general term referring to any type of electronic programmable sign, with an electronic display or changeable copy. An electronic message center is a category of a reader board. See definition of "reader board."

Flag, commercial: A commercial flag means a piece of cloth or lightweight fabric, mounted on a pole usually on one side of the flag or attached to a movable cord mounted to the pole, used as a temporary display of the name, color scheme, name or logo of a commercial interested located on the property on which the commercial flag or flags are located; or the colors, name or logo of a unified multi-tenant property. The design of the commercial flag may be combined with the allowable message on a noncommercial flag; however, any flag displaying a commercial interest as defined herein shall be only allowed under the required permit. A commercial flag shall not list display prices of product or individual products sold if more than one product line is sold within the business or businesses displayed on the flag. A vertical flag mounted on a pole that is commonly called a banner is considered a flag under this definition.

Flag, government: A government flag means a piece of cloth or lightweight fabric, mounted on a pole usually on one side of the flag or attached to a movable cord mounted to a pole, depicting the colors, insignia, and/or symbol of the United States of America, a branch of the military of the United States of America, the State of Wisconsin, Waukesha or Walworth Counties, Village of Mukwonago, Mukwonago Area School District, and any other officially authorized design of one of the aforementioned governments.

Flag, noncommercial: A noncommercial flag means piece of cloth or lightweight fabric, mounted on a pole usually on one side of the flag or attached to a movable cord mounted to a pole, that (1) does not display a logo, color scheme, message, statement or expression relating to any commercial interest except for a community wide special event or a sports team of local interest; and that (2) provides a design and/or color scheme that recognizes a community organization, recognizes a holiday, presents

seasonal colors or provides colors to enhance the aesthetic appeal of a property. A vertical flag mounted on a pole that is commonly called a banner is considered a flag under this definition.

Flashing sign: A flashing sign is a sign or a portion thereof which changes light intensity or switches on and off in constant pattern, or contains motion or the optical illusion of motion. For the purposes of this chapter 64, a moving or revolving sign shall be considered a flashing sign. A flashing sign is prohibited within the Village of Mukwonago.

Floor: For the purposes of this chapter 64, a floor is a portion of a building included between the surface of a story of a building and the next floor, story or roof line above it.

Freestanding sign: A freestanding sign is any sign permanently affixed to a monument sign base or a pole, when permitted that is affixed to the ground independent of any other structure or building. See also "pole sign," "monument horizontal sign", "monument vertical sign" or "structure sign."

Hanging sign: A hanging sign is any sign presented horizontally that hangs from an awning, canopy or overhang over private property with a minimum clearance of seven feet from the bottom of the sign to the ground or pedestrian walkway, or ten feet from the bottom of the sign to any vehicle drive.

Improved property: For the purposes of this chapter 64, an improved property is listed in the assessment records of the Village of Mukwonago as "improved".

Inflated device, ground-mounted or aerial: A ground-mounted or aerial inflated device is an air filled object made of strong plastic or rubber expansive material designed to bring attention to a business, located on the same property on which the business the inflated device advertises is located.

Illegal nonconforming: An illegal nonconforming sign means any sign, the area, dimensions, location or design of which were unlawful at the time the sign was erected, and which continues to nonconforming to the current standards and regulations due to the adoption, revision or amendment of this chapter 64. See also "legal nonconforming."

Landscaping: For purposes of this chapter 64, landscaping means the improvement of the appearance of the area surrounding a freestanding sign by the planting of grass, shrubs, other plants or other materials such as natural stone.

LED message board: See definition of "reader board."

Legal nonconforming: A legal nonconforming sign means any sign, the area, dimensions, location or design of which were lawful at the time the sign was erected, but which fail to conform to the current standards and regulations due to the adoption, revision or amendment of this article VII. See also "illegal nonconforming."

Logo: A logo is a graphic mark; symbol or emblem commonly used for a business or an organization to aid and promote instant recognition. The logo can be symbol of a parent company to which the local business represents and has a contractual affiliation.

Manufacturing zoning: Manufacturing zoning means any of the separate zoning districts within chapter 100 of the Village of Mukwonago Municipal Code (zoning) that has manufacturing as part of the zoning district name and description, normally designated with an "M" and number.

Masonry: Masonry is a stone-like material laid in and bound together. The common materials for a masonry sign base are brick and stone such as marble, granite, travertine or limestone. Split face block can be utilized if matching the split face block consistency and color on the building the sign advertises. Full brick pieces or stone may be installed over a solid interior base, such as concrete or solid wall construction. The exposed masonry of a masonry sign base may not be cement, concrete, concrete block, painted concrete block, glass block, stucco and tile.

Menu board: A menu board is a permanently mounted sign requiring a permit for a drive-in, drive-thru or drive-window service for the benefit of customers already on the property. A menu board is not a reader board.

Message board: See definition of "reader board."

Memorial sign or tablet: A memorial sign or tablet is a stone or plaque constructed within or installed onto a building wall in remembrance of a person or event, and not a specific business name or conveying a commercial message.

Monument horizontal sign: A monument sign is a freestanding monument sign having the sign face area that counts toward overall maximum sign size as either square in height and width dimensions, or the height dimension is less than the width dimension. Also referred to as a horizontal monument sign.

Monument sign: A monument sign is a freestanding sign continuously attached to a continuous structural base affixed to the ground, which base is not less than the width and depth of the sign attached to it. Monument signs do not include freestanding signs supported by poles.

Monument sign base: Monument sign base means continuous masonry structural base affixed to the ground to serve as the base for a freestanding horizontal monument sign or a freestanding vertical monument sign.

Monument vertical sign: A monument vertical sign is a freestanding monument sign having the sign face area that counts toward overall maximum sign size with the height dimension at least 1.2 times the width dimension; also referred to as a vertical monument sign.

Multi-tenant: Multi-tenant means a property or structure occupied by multiple leaseholders each with its own public entrance from the exterior of the building or through a shared lobby, atrium, mall, or hallway and separated from other tenant spaces by walls.

Off-premises sign: An off-premises sign is an outdoor advertising sign or poster panel which advertises products, businesses, and/or services not connected with the site on which the sign is located, which may be a sign on a substantially permanent structure which displays services of a type which are customarily leased for commercial purposes. An off-premises sign is prohibited within the Village of Mukwonago pursuant to section 64-13.

Organization: For the purposes of this chapter 64, an organization is a person, corporation or similar entity engaged in a service that is eligible to be identified with a sign or signs as regulated by this chapter 64.

Pedestal sign: A pedestal sign means a sign securely attached at the top or near the top of a vertical pole, support or base constructed of wood, metal or similar rigid and durable material displayed outside and near the main building entrance of a business to temporarily identify a product or service, typically a restaurant menu or a special sale item.

Permanent sign: A permanent sign means a sign which is intended to be "permanent in place" for the duration of the permit use. Examples of permanent signs may include, but not limited to, wall signs, roof signs, projecting signs, freestanding signs (pole, monument horizontal, monument vertical or structure), awning signs, or on-site directional signs.

Permit: For the purposes of this chapter 64, a permit is a document issued by the zoning administrator or the building inspector stating a sign meets the requirements of this chapter 64 and any other applicable codes to allow that sign to be duly placed and installed within a property within the Village of Mukwonago. Each sign type that requires a permit under the provisions of this chapter 64 shall be included in a list determined and maintained by the zoning administrator and the building inspector to either zoning administrator or building inspector responsibility to issue said permit. Permit application forms shall be made available to applicants for sign permits, and the village board may set fees to issue a sign permit and complete sign inspections per sign type.

Plan commission: The plan commission is the body with the responsibility of review of signs and special exceptions as required by this chapter 64, as organized under W.S.A., § 62.23 and Village of Mukwonago Municipal Code chapter 62.

Pole sign: A pole sign is any freestanding sign that does not meet the definition of monument sign. A pole sign is composed of the sign cabinet and the sign pole or pylon by which the sign cabinet connects to the ground.

Portable sign: A portable sign is a sign that is not permanent, affixed to a building, structure, or to the ground, other than a sandwich board or pedestal sign allowed by this chapter 64. Such sign is sometimes mounted on wheels to make it transportable. A portable sign is prohibited in the Village of Mukwonago pursuant to section 64-13.

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

Public entrance: For the purposes of this chapter 64, a public entrance means an entrance to the interior space of an office, commercial or retail business, or industrial building that is located and designed, and allowed by applicable building codes, to be used as an ingress/egress to the interior space by customers or visitors, and that is available for use by the public during business open hours. An entrance used solely for employees and/or deliveries shall not be determined to be a public entrance.

Quasi-permanent sign: A quasi-permanent sign is a sign that is designed, installed and used as a permanent sign but with the intent of being removed or replaced from time to time. A quasi-permanent sign as regulated in this chapter 64 is intended to provide supplemental identification for a business and organization and shall not be used as the sole identification of a business or organization in lieu of a permanent sign allowed in section 64-22 or 64-23.

