

CHAPTER 51

ZONING CODE

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51.01 PURPOSE

The Zoning Ordinance of the Village of Pulaski, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances and scenic values of the village; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to preserve prime agricultural land and to foster a more rational pattern of relationship between residential, business, commercial and manufacturing uses for the mutual benefit of all.

51.02 DEFINITIONS

- (a) **GENERAL DEFINITIONS.** For the purpose of this Chapter, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.
- (1) The word "**shall**" is mandatory and not discretionary.
 - (2) The word "**may**" is permissive.
 - (3) The word "**lot**" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for".
 - (4) All "**measured distances**" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.
- (b) **SPECIFIC TERMS.** For purposes of this Chapter, the following definitions shall apply:
- (1) "**Accessory Structure**" shall mean a detached structure or building subordinate to the main building and used for purposes incidental to the permitted use of the main building or use of the premises. The location and size of accessory structures shall be subject to the provisions of Sec. 51.03(g)(3)c and 51.03(g)(8) of the Code of Ordinances. **Ord. #424**
 - (2) "**Agricultural Operation**" shall include, but not be limited to, general farming and animal husbandry, pasturage, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting, but not including commercial seed, fertilizer, grain mills, food processing, or canning operations.

- (3) **"Alley"** shall mean a street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- (4) **"Automobile wrecking yard"** shall mean any premises on which more than three automotive vehicles, not in running or operating condition, are stored in the open, excluding antique cars.
- (5) **"Basement"** shall mean 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.
- (6) **"Bed and Breakfast Establishments Residential"** shall mean any place of lodging that provides four or fewer rooms for rent to no more than a total of 10 tourists or transients; provides no meals other than breakfast and provides the breakfast only to renters of the place; is the owner's personal residence; is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a single-family residence and; has had completed as of April 27, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after April 27, 1990, be made within the dimensions of the original structure.
- (7) **"Bed and Breakfast Establishments Commercial"** shall mean any place of lodging that: provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients; provides no meals other than breakfast and provides the breakfast only to renters of the place; is the owner's personal residence; is occupied by the owner at the time of rental; was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a place of lodging; and, has had completed as of April 27, 1990, any structural additions to the dimensions of the original structure, including renovation, except that a structural addition, including renovation to the structure may after April 27, 1990, be made within the dimensions of the original structure.
- (8) **"Boarding House"** shall mean a building other than a hotel where meals, or lodging and meals, are furnished for compensation for 4 (four) or more persons, not members of a family.
- (9) **"Buildable Area"** shall mean the space remaining on a zoning lot after the minimum open space requirements (coverage, yards, setbacks) have been met.

- (10) **"Building"** shall mean any structure used, designed or intended

- for the protection, shelter, enclosure or support of persons, animals, or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (11) **"Building, Height of"** shall mean the vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (12) **"Campgrounds or Sites"** shall mean a tract of land with or without buildings or other equipment on which one or more cabins are located or where temporary accommodations are provided for two or more automobile trailers or house cars or tents open to the public, free or for a fee.
- (13) **"Community Living Arrangement"** shall mean any of the following facilities licensed or operated or permitted under the authority of the State Department of Health and Social Services: child welfare agencies under §48.60, Wis. Stat., group homes for children under §48.02(7), and community-based residential facilities under §50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.
- (14) **"Conditional Use"** shall mean a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
- (15) **"Day Care Center, Group"** shall mean an establishment for the care and supervision of six (6) or more children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
- (16) **"Day Care Home, Family"** shall mean an establishment for the care and supervision of one (1) to five (5) children under seven (7) years old for more than four (4) and less than twenty-four (24) hours a day for more than ten (10) days a month.
- (17) **"Dwelling"** shall mean a building, structure, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including manufactured homes, modular homes, single-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels and motels.
- (18) **"Dwelling, One Family"** shall mean a detached building designed for or occupied exclusively by one family, which does not include tents or cabins. One-family dwellings includes a manufactured home.
- (19) **"Dwelling, Multiple"** shall mean a building or portion thereof de-

- signed for and occupied by more than two (2) families living independently of each other.
- (20) **"Dwelling, Two Family"** shall mean a detached or semi-detached building designed for or occupied exclusively by two (2) families living independently of each other.
- (21) **"Dwelling Unit"** shall mean one (1) or more rooms which are arranged, designed for use as living quarters for one family only. Individual bathrooms and complete kitchen facilities that are permanently installed, shall always be included for each dwelling unit.
- (22) **"Essential Services"** shall mean 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, storm water 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.
- (23) **"Family"** shall mean two or more persons, each related to the other by blood, marriage, or legal adoption. A family may include, in addition, thereto, not more than two roomers, boarders or permanent guests, whether or not gratuitous.
- (24) **"Farm"** shall mean any parcel of land containing at least five (5) acres which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
- (25) **"Fence, Open"** shall mean a structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50 percent of their surface area open for free passage of light and air. Examples of such fences include chain link, picket, and rail fences.
- (26) **"Fence, Ornamental"** shall mean a fence whose only purpose is to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or 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.
- (27) **"Fence, Screening"** shall mean a structure of bricks, planks, woven wire with screening inserts, or similar material erected as an enclosure, barrier, or boundary. A screening fence is erected for the purpose of preventing a view of equipment, materials, or products; may shield undesirable views; or may serve as a barrier to prohibit entry to a property at a given location. A screening fence may or may not form a complete enclosure.
- (28) **"Fence, Security"** shall mean a structure of rails, planks, stakes,

strung wire, or similar material erected as an enclosure, barrier, or boundary. A security fence is erected for the purpose of preventing entry to a property by unauthorized persons and protecting equipment, materials, or products contained within the enclosure. A security fence may also be erected to screen equipment, materials, or products from unauthorized view.

- (29) **"Fence, Solid"** shall mean a structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50 percent or less of their surface area open for free passage of light and air and designed to conceal the activities conducted behind them. Examples of such fences are stockade, board-on-board, board and platten, basket weave, louvered fences, and chain link with screening inserts.
- (30) **"Floor Area"** (for determining off-street parking and loading requirements) shall mean the sum of the gross horizontal areas of the several floors of the building or portion thereof, devoted to such use, including accessory storage areas, located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area" for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.
- (31) **"Forestation"** shall mean planting trees or shrubs on burned overland, cut over land or land that was never covered by forest, consisting of five (5) or more acres.
- (32) **"Frontage"** shall mean all the property abutting one side of a street between two intersecting streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.
- (33) **"Frontage, Zoning Lot"** shall mean the length of all the property of such zoning lot fronting on a street, measured between side lot lines.
- (34) **"Garage, Private"** shall mean an accessory building or space for the storage of motor vehicles for the use of the occupants of a lot on which such building is located.
- (35) **"Garage, Public"** shall mean any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (36) **"Garage, Storage"** shall mean any building or premises used for the storage only of motor-driven vehicles, pursuant to previous

arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold. No commercial motor vehicle exceeding two tons capacity shall be stored in any storage garage.

- (37) **"Holding Tank"** shall mean a tank for holding effluent per Village specifications.
- (38) **"Home Occupation"** shall mean a gainful occupation conducted by members of the family only, within their place of residence, provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, and that no stock in trade is kept or sold, that no sign other than one unlighted name plate no more than four foot square is installed and then only one person other than a member of the immediate family living on the premises is employed. A home occupation may not occupy more than 25 percent of the floor area of the residence. A home occupation may not occupy any accessory building except through the issuance of a conditional use permit. A permitted home occupation shall not be deemed to include animal hospitals or kennels.
- (39) **"Hotel"** shall mean a building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms.
- (40) **"Junk (or Salvage) Yard"** shall mean an area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A "junk" or "salvage" yard includes an auto wrecking yard.
- (41) **"Kennel"** shall mean any lot or premises wherein or whereon more than 3 dogs over 6 months of age are either permanently or temporarily kept, boarded, bred or sold.
- (42) **"Limited Forestation"** shall mean planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of five (5) or less acres.
- (43) **"Living Area"** shall mean 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.
- (44) **"Lodging House"** shall mean a building other than a hotel or motel where lodging only is provided for compensation for more than two persons not members of the family.
- (45) **"Lot"** shall mean a parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this

Chapter and abutting on a public street or officially approved place, and having the area, size and dimensions required in this Chapter for the particular zoning district.