Reader board: A reader board is a portion of a sign on which letters and other sign copy are readily replaceable either manually or electronically such that copy can be changed from time to time at will, and with copy changed at a frequency of at least once every six months; however individual applied letters shall be changed at a frequency of at least once every seven days. Electronic messages shall be allowed to change at a minimum rate of once per minute, with any change of less than one minute not allowed, except for ten second intervals of changes to time and temperature display. A reader board includes other terms such as changeable copy sign, message board, electronic message center or LED message board. A reader board is not a menu board.

Registration: For the purposes of this chapter 64, registration means a form filed with the zoning administrator or the building inspector office stating that a temporary sign or quasi-permanent sign meets the requirements of this chapter 64. The purpose of sign registration is to provide the zoning administrator with a record of sign ownership, installer and date of installation, and that the sign conforms to the design standards for the sign. Sign registration forms shall be made available to property owners, sign owners or their assigns. A fee is not required for a sign registration. Failure of a property owner or sign owner to file a registration when required, or placement of a temporary or quasi-permanent sign that does not conform to the standards for that sign category, shall cause removal of said sign in accordance with provisions of this chapter 64.

Residential: For the purpose of sign regulation in the Village of Mukwonago, residential means any property used as a dwelling or dwellings and zoned for residential within chapter 100 of the Village of Mukwonago Municipal Code (zoning).

Roof sign: A roof sign means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck of a building with a mansard roof.

Sandwich board sign: A sandwich board sign means a two-sided portable sign constructed of wood, metal or similar rigid and durable material displayed outside and near the main building entrance of a business to temporarily identify a product or service, typically a special sale item, special sales event or help wanted. The sandwich board sign is generally two individual sign surfaces connected at a pivot point at the top of the sign surfaces so that each sign surface can support itself and be placed on a flat solid surface in the form of an inverted "V" shape.

Setback: For the purpose of sign regulation in the Village of Mukwonago, setback means the required minimum horizontal distance between any part of a sign or sign structure and any right-of-way line (front property line), side property line or rear property line.

Single tenant building: For the purpose of sign regulation in the Village of Mukwonago, a single tenant building is a stand-alone building designed for and occupied by a single office, commercial, organization or industrial business.

Sign: A sign is any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession or business, and which is visible to the public.

Sign copy: Sign copy is the business name and message to identify an on-site business, and any other sign elements of a logo, accent stripe or accent color allowed by this chapter 64.

Sign face: Sign face means the area or display surface used for the message.

Sign, ground: A ground sign is any sign placed upon or supported by the ground independent of any other structures. For the purpose of this chapter 64, a ground sign is called a freestanding sign.

Sign height: Sign height means the vertical distance from adjacent grade to the highest point of a freestanding sign including supports, design features and embellishments, or for other signs the vertical distance of the sign from bottom to top or all combined wall sign elements.

Sign maintenance: Sign maintenance is the normal care needed to keep a sign functional, such as cleaning, painting, oiling and changing of light bulbs.

Sign, multi-tenant wall sign or projecting sign: A multi-tenant wall sign or projecting sign means a sign for an office, commercial or industrial building occupied by two or more leasable business areas; however, each leasable area must have a public entrance separate from any other leasable business area and public access directly to the leasable business area via the building exterior or a common lobby or corridor. Leasable business areas that are incorporated within a larger leasable business area or business of the property ownership and are dependent upon the larger leasable business area for hours of operation, facilities, utilities and the like shall not be determined to be multi-tenant. If the public cannot enter a leasable business area when the larger leasable area is not open to the public, then the leasable business area shall not be eligible for a wall sign or a projecting sign as a multi-tenant business. In addition, any building with separate condominium ownerships shall be considered multi-tenant.

Sign, multi-tenant freestanding sign: A multi-tenant freestanding sign means sign for an office, commercial or industrial building occupied by two or more leasable business areas, or a grouping of buildings within a unified development on the same property that may have multiple tenants per building or within each building. In addition, any office, commercial or industrial building with separate condominium ownerships shall be multi-tenant.

Sign width: Sign width means the maximum horizontal distance between the sides of the sign face for a freestanding sign including monument sign columns, or for other signs the maximum horizontal distance between the sides of the sign of all combined sign elements.

Single tenant building: For the purpose of signage, a single tenant building is a stand-alone building designed for and occupied by a single office, commercial or industrial business that may have multiple uses within a larger integral space designed as a single entity. See definitions for multi-tenant wall sign or projecting sign, or multi-tenant freestanding sign, for when sign regulations for single tenant building or multi-tenant buildings apply.

Structure sign: A structure sign is a freestanding sign taller than a monument horizontal sign or monument vertical sign constructed with the same width dimension at all points of the sign structure from base to highest point of the sign structure allowed by special exception approved by the plan commission on properties equal to or over 2.01 acres in size abutting the Interstate 43 right-of-way, or allowed in certain situations for a motor fuel dispensing station freestanding sign.

Temporary or special event sign: A temporary sign or special event sign is a nonpermanent sign intended for use for a short period of time as specified in this chapter 64 typically constructed of canvas, fabric, wood, plastic, cardboard or wall board, with or without frame.

Unimproved property: For the purposes of this chapter 64, an unimproved property is listed in the assessment records of the Village of Mukwonago with only an assigned "land" value, and not any improvement value.

Vehicle or trailer sign: A vehicle or trailer sign is a permanent or temporary sign affixed, painted on, or placed in or on any vehicle, trailer, or other device capable of being driven or towed, which is displayed in public view so that the primary purpose is to attract the attention of the public, rather than the vehicle or trailer to serve the business of the owner thereof in a manner which is customary for said vehicle or trailer for transportation or carrying of materials. A vehicle or trailer sign is prohibited in the Village of Mukwonago pursuant to section 64-13.

Village board: The village board means the elected officials of the Village of Mukwonago comprised of a village president and six trustees.

Village center: The village center is the geographic area of the corporate limits of the Village of Mukwonago bounded by:

- (a) North—Centerline of Pearl Avenue east of Rochester Street (STH 83); centerline of Eagle Lake Avenue west of Rochester Street (STH 83).
- (b) South—Centerline of Blood Street from between Lois Street and Main Street; centerline of Main Street between Blood Street and Andrews Street; centerline of Andrews Street east of Main Street with same line extended eastward to the railroad right-of-way.
- (c) East—Railroad right-of-way.
- (d) West—Centerline of Lois Street north of Blood Street to centerline of Atkinson Street; centerline of Atkinson Street between Lois Street and Park Place; centerline of Park Place Avenue north of Atkinson Street with same line extended to the centerline of Eagle Lake Avenue.

The village center may be referred to as the downtown, central village, ~~the design sensitivity area~~, the historic preservation area(MGB1) or the fire district in other chapters of the Municipal Code or within village plans or policies.

Village proper: The village proper is the geographic area of the corporate limits of the Village of Mukwonago outside of the defined boundary of the village center.

Vision triangle: For the purposes of this chapter 64, a vision triangle is an imaginary line provided at each intersection of two streets, and alley and a street, or an access drive and street. Typically in chapter 100, the vision triangle is measured 30 feet from the intersection of the rights-of-way or the edge of the access drive with the right-of-way. The vision triangle shall be measured as required in chapter 100. A vision triangle may be also called a vision corner.

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

Window sign: A window sign is a sign that is applied or attached to the interior of a window or located in such manner within the building that it can be readily seen from the exterior of the building through a window.

Zoning administrator: For the purpose of this chapter 64, the zoning administrator is a person or any one of a group of persons assigned by the village board and/or village administrator to review and approve sign installation, maintenance and enforcement in accordance with the standards and requirements of this chapter 64, and may from time to time have the authority to issue a permit for sign installation when the proposed sign does not [sic] a review by the building inspector. The person or group of persons assigned with zoning administration responsibilities from time to time may be assigned the duties of building inspector, but the duties of each described within this chapter 64 are separate and distinct.

(Ord. No. 854, § III, 12-20-11)

Sec. 100-29. - Specific words and phrases.

Accessory use or structure. A detached subordinate structure or a use which is clearly incidental to, and customarily found with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

Adult family home. Defined under W.S.A., § 50.01(1), means one of the following:

- (a) A private residence to which all of the following apply:
 - (1) Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for three or four adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in W.S.A., § 51.01(5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four, or more adults or children if all of the adults or all of the children are siblings, or, if the residence is licensed as a treatment foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than four.
 - (2) The private residence was licensed under W.S.A., § 48.62, as a foster home or treatment foster home for the care of the adults specified in subdivision 1. at least 12 months before any of the adults attained 18 years of age.
- (b) A place where three or four adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to seven hours per week of nursing care per resident.