- (46) **"Lot of Record"** shall mean a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County, Oconto County or Shawano County; or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds' Office of Brown County.
- (47) **"Lot, Corner"** shall mean a lot abutting on two or more streets at their intersection, provided that the interior angle of such intersection is less than 135 degrees.
- (48) **"Lot, Depth of"** shall mean the mean horizontal distance between the front and rear lot line, measured within the lot boundaries.
- (49) **"Lot Area, Gross"** shall mean the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.
- (50) **"Lot, Interior"** shall mean a lot other than a corner lot or reversed corner lot.
- (51) **"Lot Lines"** shall mean the lines bounding a lot as defined herein.
- (52) **"Lot Line, Front"** shall mean that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, along a public way.
- (53) **"Lot Line, Rear"** shall mean that boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.
- (54) **"Lot Line, Side"** shall mean any boundary of a lot which is not a front lot line or a rear lot line.

- (55) **"Lot, Reversed Corner"** shall mean a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (56) **"Lot Sub-Standard"** shall mean a lot that is smaller than the minimum required acreage that has been recorded with the Register of Deeds prior to the adoption of the original Zoning Ordinance.
- (57) **"Lot, Through"** shall mean a lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.
- (58) **"Lot Width"** shall mean the horizontal distance between the side lot lines of a lot, measured at the rear line of the required front yard.
- (59) **"Manufactured Home"** shall mean a structure certified and labeled as a manufactured home under 42 U.S.C. ss. 5401 to 5426, which, when placed on the site:

- a. Is set on an enclosed foundation in accordance with §70.043(1), Wis. Stats., and subchapters III, IV and VI of Ch. ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation system approved by the Village Building Inspector. The Village Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - b. Is installed in accordance with the manufacturer's instructions.
 - c. Is properly connected to utilities.
 - d. Once placed on a site, no modular or manufactured home shall contain any axles, wheels, hitch or any other device facilitating its mobility.
- (60) **"Membrane Storage Structure"** shall mean a temporary accessory structure consisting of a frame that is covered with a plastic, fabric, canvass, metal or similar non-permanent material, which is used to provide storage for vehicles, boats, recreational vehicles and other personal property; which term shall also apply to accessory structures commonly known as hoop houses, canopy covered carports, and garages; but shall not apply to greenhouses or temporary tents or canopies used for limited time special events such as weddings, festivals, graduations or farmers markets. *(Ord. #477-08)*
- (61) **"Mobile Home Sales Lot"** shall mean an area for display and inspection of Manufactured Homes not to be used for dwelling.
- (62) **"Mobile Home"** - See Sec. 51.11(a).
- (63) **"Modular Home"** shall mean manufactured buildings constructed in compliance with State of Wisconsin Uniform Dwelling Code - Wisconsin Administrative Code Chs. ILHR-20-25.
- (64) **"Motel"** shall mean a building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients or tourists.
- (65) **"Non-Conforming Use"** shall mean a building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendments hereto, which use or occupancy does not conform to the regulations of this Chapter or any amendments thereto for the zoning district in which it is situated.
- (66) **"Parking Space, Off-Street"** shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and un-parked

without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Village.

- (67) **"Permitted Accessory Use or Structure"** shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to the permitted use of structure.
- (68) **"Permitted Use"** shall mean any use which may be lawfully established in a particular district provided it conforms with all requirements and regulations of such district.
- (69) **"Planning and Zoning Commission"** shall mean the Planning and Zoning Commission of the Village of Pulaski.
- (70) **"Prime Agricultural Land"** shall mean all lands which have capability unit I and II soils: farmlands of state wide importance having capability unit III soils and farmland of local significance have capability class and subclass IV, Vw, VIe, VIIe. Wetland type 3-8 found within these boundaries are not considered part of units I, II, or III.
- (71) **"Principal Use"** shall mean the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "non-conforming".