Alley. A special public right-of-way affording only secondary access to abutting properties.

Architectural appurtenance. Architectural appurtenance means an accessory or adjunct embellishment to the architectural design of a building that benefits the aesthetic appeal and enjoyment of the property.

Art studio. An establishment engaged in the sale or exhibit of art works such as paintings, sculpture, macrame, knitted goods, stitchery or pottery. Art studios are also engaged in the creations of such art works and often offer instruction in their creation. Within the context of this chapter, art studio does not include nude modeling and other pornographic exhibits.

Arterial highway. A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways include freeways and expressways, state trunk and county trunk highways, and other heavily traveled streets and parkways.

Assembly. When used in describing an industrial operation, the fitting or joining of parts of a mechanism by means of fasteners, nuts and bolts, screws, glue, welding or other similar technique. Assembly shall not include the construction, stamping or reshaping of any of the component parts.

Baby sitting. The act of providing care and supervision for fewer than four children. This definition does not apply when the baby sitter is related to the child, or when more than four children in one household are related.

Basement. That portion of any structure which is below grade, or which is partly below and partly above grade but so located that the vertical distance from the grade to the floor is greater than the vertical distance from the grade to the ceiling.

Boardinghouse. A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for not more than 12 persons not members of the family who are the principal occupants of the family. Boardinghouses are not open to transient customers such as those who would seek lodging at a motel or hotel.

Boathouse. As defined in W.S.A., § 30.121(1). A permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.

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

Building area. The total living area bounded by the exterior walls of a building at the floor levels, but including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Building height. The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.

Business mixed use development. In the Village of Mukwonago, business mixed use development with conditional use approval under planned unit development overlay standards applied to specific business districts means a mixture of multi-family residential and business uses allowed on the same property. Business uses may include commercial, retail, service and office activities that are either new or existing. Business mixed use development may be: (1) within a single or multiple buildings within a unified development having business on lower or upper floors and multi-family residential dwelling units on the other floors; or (2) a business or businesses in buildings separate from the multi-family residential buildings with all buildings within a unified development. However, a multi-family development proposal within the area planned for business mixed use overlay within the South Main Street-River Key Area of the Update to Comprehensive Plan 2035, may apply through a planned unit development to be solely residential if conforming to the following criteria:

- (1) The proposal must be a redevelopment project, meaning the acquisition of property with existing buildings, impervious surface, or infrastructure are to be demolished and repurposed; and
- (2) The total development proposes less than 100 units of new multi-family; and
- (3) The proposed development area is directly abutted by an existing commercial development.

Each business mixed use development shall be under the same ownership at the time of application and approval. Nonetheless, after approval and development, the unified development site may be divided into separate ownerships.

Certificate of compliance. A certification issued by the zoning administrator stating that any construction and use of land or a building, the elevation of fill or the first floor of a structure is in compliance with all of the provisions of this chapter.

Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Clothing repair shops. Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five persons.

Clothing stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, and dress, hosiery, and millinery shops.

Commercial building. For the purposes of zoning review permit and occupancy permit, a commercial building is any use of a building other than single-family dwelling and two-family dwelling.

Community living arrangement. Defined under W.S.A., § 46.03(22)(a) means any of the following facilities licensed or operated, or permitted under the authority of the State of Wisconsin Department of Health and Family Services:

- (a) Residential care centers for children and youth, as defined in W.S.A., § 48.02(15d), operated by child welfare agencies licensed under W.S.A., § 48.60;
- (b) Group homes for children, as defined in W.S.A., § 48.02(7); and
- (c) Community-based residential facilities, as defined in W.S.A., § 50.01(1g); but

- (d) Does not include adult family homes, as defined in W.S.A., § 50.01(1), day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

Conditional uses. Uses of a special nature as to make impractical their predetermination as to a permitted use in a district. A use which is permitted by this chapter, provided that certain conditions are met and that a permit is granted by the board of zoning and building appeals or, where designated, the village board or the planning commission.

Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership of real estate and not a specific building type or style.

Conservation standards. Guidelines and specifications for soil and water conservation practices and management enumerated in the technical guide prepared by the U.S. Department of Agriculture, Soil Conservation Service, for the county, adopted by the county soil and water conservation district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the landowner selects the alternative which best meets his needs in developing his soil and water conservation plan.

Construction site control measure. A control measure used to meet the requirements of section 100-353 of this chapter.

Control measure. A practice or combination of practices to control erosion and attendant pollution.

Control plan. A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of the site construction erosion control provisions of this chapter submitted by the applicant for review and approval by the village.

Day care center. An establishment in which the operator is provided with compensation in return for providing one or more individuals with care for less than 24 hours at a time. The term includes, but is not limited to, a day nursery, nursery school, adult day care center or other supplemental care facility. This term does not include a family day care home.

Density. The number of dwelling units per acre of land on a parcel, lot or unified land-developing activity. For the purposes of calculation, the number of dwelling units is the numerator and the acreage is the denominator, with the resultant expressed in dwelling units per acre.

Density, gross. The number of dwelling units per acre of land on a parcel, lot or unified land-developing activity where the amount of acres excludes any existing right-of-way and any major utility right-of-way.

Density, net. The number of dwelling units per acre of land on a parcel, lot or unified land developing activity where the amount of acres excludes any existing right-of-way and any major utility right-of way, plus excluding all natural resources to be protected, including wetlands, floodplains, lakes and streams, woodlands and forests, existing stormwater basins, primary environmental corridors, and archeological sites.

Department. The Wisconsin Department of Natural Resources.

Development. Any new use, change of use and any change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; any placement of mobile homes, the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.

District, basic. A part or parts of the village for which the regulations of this chapter governing the use and location of land and buildings are uniform (such as the residential, commercial, and industrial district classifications).

District, overlay. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.

Drainage system. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Drive-in restaurant. An establishment used for the sale, dispensing or serving of food, refreshments or beverages in or on disposable plates and cups, including those establishments where customers may serve themselves and may eat and drink the food, refreshments and beverages on or off the premises.

Dwelling. A detached building, also called a duplex, designed or used exclusively as a residence or sleeping place, but does not include boarding or lodgings, motels, hotels, tents, cabins or mobile homes.

Dwelling, bi-level. A two-level dwelling with one level above grade, and the other level half above grade and half below grade. The lowest level may or may not have exterior access. For the purpose of measuring living area, the building inspector will determine functional areas as set forth in the definition of "living area," and the first floor area will be considered to be the first level that is entirely above grade.

Dwelling, multiple-family. A residential building designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Dwelling, single-family. A detached building designed for or occupied exclusively by one family.

Dwelling, tri-level. A three-level dwelling with two levels above grade, and a third level half above grade and half below grade. The lowest level may or may not have exterior access.

Dwelling, two-family. A detached building containing two separate dwelling (or living) units, designed for the occupancy by not more than two families.

Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.

Election campaign period. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates or the first day that candidates would circulate papers were papers to be required, and ending the day of election. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

Environmental control facility. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

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

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

Essential services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

Existing mobile home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this chapter.

Expansion to existing mobile home park. Means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads or construction of streets.

Expressway. A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family. The body of persons related by blood, marriage or adoption, or not more than four (4) unrelated persons who live together in one dwelling unit as a single housekeeping entity.

Family day care home. A dwelling licensed as a day care center by the State of Wisconsin Department of Health and Family Services under W.S.A., § 48.65, where care is provided for not more than eight children. (From W.S.A., § 66.1017(1)(a).)

Farmers market. The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than five bushels per day of farm produce grown off the premises is not considered a farmers market.

Fence height. The distance measured from the average grades of the abutting lots to be separated by the fence.

Financial institutions. Includes banks, savings and loans associations, etc.

Fixed houseboat. As defined in W.S.A., § 30.121(1). A structure not actually used for navigation which extends beyond the ordinary high water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

Flea market. Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

Floodlands. For the purpose of this chapter, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning regulation, the floodlands are divided into the floodway overlay district and the floodplain fringe overlay district.

Foster family home. The primary domicile of a foster parent which is for four or fewer foster children and which is licensed pursuant to W.S.A., § 48.62.

Foster home. Any facility that is operated by a person required to be licensed by W.S.A., § 48.62(1)(a), and that provides care and maintenance for no more than four children or, if necessary to enable a sibling group to remain together, for no more than six children or, if the State of Wisconsin Department of Health and Family Services promulgates rules permitting a different number of children, for the number of children permitted under those rules. (From W.S.A., § 48.02(6).)

Freeway. An expressway with full control of access and with fully grade separated intersections.

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

Garage, private. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises.

Garage, public or commercial. Any garage other than a private garage.

Garage sale. See "rummage sale."