- (72) **"Professional Office"** shall mean the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation, not more than 25 percent of the floor area of any one story of a dwelling unit shall be occupied by such office and only one unlighted name plate not exceeding three square feet in area, containing the name and profession of the occupant of the premises shall be exhibited.
- (73) **"Public Airport"** shall mean any airport which complies with the definition contained in §114.002(3), Wis. Stat., or any airport which serves or offers to serve common carriers engaged in air transport.
- (74) **"Public Hunting & Fishing Grounds"** shall mean the land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

- (75) **"Right-of-Way"** shall mean:
- a. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
 - b. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.
- (76) **"Roadside Stand"** shall mean a structure not permanently fixed to the ground and that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one lot.
- (77) **"Satellite Dish Antenna"** shall mean a device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite microwave antennas.
- (78) **"Seasonal Cottage"** shall mean a dwelling occupied less than 181 days per year.
- (79) **"Self-providing Fencing"** shall mean a fence mounted atop an above-ground swimming pool which has openings of no more than four (4) inches and a minimum height of 30 inches. The total height of an above-ground pool and the self-provided fencing shall be a minimum of seven (7) feet. *(Ord. #503-2011)*
- (80) **"Setback"** shall mean the minimum horizontal distance between the line of a building or structure and the front property line.
- (81) **"Setback Area"** shall mean the minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines, or street right-of-way lines.
- (82) **"Setback, Corner Side Yard"** shall mean the minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street, and the side right-of-way line perpendicular to the fronting street.
- (83) **"Setback, Front Yard"** shall mean the minimum horizontal distance between the front line of the building or use, and the street right-of-

way line.

- (84) **"Setback Lines"** shall mean the lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.
- (85) **"Setback, Rear Yard"** shall mean the minimum horizontal distance between the back line of the building or use, and the rear lot line.
- (86) **"Setback, Side Yard"** shall mean the minimum horizontal distance between the side line of the building or use, and the side lot lines; unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.
- (87) **"Sign"** shall mean any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
- (88) **"Solid Waste Recycling Facility"** - As defined in §NR 500.03, Wis. Adm. Code.
- (89) **"Solid Waste Storage Facility"** - As defined in §NR 500.03, Wis. Adm. Code.
- (90) **"Solid Waste Transfer Facility"** - As defined in §NR 500.03, Wis. Adm. Code.
- (91) **"Solid Waste Disposal Site and Facilities"** shall mean commercial or municipal establishments such as sanitary landfills, dumps and incinerator sites, excluding however, auto junk yards and scrap metal salvage yards.
- (92) **"Stable"** shall mean an accessory building in which horses or domestic livestock are kept.
- (93) **"Shooting Preserve"** shall mean the land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.
- (94) **"Story"** shall mean the portion of a building included between the surface of a floor and surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade shall be deemed a story for purposes of height regulations.
- (95) **"Street"** shall mean all property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.
- (96) **"Structural Alterations"** shall mean any change in the supporting members of a building or any substantial change in the roof structure or in the

exterior walls.

- (97) **"Structure"** shall mean anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.
- (98) **"Survey and Plans"**, as referred to in this Chapter and as relating to the construction of highways, shall be considered as accepted by the Village Board if Village or County funds have been used in the improvement carried out according to such plans.
- (99) **"Swimming Pool"** shall mean any permanent depression in the ground or any semi-permanent to permanent above-ground contained in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming. Temporary devices, such as children's wading pools, inflatable pools or similar devices, as determined by the Zoning Administrator, shall not be considered as swimming pools per this Ordinance. **(Ord. #503-2011)**
- (100) **"Village"** shall mean the Village of Pulaski.
- (101) **"Village Board"** shall mean the governing body of the Village of Pulaski.
- (102) **"Village Zoning Administrator"** shall mean the Administrator appointed by the Village Board to administer and enforce the provisions of the Zoning Ordinance.

- (103) **"Traffic Lane"** shall mean a strip of roadway intended to accommodate a single line of moving vehicles.
- (104) **"Urban Improvements"** shall mean all municipal infrastructure which is associated with metropolitan areas, including, but not limited to, sewage and water systems, curb and gutter, storm water systems, street lights and other public utilities. **(Ord. #501-2011)**
- (105) **"Variance"** shall mean a relaxation of the terms of this Chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. As used in this Chapter, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or uses in an adjoining district.
- (106) **"Vision Clearance"** shall mean an unoccupied triangular space at the intersection of two or more streets or highways which is bounded by the street lines or highway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street or highway line.
- (107) **"Yard"** shall mean an open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except

for vegetation and except as otherwise provided herein. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