Gift stores. Retail stores where items such as art, antiques, jewelry, books and notions are sold.

Group assembly. A company of persons gathered together for any purpose for a period of two or more hours.

Group foster home. Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to W.S.A., § 48.62, for the care and maintenance of five to eight foster children.

Hardware stores. Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.

Hearing notice. Publication or posting meeting the requirements of W.S.A., ch. 985. Class 1 notice is required at a minimum for appeals; published once at least one week (seven days) before the hearing. Class 2 notice is required at a minimum for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last publication at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

High water elevation. "Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Historic district. An area designated by the village board, on recommendation of the commission, that contains two or more historic improvements or sites, as well as those abutting improvement parcels which the commission determines shall fall under the provisions of this section to assure that their appearance and development are harmonious with such historic structures or historic sites.

Historic structure. Any structure that is:

- (1) Listed in the National Register of Historic Places or preliminarily determined by the secretary of the interior as meeting the requirements for listing on the National Register;
- (2) Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places; or
- (4) Listed on a local inventory of historic places in communities with historic preservation programs certified by the state.

Home industry. A home occupation that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence; or an occupation of a more intense nature that is normally defined as a home occupation.

Home occupation. Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.

Housing for the elderly. A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

Interchange. A grade separated intersection with one or more turning lanes for travel between intersection legs.

Joint extraterritorial zoning committee. Any zoning committee established in accordance with W.S.A., § 62.23(7a).

Junk or salvage yard. An area consisting of buildings, structures or premises where junk waste and discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards and house wrecking and structural steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operable condition. Junk yards are not permitted in the Village of Mukwonago.

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

Land disturbing activity. Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

Landmark. Any structure or improvement which has a special character or special historic interest or value as part of the community, state or nation and which has been designated as a landmark pursuant to the provisions of the Village of Mukwonago Historical Society.

Landmark site. Any parcel of land of historical significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and which has been designated as a landmark site pursuant to the provisions of this chapter; or a parcel of land, or part thereof, on which is located a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.

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

Land use. Any nonstructural use made of unimproved or improved real estate. (Also see "development")

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.

Letter of map amendment (LOMA). Official notification from the federal emergency management agency (FEMA) that a flood hazard boundary map or flood insurance rate map has been amended.

Living area. The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.

Living rooms. All rooms within a dwelling except closets, foyers, storage area, utility rooms and bathrooms.

Loading area. A completely offstreet space or berth on the same lot as the principal use it serves for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lot. For the purpose of this chapter, a lot shall be defined as a parcel of land on which a principal building and its accessory building are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street and should not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes should be included in the computation of lot size.

Lot, corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot size.

Lot depth. The horizontal distance between the front and rear lot lines measured on the longitudinal centerline.

Lot, double frontage. A parcel or lot, other than a corner lot, with frontage on two streets or with frontage on a street and a navigable body of water. Where access to the parcel or lot is restricted from one of the frontages, then the yard facing the restricted access street shall be considered the rear yard for building setback purposes, and the yard facing the allowable access street shall be considered the street yard for building setback purposes.

Lot lines and area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot line fence. Any fence located a distance from lot line equal to the height of the fence.

Lot, triple frontage. A parcel or lot that is also a corner lot, with frontage on three streets. Where access to the parcel or lot is restricted from one of the frontages that are opposite the frontage with allowable access, then the yard facing the restricted access street shall be considered the rear yard for building setback purposes. The third street frontage that is not opposite of a yard with street frontage shall be considered the street yard for building setback purposes.

Lot width. The width of a parcel of land measured between the intersection of the two side lot lines and the right-of-way, measured along the chord. Where the lot width narrows toward the rear yard, the lot width shall be measured at the building setback line between the two side lot lines, measured along the chord. On corner lots, the smallest frontage shall be deemed the lot width, and no side or rear lot line shall be less than the required lot width.

Machine shops. Shops where lathes, presses, grinders, shapers and other wood and metal working machines are used, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair shops; and overhaul shops.

Manufactured home. As defined in W.S.A., §§ 101.90—101.96 or future revisions of these statutes.

Manufacturing. When used in describing an industrial operation, the making or processing of a product with machinery.

Minor structures. Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences.

Mobile home. A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction but not including a unit used primarily for camping, touring or recreational purposes which remains licensed and ready for highway use and remains onsite less than 180 days.

Mobile home park. Any parcel of land which has been developed for the placement of mobile homes upon which two or more units may be located, regardless of whether or not a charge is made for such accommodation.

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

Multiple-family. A residential building or grouping of residential buildings where each building is designed for or occupied by three or more families, with the number of families in residence not to exceed the number of dwelling units provided. A multiple-family residence may be owner occupied or rental occupied.

Navigable waters. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

Nonconforming uses or structures. Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendment thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements is considered a nonconforming structure and not a nonconforming use.

Nursing home. A place where five or more persons who are not related to the operator or administrator reside, receive care or treatment and, because of their mental or physical condition, require access to 24-hour nursing services, including limited nursing care, intermediate level nursing care and skilled nursing services, as defined in W.S.A., § 50.01.

Official letter of map amendment. Official notification from the federal emergency management agency (FEMA) that a flood hazard boundary map or flood insurance rate map has been amended.

Ornamental fence. A fence intended to decorate, accent or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or a lot line; or frame a driveway, walkway or planting bed. Ornamental fences are those with more than 50 percent of their surface area open for free passage of light and air. Ornamental fences are often of the picket, rail or wrought iron type.

Overlay zoning district. Overlay zoning district means a zoning district that provides for specific regulations to be applied to a designated area in combination with the requirements of the underlying or base zoning district.

Parking lot. A structure or premises containing ten or more parking spaces open to the public. Such spaces may be for rent or a fee.

Parking space. A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in interest. Includes all abutting property owners, all property owners within 250 feet, and all property owners of opposite frontages.

Pierhead line. A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to W.S.A., § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to W.S.A., § 30.12(2).

Places of entertainment. Includes pool halls, theaters, bowling alleys, dance halls, skating rinks, golf driving ranges and night clubs.

Planned unit development. A planned unit development (PUD) is an alternate zoning tool for developments that propose a creative and innovative solution with a layout that is not achievable by the standards of the underlying or base zoning district. The PUD is intended to permit developments that will be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD overlay district under this chapter will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the village, while at the same time maintaining the land use density and other standards or use requirements set forth in the underlying or base zoning district.

Premises. A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Processing. When used in describing an industrial operation, the series of continuous actions that changes one or more raw materials into a finished product. The process may be chemical as in the processing of photographic materials; it may be a special method such as processing butter or cheese; it may be a mechanical process such as packaging a base product.

Professional home offices. Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or persons in other recognized professions used to conduct their professions, where the office use is incidental to the residential use of the premises.

Rear yard. A yard extending across the full width of a lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard is opposite the street yard or one of the street yards on a corner lot. Where two side lot lines narrow to the point that the rear lot line is less than ten feet in length, then for purposes of measuring the rear setback, the rear lot line shall be considered a line ten feet in length between the side lot lines as parallel as possible to the street frontage.

Rummage sale. The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed four consecutive days in length and are not conducted more often than three times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this section, are not rummage sales.

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

Satellite lot. A confined designated area, either subdivided or in common ownership with adjacent areas, containing a single use building that is designed as an integral part of a unified commercial/retail center or business center.

Seat. Furniture upon which to sit, having a linear measurement not less than 24 inches across the surface used for sitting.

Secondary suite. An arrangement and use of rooms within a single-family dwelling that allows for one or two family members to reside separate from the single housekeeping entity while remaining part of and having nonlockable direct interior access to the entire single-family dwelling. The arrangement of rooms may contain a kitchenette area with associated living areas, bedrooms and a bathroom.

Senior housing. A building or group of buildings containing dwellings intended to be occupied by elderly persons, as defined by the Federal Fair Housing Act, as amended. Senior housing may include independent and/or assisted living arrangements but shall not include nursing or convalescent homes regulated by the State of Wisconsin. Independent and assisted living housing are defined as follows:

Senior assisted living. Housing that provides 24-hour supervision and is designed and operated for elderly people who require some level of support for daily living. Such support shall include meals, security, and housekeeping, and may include daily personal care, transportation and other support services, where needed. Individual dwellings may contain kitchen facilities.

Senior independent living. Housing that is designed and operated for elderly people in good health who desire and are capable of maintaining independent households. Such housing may provide certain services such as security, housekeeping and recreational and social activities. Individual dwellings are designed to promote independent living and shall contain kitchen facilities.

Setback or street yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots and double frontage lots have two such yards, except as defined in "Lot, double frontage" and "Lot, triple frontage."

Set of one-year design storms. The rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12, and 24 hours that occur approximately once each year. The following are typical characteristics of these one-year storms in most of Wisconsin:

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

Shorelands. Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were nonnavigable streams before

ditching or had no previous stream history; and (c) such lands are maintained in nonstructural agricultural use.

Shorelines. The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the average annual high water elevation.

Shore yards. A yard extending across the full width or depth of a lot, the depth of which shall be the minimum horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the high water elevation of a pond, stream, lake or wetland nearest the principal structure and a line parallel thereto containing the point of the principal structure nearest the high water line.

Side yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

Smoke unit. The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Storage capacity. The volume of space available above a given cross-section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

Story. That portion of a building included between the surface of a floor and the surface of the floor or ceiling next above it; a basement or cellar having one-half or more of its height above the average grade of the lot shall be deemed one full story.

Street. A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

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

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

Structure. Any erection or construction, such as buildings, prefabricated or prebuilt buildings, towers, masts, poles, booms, signs, decorations, carports, machinery or equipment.

Substantial improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components.

Surety. Whenever the terms "surety," "surety bond," or "bond" are used in this chapter, such term shall describe only an irrevocable letter of credit or a cash bond as approved by the village attorney.

Sustained yield forestry. Management of forested lands to provide annual or periodic crops of forest products.

Townhouses. A group of single-family dwellings, also called row houses, having an unpierced common wall between each adjacent section and the end units having side yards.

Treatment foster home. Any facility that is operated by a person required to be licensed under W.S.A., § 48.62(1)(b), that is operated under the supervision of the State of Wisconsin Department of Health and Family Services, a county department or a licensed child welfare agency, and that provides to

no more than four children care, maintenance and structured, professional treatment by trained individuals, including the treatment foster parents. (From W.S.A., § 48.02(17q).)

Turning lane. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unnecessary hardship. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulator stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

Wetland. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

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

(Ord. No. 572, § I(9.2302), 2-6-96; Ord. No. 698, § VIII, 1-21-03; Ord. No. 731, § II, 4-20-04; Ord. No. 815, § I, 11-18-08; Ord. No. 837, § I, 1-18-11; Ord. No. 839, § II, 4-19-11; Ord. No. 854, § I, 12-20-11; Ord. No. 926, § I, 4-18-17; Ord. No. 927, § I, 4-18-17)

Cross reference— Definitions and construction of terms, § 1-2.

Sec. 100-301. - Purpose and intent.

It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this article is to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of such improvements, sites and districts which represent or reflect elements of the village's cultural, social, economic, political and architectural history.
- (2) Safeguard the village's historic and cultural heritage, as embodied and reflected in such historic structures, sites and districts.
- (3) Foster civic pride in the notable accomplishments of the past.
- (4) Stabilize and improve property values.
- (5) Protect and enhance the village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (6) Improve and enhance the visual and aesthetic character of the village.
- (7) Educate the public regarding the need and desirability of a village historic preservation program and its enhancement of the quality of life.

(Ord. No. 572, § I(9.1101), 2-6-96)

Sec. 100-302. - Definitions.

Definitions shall be as follows or as set forth in section 100-29:

Certificate of appropriateness means the certificate issued by the commission approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, historic site or any improvement in a historic district.

Commission means the historic preservation commission created under this article.

Historic district shall be as set forth in section 100-29.

Historic site means any parcel of land of historic significance due to substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this article, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure shall be as set forth in section 100-29.

Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

Improvement parcel is the unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

(Ord. No. 572, § I(9.1102), 2-6-96)

Sec. 100-303. - Historic preservation commission composition[MGB1].

A historic preservation commission is hereby created, consisting of seven members. ~~Of the membership, if available in the community, one shall be a registered architect; one shall be a historian; one shall be a licensed real estate broker; one shall be a village board member; and three shall be citizen~~

~~members. Each member shall have, to the highest extent practicable, a known interest in historic preservation.~~ The village president shall appoint the commissioners subject to confirmation by the village board. Of the initial members so appointed, two shall serve a term of one year, two shall serve a term of two years, and three shall serve a term of three years. Thereafter, the term for each member shall be three years.

(Ord. No. 572, § I(9.1103), 2-6-96)

Sec. 100-304. - Historic structure, historic site and historic district designation criteria.

- (a) For purposes of this chapter, a historic structure, historic site, or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of which has particular historic, architectural, archeological or cultural significance to the village such as historic structures, sites, or districts which:
- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
 - (2) Are identified with historic personages or with important events in national, state or local history; or
 - (3) Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - (4) Are representative of the notable work of a master builder, designer or architect who influenced his age; or
 - (5) Have yielded, or may be likely to yield, information important to prehistory or history.
- (b) The commission may adopt specific operating guidelines for historic structure, historic site and historic district designation, providing such are in conformance with the provisions of this chapter and Wisconsin Statutes Sec 62.23(7) as it may be amended from time to time.

(Ord. No. 572, § I(9.1104), 2-6-96)

Sec. 100-305. - Powers and duties.

- (a) *Designation.* The commission shall have the power, subject to section 100-311, to designate historic structures and historic sites and to recommend designation of historic districts within the village limits. Such designations shall be made based on section 100-309~~6~~. Historic districts shall be subject to all the provisions of this chapter.
- (b) *Regulation of construction, reconstruction, alteration and demolition.*
- (1) No owner or person in charge of a historic structure, or historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a certificate of appropriateness has been granted by the ~~historic preservation c~~Commission. Unless such certificate has been granted by the ~~e~~CCommission, the building inspector shall not issue a permit for any such work.
 - (2) Upon filing of any application for a certificate of appropriateness with the ~~e~~CCommission, the ~~e~~CCommission shall approve the application unless:
 - a. In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement or site upon which such work is to be done;
 - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the

external appearance of the other neighboring improvements on such site or within the district;

- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this chapter and to the objectives and design criteria of the historic preservation plan for such district;
 - d. The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the village and state;
 - e. The building or structure is of such old and unusual or uncommon design, texture, and/or material that it could not be reproduced without great difficulty and/or expense;
 - f. In the case of a request for a demolition permit, the denial of the permit would result in the loss of all reasonable and beneficial use of or return from the property; or
 - g. In the case of a request for the demolition of a deteriorated building or structure, any hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair;
 - h. The owner of the historic property submits information that the denial of the certificate of appropriateness will deprive the owner of all reasonable use of, or economic return on, the property.
- (3) In addition, in determining whether to issue a certificate of appropriateness, the Commission shall consider and may give decisive weight to any or all of the following standards:
- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall be constructed with materials that are similar in design, color, scale, architectural appearance and other visual qualities. match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

- (4) If the ~~C~~eommission determines that the application for a certificate of appropriateness and the proposed changes are consistent with the character and features of the property or district, and with the above guidelines, it shall issue the certificate of appropriateness. Upon the issuance of such certificate, the building permit shall then be issued by the building inspector. The commission shall make this decision within 45 days of the filing of the application.
 - (5) Agencies of the village and all public utility and transportation companies, undertaking projects affecting historic structures, historic sites or historic districts, shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street paving, sidewalks, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the village.
 - (6) The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. Insofar as they are applicable to a historic structure, historic site or improvement in a historic district designated under this article, any provision of the plumbing code, electrical code, or building or housing code of the village shall apply, unless waived by the appropriate state or village appeals body.
 - (7) Compliance with certificates of appropriateness shall be started within 12 months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The village may inspect the work during and after construction in order to assure compliance. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this article. In addition to the other penalties and remedies, the village shall issue a stop work order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such stop work order shall continue in effect.
 - (8) Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (c) *Appeals.* Should the ~~e~~Ccommission fail to issue a certificate of appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the village board within 30 days. The village board may, by a majority vote, overturn the Commission's decision declining to issue a certificate of appropriateness. In addition, if the ~~e~~Ccommission ~~fails~~declines to issue a certificate of appropriateness, the ~~e~~Ccommission shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a certificate of appropriateness within the guidelines of this article.
- (d) *Recognition of historic structures, sites and districts.* At such time as a historic structure, or ~~site-or~~ ~~district~~ has been properly designated, the commission may cause to be prepared and erected on such property at village expense a suitable plaque declaring that such property is a historic structure or ~~site or~~ ~~district~~. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the historic property, the date of its construction of significance, and other information deemed proper by the commission.
- (e) *Other duties.* In addition to those duties already specified in this article, the commission shall:
- (1) Work for the continuing education of the citizens about the historical heritage of the village and the historic properties designated under the provision of this article.
 - (2) Cooperate with the State of Wisconsin historic preservation officer and the state historic preservation review board in attempting to include such properties hereunder designated as landmarks or landmark sites, or historic districts in the National Register of Historic Places and the state register of historic places.
 - (3) As it deems advisable, receive and solicit funds for the purpose of historic preservation in the village. Such funds shall be placed in a special village account for such purpose.

(Ord. No. 572, § I(9.1105), 2-6-96)

Sec. 100-306. - Procedures.

(a) *Designation of historic structures and historic sites.*

- (1) The Commission may, after notice and public hearing, designate historic structures and historic sites, or rescind such designation or recommendation, after application of the criteria in section 100-304 above. At least ten days prior to such hearing, the Commission shall By first class mail, notify the owners of record, as listed in the office of the village assessor, who are owners of property in whole or in part situated within 200 feet of the boundaries of the property affected. These owners shall have the right to confer with the eCommission prior to final action by the eCommission on the designation. Notice of such hearing shall also be published as Class 1 notice, under Chapter 985 of the Wisconsin Statutes. The Commission shall also notify the following: department of public works, parks division, fire and police departments, health department, building inspector, and plan commission. Each such department may respond to the Historic Preservation Commission with its comments on the proposed designation or rescission.
- (2) The eCommission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary. The Commission may conduct an independent investigation into the proposed designation or rescission. Within ten days after the close of the public hearing, the commission may designate the property as either a historic structure or historic site, or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners. Notification shall also be given to the village clerk, building inspector, plan commission, and the village assessor. The Commission shall cause the designation or rescission to be recorded, at village expense, in the county register of deeds office, or the recommendation to be submitted to the village board as provided by subsection 100-309(c).

(b) *Designation of historic districts.*

- (1) For preservation purposes, the historic preservation commission shall select geographically defined areas within the village to be designated as historic districts and shall, with the assistance of the plan commission, prepare a historic preservation plan in ordinance form for each area. A historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the village which:
 - a. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
 - b. Is identified with historic personages or with important events in national, state or local history; or
 - c. Embodies the distinguishing characteristics of architectural types or specimens inherently valuable for the study of a period or periods, styles, methods or construction, or of indigenous materials or craftsmanship; or
 - d. Is representative of the notable works of master builders, designers or architects who influenced their age;
 - e. Has yielded, or may be likely to yield, information important to history or prehistory.
- (2) Guideline criteria to be considered in the development of historic district plans are as follows:
 - a. Regulation of construction, reconstruction, alteration and demolition shall conform to the criteria and standards in section 100-305(b)(1), (2) and (3).
 - b. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
 - c. The gross volume of any new structure shall be visually compatible with the buildings and environment with which it is visually related.

- d. In the street elevation of a building, the proportion between the width and height in the facade shall be visually compatible with the building and environment with which it is visually related.
- e. The proportions and relationships between doors and windows in the street facade should be visually compatible with the buildings and environment with which it is visually related.
- f. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
- g. The existing rhythm created by existing building masses and spaces between them should be preserved.
- h. The materials used in the final facade should be visually compatible with the buildings and environment with which it is visually related.
- i. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
- j. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
- k. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
- l. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- m. The street facade should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- n. Architectural elements should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.
- o. Each historic preservation plan prepared for or by the historic preservation commission shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development and a statement of preservation objectives.

(3) The owner(s) of the property which is affected by a decision of the Commission to designate an historic structure, historic site or to rescind such designation may appeal the decision of the Commission to the village board within 30 days. The village board may, by a majority vote, overturn the Commission's decision to designate an historic structure or historic site or to rescind such a designation. Review and adoption procedure:

- a. Historic preservation commission. The historic preservation commission shall hold a public hearing when considering the plan for a historic district. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under the Wisconsin Statutes in the official village paper. Notice of the time, place and purpose of the public hearing shall also be sent by the village clerk to the owners of record, as listed in the office of the village assessor, who are owners of the property within the proposed historic district or are situated in whole or in part within 200 feet of the boundaries of the proposed historic district. Such notice is to be sent at least ten days prior to the date of the public hearing. Following the public hearing, the historic preservation commission shall vote to recommend, reject or withhold action on the plan. This recommendation shall be forwarded to the village plan commission and the village board.
- b. The village plan commission. The plan commission shall review the historic district plan and make a recommendation to the village board. The plan commission shall make its recommendation on the historic district plan within 30 days.
- c. The village board. The village board, upon receipt of the recommendations from the historic preservation commission and plan commission, shall hold a public hearing, notice to be given as noted in subparagraph a. above, and shall, following the public hearing, either designate or reject

the historic district. Designation of the historic district shall constitute adoption of the plan in ordinance form prepared for that district and direct the implementation of such plan.

(Ord. No. 572, § I(9.1106), 2-6-96)

Sec. 100-307. - Interim control.

No building permit shall be issued by the building inspector for alteration, construction, demolition or removal of a nominated historic structure, historic site, or any property or structure within a nominated historic district from the date of the meeting of the historic preservation commission at which a nomination form is first presented until the final disposition of the nomination by the historic preservation commission or the village board, unless such alteration, removal or demolition is authorized by formal resolution of the village board as necessary for public health, welfare or safety. In no event shall the delay be for more than 180 days.

(Ord. No. 572, § I(9.1107), 2-6-96)

Sec. 100-308. - Conformance with regulations.

- (a) Every person in charge of a historic structure, historic site or improvement in a historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this article. The village board may appoint the building inspector or any other individual or group of individuals to enforce this article. The duties of the inspection officer shall include periodic inspection at intervals provided by the village board of designated historic structures, historic sites and historic districts. These inspections may include physical entry upon the property and improvement, with permission of the owner, to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the inspection officer may obtain a special inspection warrant of entry pursuant to W.S.A. Wisconsin Statutes, § 66.122,0119 and take any other reasonable measures to further enforcement of this article.
- (b) The purpose of this article is to prevent the demolition of a building or structure by neglecting it and permitting damage to it by weather or vandalism. Every person in charge of any improvement on a historic sites or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:
 - (1) The deterioration of exterior walls or other vertical supports;
 - (2) The deterioration of roofs or other horizontal members;
 - (3) The deterioration of external chimneys;
 - (4) The deterioration or crumbling of exterior plasters or mortar;
 - (5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
 - (6) The peeling of paint, rotting, holes and other forms of decay;
 - (7) The deterioration of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping;
 - (8) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - (9) All interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

- (c) Insofar as they are applicable to a historic structure, historic site or improvement in a historic district designated under this article, any provision of the plumbing code, building code, heating, ventilating and air conditioning code, the outdoor signs and outdoor advertising ordinances, and regulations of the general ordinances may be varied or waived, on application, by the appropriate board having such jurisdiction over such chapter or, in the absence of such board, by the building inspector, provided such variance or waiver does not endanger public health or safety.

(Ord. No. 572, § I(9.1108), 2-6-96)

Sec. 100-309. - Penalties for violations.

Penalties for violations of this article shall be as set forth in section 100-27. If the violations remain uncorrected after the time specified in the notice, the village may, at its election, impose fines and/or have the violations corrected at village expense and have a lien placed against the property equal to the cost of the repairs, plus applicable fines and administrative costs.

(Ord. No. 572, § I(9.1109), 2-6-96)

Sec. 100-310. - Emergency conditions.

In any case where the building inspector determines that there are emergency conditions dangerous to life, health or property affecting a historic structure, site or a property in a historic district, the building inspector may order the remedying of these conditions without approval of the commission. The building inspector shall promptly notify the commission of the action being taken. When the emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this article and to use the design guidelines of the commission when remedying the emergency conditions.

(Ord. No. 572, § I(9.1110), 2-6-96)

Secs. 100-311—100-350. - Reserved.

Sec. 100-601. - Site plan and architectural review standards for all nonsingle-family properties.

(a) *Intent and purpose.*

- (1) *Intent.* The intent of the Village of Mukwonago in establishing site plan and architectural review standards is to:
 - a. Protect private and public investment in the community.
 - b. Promote stable property values.
 - c. Promote compatible development.
 - d. Promote the attractiveness and function of the community as a quality place to live and work.
 - e. Promote the preservation of community character by integrating redevelopment or new development with factors important to the community; such as the natural or built environment of historical significance and preservation of natural site features.
 - f. Implement the goals, strategies and guidelines of the village's comprehensive plan, as may be amended from time to time.
- (2) *Purpose.* The purpose of specifically identifying site plan and architectural review standards is to:
 - a. Set a consistent, clear and understandable review process.
 - b. Implement the standards of specific zoning districts.
 - c. Identify review criteria.

(b) *Application.*

- (1) These site plan and architectural review standards shall be applicable to all redevelopment and/or new development within any of the following zoning district categories:
 - a. Business.
 - b. Manufacturing.
 - c. Multifamily.
 - d. Institutional and public.
 - e. ~~Any residential property which is designated under this chapter as a historic building or site, zoning district that lies within the designated design sensitivity area (DSA) of Mukwonago's Downtown, pursuant to a map of the DSA on file in the office of the village clerk. Said map may be amended from time to time by the village board, after public hearing and recommendation by the historic preservation commission.~~
 - f. Any other use allowed in any residential or agriculture zoning district that is not a residential or agricultural based use.
- (2) The following projects are exceptions to the site plan and architectural review standards review process:
 - a. Single-family and two-family dwellings.
 - b. Interior remodeling.
 - c. Normal exterior repair and maintenance of existing building conditions.
 - d. Landscaping when permit required.
 - e. Placement of temporary trailers, only for duration of construction.
- (3) Exception determination. The zoning administrator shall determine if the work merits any exception.

- (4) Accessory structures. All new accessory structures, including but not limited to garages, property maintenance storage sheds, refuse or dumpster enclosures, or any allowable temporary use such as short term tent sale, shall conform to the standards and review process of this section 100-601.
- (5) Nonconformance. Any structure or land use existing at the time of adoption of this section 100-601 on _____ / _____ / _____, may continue to exist without application of these site plan and architectural review standards, except for any unified redevelopment plan instituted by the village. Any alteration, addition or change to any existing structure or land use shall conform to the standards and review process of this section 100-601, unless the exception applies.

(c) *Review and approval process.*

(1) *General process.*

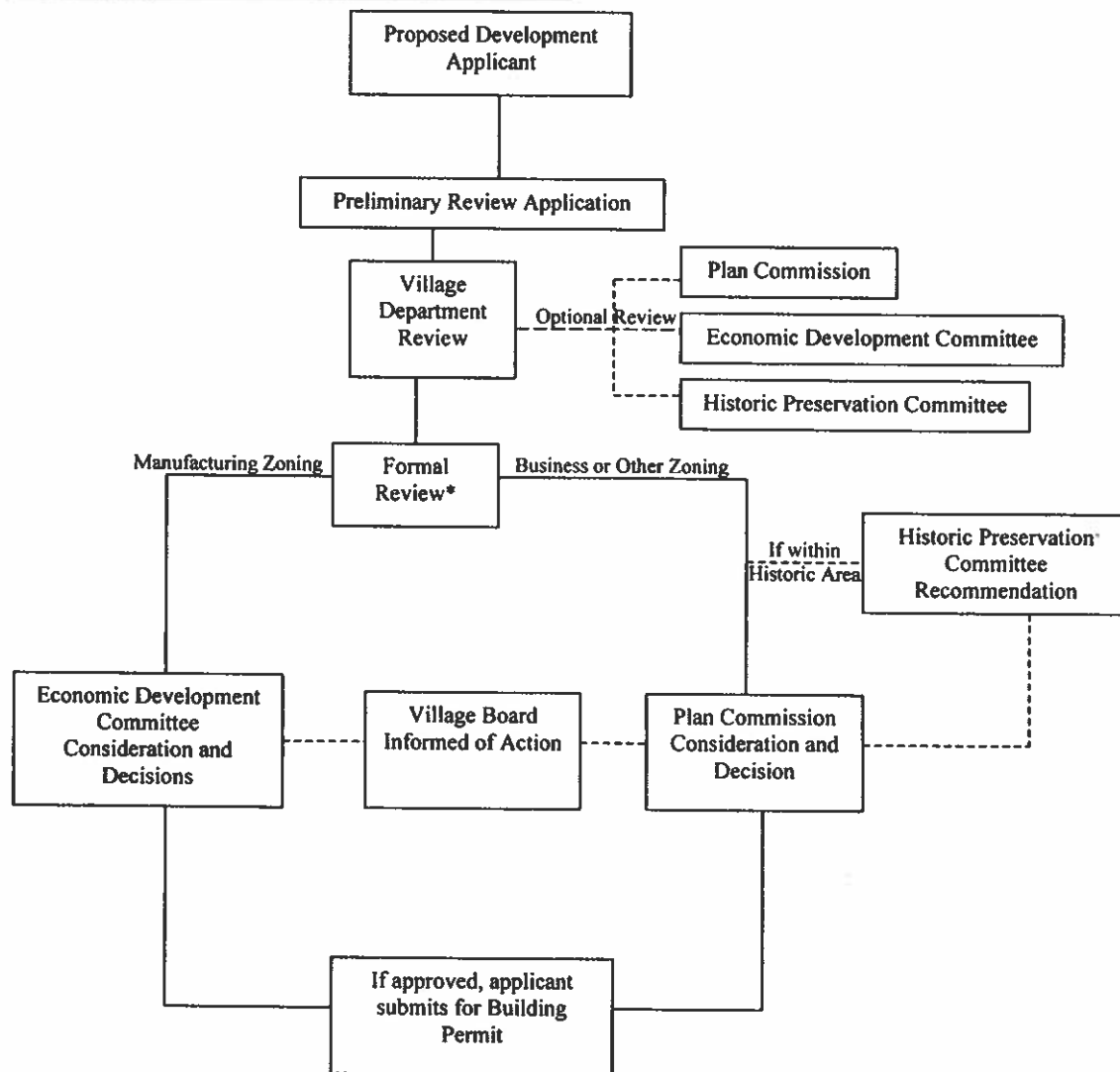
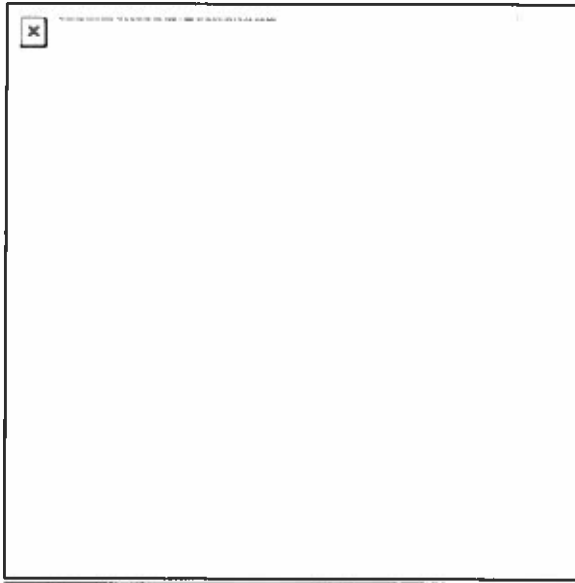
- a. *Plan commission.* The plan commission shall approve, approve with conditions or deny all site plan and architectural review applications within business zoning districts and all other nonmanufacturing zoning districts.
- ~~b. *Economic development committee.* The economic development committee shall approve, approve with conditions or deny all site plan and architectural review applications within manufacturing zoning districts.~~
- c. *Historic preservation committee.* The historic preservation committee shall recommend to the plan commission (or economic development committee, if applicable) approval, approval with conditions or denial of all site plan and architectural review applications within a Historic District-the downtown design sensitivity area.
- d. *Village board.* The village board shall be informed of site plan and architectural review actions of the plan commission and economic development committee.
- e. *Board of zoning appeals.* The plan commission, economic development committee or historic preservation committee shall complete the site plan and architectural review process prior to the public hearing held by the board of zoning appeals to consider a conditional use.

(2) *Required preliminary review.*

- a. *Intent.* The intent of a required preliminary review is to provide the applicant a process to gain feedback regarding how the proposal conforms to village standards and policies prior to finalizing plans for the formal review process.
- b. *Application.* The application fee, as set by the village board, and application form shall be submitted.
- c. *Required submittal information.* Five sets of the following shall be submitted:
 - 1. Scaled and dimensioned site plan, including lighting plan/photometrics, fencing, parking, etc.
 - 2. Landscape plan.
 - 3. Preliminary grading/stormwater management plan.
 - 4. Building architectural elevation plan, including preliminary examples of colors and materials.
 - 5. Floor plan, if necessary.
 - 6. Loading areas shown on plan, if necessary.
 - 7. Outside storage of any kind shown on site plan.
 - 8. Any utility considerations.

9. Plan of operation explaining nature of business(es) to occupy structure, number of employees per shift, hours of operation.
 10. Any other information pertinent to the review of the application.
- d. *Process.*
1. New development shall be responsible for all required submittal information.
 2. When in the determination of the zoning administrator the application is minor in nature, such as an exterior building alteration that would not increase required parking, the zoning administrator has the authority to waive submittal of nonapplicable information.
 3. Within two calendar weeks of submittal of a full and complete application, applicable village departments shall review said submittal information and forward review comments to applicant. At the request of the applicant or village staff, a meeting shall be held to discuss the review comments following their receipt.
 4. Following receipt of review comments, the village department representatives or applicant may request a preliminary concept feedback review from the appropriate review body; plan commission, economic development committee or historic preservation committee; to review a specific part or total application. Applicant shall submit additional plans or sets of plans to be reviewed, as requested by zoning administrator, at least ten full days prior to the public meeting of review.
 5. Any resubmittal of plans submitted by applicant in response to preliminary review comments shall be reviewed by department representatives within two weeks of resubmittal.
- (3) *Formal review.*
- a. *Intent.* The intent of the formal review is to allow review and consideration of detailed site plan and architectural review applications in the public venue.
 - b. *Required submittal information.* Twelve complete sets of all revised and final documents identified in (2)(b), not including the application fee and completed application form, shall be required for the formal review.
 - c. *Process.*
 1. Applicant shall submit a complete formal application at least ten full days prior to the regularly scheduled meeting of the appropriate approval body; either the plan commission, economic development committee or historical preservation committee.
 2. Village department representatives shall review the formal submittal for compliance with the results of preliminary review and may present a recommendation.
 3. Where a formal review is forwarded to the historic preservation committee, they shall offer a recommendation, with said recommendation forwarded to the next meeting of the plan commission.
 4. The plan commission or economic development committee shall approve, approve with conditions or deny the formal review application within 60 days of submittal, or the process may be extended via written approval of the applicant.
 5. Where a rezoning of property is required, and the rezoning occurs concurrently with the site plan and architectural review process, this process may be adjusted to conform with the requirement of a public hearing at the plan commission level and review and consideration of the rezoning by the village board.
- (4) *Review criteria.* The following criteria shall be utilized by the plan commission or economic development commission in determining approval or denial of a site plan and architectural review application.

- a. The use or uses proposed in the development are either permitted or conditional uses in the zoning district in which the development is located.
 - b. Any accessory use or uses proposed in the development shall conform to the allowable accessory uses in the zoning district in which the development is located.
 - c. All submitted plans shall conform to all standards of the zoning district in which the development is located.
 - d. All submitted plans shall conform to all other applicable standards of the Village Municipal Code.
 - e. All submitted plans shall conform to all applicable village policies and plans, including but not limited to, the comprehensive plan, sanitary system plan and water facilities plan.
 - f. The plan commission, ~~economic development committee~~ and historic preservation commission shall have the ability to direct architectural design to conform to a particular form and style, as specified in applicable sections of the zoning code.
 - g. In addition to the minimum landscaping and greenspace required in the zoning district in which the development is located, the site plan and landscape plan shall provide suitable greenspace and landscaping to conform to the overall intent of site plan and architectural review standards.
- (5) *Findings of fact.* In approving, approving with conditions or denial of a site plan and architectural review application, the plan commission or economic development committee shall state their findings toward approval or denial based on the intent and review criteria of this section 100-106.
 - (6) *Developer's agreement.* Certain developments may necessitate the preparation of a developer's agreement, outlining the responsibilities of the developer and village, especially if the development completes, changes or extends any public infrastructure. If a developer's agreement is recommended by village department representatives or the plan commission ~~or economic development committee~~, a developer's agreement shall be drafted for consideration by the village board.
 - (7) *Permit required.* After approval, it is the applicant's responsibility to apply for and submit required information for a building permit, separate from this site plan and architectural review process.
 - (8) *Reapplication.* If an application for site plan and architectural review is denied, applicant shall be allowed to submit a new application for site plan and architectural review.
- (d) *Site plan and architectural review process flow chart.* (Illustrated purposes only)



Flow Chart

* If rezoning, conditional use or developer's agreement required, process may be altered to fit village board approval of rezoning, developer's agreement, or board of zoning appeals approval of conditional use.

(e) *Lighting standards.*

- (1) *Exterior lighting plan required.* At the time any exterior lighting fixture is installed or substantially modified, whenever a site plan and architectural review application is made, and whenever a conditional use permit is requested, an exterior lighting plan shall be submitted to determine whether the requirements of this section have been met and that adjoining property will not be adversely impacted by the proposed lighting. Single-family and two-family dwellings are exempt from this requirement.
- (2) *Lighting plan elements.* A lighting plan submitted pursuant to this ordinance shall have, at a minimum, the following elements:
 - a. A catalog page, cut sheet, or photograph of all external lighting fixture(s) including the mounting method.
 - b. A photometric data test report of the proposed lighting fixture(s) graphically showing the lighting distribution at all angles vertically and horizontally.
 - c. A plot plan, drawn to a recognized scale, indicating the location of the lighting fixture(s) proposed, mounting, and/or installation height in feet, the overall illumination levels (in footcandles) and uniformities on the site, and the illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computer printout projecting the illumination levels.
 - d. A graphic depiction of the lighting fixture lamp (or bulb) concealment and light cut-off angles.
 - e. In addition to the full-size drawings required above, one copy of each such drawing submitted shall also be submitted in 11" x 17" black and white reduction.
- (3) *Shielding of outdoor light fixtures.* All outdoor lighting fixtures shall be shielded, except incandescent fixtures 150 watts or less and other sources of 70 watts or less. Total cut-off luminaries with angles of less than 90 degrees shall be required for all pole and building security lighting. More than the minimal level of shielding may be required.
- (4) *Height of poles.* The height of light poles, including the luminaries, as measured from surface of adjacent grade to top of luminary, shall be 25 feet.
- (5) *Illumination levels.* All outdoor lighting shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES) given below. The lighting level at any property line shall not exceed zero footcandle.

Level of Activity	Examples	General Parking and Pedestrian			Vehicle Use Only		
		Avg	Min	Uniformity (Avg/Min)	Avg	Min	Uniformity (Avg/Min)
HIGH	Major Cultural or Civic Events Regional Shopping Centers	3.6 fc 60,000 lu ¹ 750 W MH 750 W HPS 375 W LPS	0.9 fc 15,000 lu ¹ 185 W MH 185 W HPS 90 W LPS	4:1	1.8 fc 30,000 lu ¹ 375 W MH 375 HPS 375 LPS	0.6 fc 10,000 lu ¹ 125 W MH 125 W HPS 65 W LPS	3:1

MEDIUM	Community Shopping Centers Cultural, Civic or Recreational Events Office Parking Hospital Parking Transportation Parking Fast Food Facilities (Airports, Commuter Lots, Etc.) Residential Complex Parking	2.4 fc 40,000 lu ¹ 500 W MH 500 W HPS 250 W LPS	0.6 fc 10,000 lu ¹ 125 W MH 125 W HPS 65 W LPS	4:1	0.9 fc 15,000 lu ¹ 185 W MH 185 W HPS 90 W LPS	0.3 fc 5,000 lu ¹ 60 W MH 60 HPS 30 LPS	3:1
LOW	Neighborhood Shopping Industrial Employee Parking Educational Facility Church Parking	0.9 fc 15,000 lu ¹ 185 W MH 185 W HPS 90 W LPS	0.18 fc 3,000 lu ¹ 35 W MH 35 HPS 18 LPS	4:1	0.45 fc 7,500 lu ¹ 90 W MH 90 W HPS 45 LPS	0.12 fc 2,000 lu ¹ 25 W MH 25 W HPS 15 W LPS	4:10

1 Assumes light is at a height of 20 feet.

- (6) *Glare.* No lighting shall cause glare visible from adjacent rights-of-way and/or properties.
- (7) *Filtering.* Metal halide fixtures shall be filtered. Filtering means any outdoor light fixture which has a glass or acrylic enclosure. Quartz glass does not meet this requirement.
- (8) *Nonconforming light fixtures.*
- Existing light fixtures which do not conform with this ordinance are allowed, but extinguishing of such lights by 11:00 p.m. is encouraged.
 - No outdoor recreational facility, whether public or private, shall be illuminated after 11:00 p.m. except to conclude any recreational or sporting event or other activity conducted, which is in progress prior to 11:00 p.m. at a ballpark, school ballfield, outdoor amphitheater, arena or similar facility.
- (9) *Display lot lighting.* Display lot lighting shall be turned off within thirty minutes after closing of the business. Under no circumstances shall the full illumination of the lot be permitted after 11:00 p.m. Any lighting used after 11:00 p.m. shall be used as security lighting.
- (10) *Architectural lighting.* All architectural lighting shall be of 150 watts or less (incandescent) or 70 watts or less (other types), and be extinguished no later than 11:00 p.m. Lights shall have at least 90 percent of their light falling on the illuminated structure.
- (11) *Use of mercury vapor lighting fixtures.* No new mercury vapor outdoor lighting fixtures shall be installed after the date of this ordinance.
- (12) *Exemptions.* Outdoor lighting fixtures existing and legally installed prior to the effective date of this ordinance are exempt from its provisions, however any replacement of said lighting fixtures must comply with this ordinance as set forth above.

- (13) *Violations and penalty.* Any person, firm, entity or corporation violating the provisions of this ordinance shall be required to pay a forfeiture per current bond schedules for each day the violation continues after being issued a citation.

(Ord. No. 656, § I, 2-1-00; Ord. No. 702, § I, 1-21-03)