- (108) **"Yard, Corner Side"** shall mean a side yard which adjoins a public street.
- (109) **"Yard, Front"** shall mean a yard extending along the full length of the front lot line between the side lot lines.
- (110) **"Yard, Interior Side"** shall mean a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.
- (111) **"Yard, Rear"** shall mean a yard extending along the full length of the rear lot line between the side lot lines.
- (112) **"Yard, Transitional"** shall mean that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.
- (113) **"Zoning Administrator"** shall mean the village of Pulaski Zoning Administrator.
- (114) **"Zoning District"** shall mean the divisions of the village, each area being accurately defined to boundaries and locations on the Official Zoning Map and in the Zoning Ordinance, for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

51.03 GENERAL PROVISIONS

- (a) **JURISDICTION.** The jurisdiction of this Chapter shall include all lands and waters within the Village of Pulaski.
- (b) **COMPLIANCE.**
 - (1) No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in the conformity with all of the regulations herein specified for the district in which it is located and without the issuance of a building and zoning permit as required in Section 51.28.
 - (2) No building or other structure shall hereafter be erected or altered:
 - a. To exceed the height or bulk;
 - b. To accommodate or house a greater number of families;
 - c. To occupy a greater percentage of lot area;

- d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Chapter.
- (3) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which any permit has been issued before March 1, 1992 and the construction of which shall have been started within six months from the date of such permit.

(c) **SITE RESTRICTIONS.**

- (1) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which are based the conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if so desired. Thereafter the Planning and Zoning Committee may affirm, modify, or withdraw the determination of unsuitability.
- (2) All lots shall abut upon a public street, and each lot shall have a minimum frontage of 30 feet.
- (3) All principal structures in single-family and two-family residential districts shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot. The Planning and Zoning Committee may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Planning and Zoning Committee may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- (4) No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (5) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive

abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

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

- (1) Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (2) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Chapter. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- (3) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Board in accordance with Sec. 51.29.
- (4) No parcel zoned for residential use shall be used for the purpose of planting, cultivating, growing or harvesting row crops of any kind for commercial or other purposes, other than as incidental to residential gardening. (ord. #501-2011)

(e) **LOT REDUCTION OR JOINT USE.**

- (1) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established in this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- (2) If two or more lots or combinations of lots are portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Chapter, and if all of part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Chapter, nor shall

any division of any parcel be made which creates a lot with width or area below the requirements stated in this Chapter.

- (f) **HEIGHT REGULATIONS.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:
- (1) Architectural Projections, such as spires, belfries, parapet walls, Cupolas, domes, flues, and chimneys, are exempt from the height limitations of this Chapter.
 - (2) Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Chapter.
 - (3) Essential Services, utilities, water towers, and electric power and communication transmission lines are exempt from the height limitations of this Chapter.
 - (4) Communication Structures, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
 - (5) Agricultural Structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
 - (6) Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, and governmental offices and stations, may be erected to a height of 60 feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (g) **FRONT, SIDE AND REAR YARD REGULATION.**
- (1) No part of the required front yard shall be used for permanent open storage of boats, vehicles or any other equipment except for vehicular parking on driveways. All open storage areas shall be properly landscaped.
 - (2) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Chapter shall be included as a part of the yard or any other open space required for another building.
 - (3) The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
 - a. Uncovered stairs, landings, and fire escapes may project into any yard but shall not exceed six (6) feet nor be closer than three (3) feet to any lot line.

- b. Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.
 - c. Accessory uses, except those within the principal residence and accessory structures are permitted in the rear yard only unless a conditional use permit has first been granted by the Planning and Zoning Committee. **Ord. #424**
 - d. Off-street parking is permitted in all yards of the B-1 Business District.
 - e. Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.
 - f. Landscaping and vegetation are exempt from the yard requirements of this Chapter except as specifically regulated.
 - g. A cement slab abutting a garage shall be permitted in the side yard in Residential Districts so long as the outside edge of the cement slab is no closer than two (2) feet from the adjacent side lot line.
- (4) Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
 - (5) The required street yard, or setback, may be decreased in any residential district to the average of the existing street yards of the abutting structures on each side, but shall in no case be less than 15 feet.
 - (6) Corner lot structures shall provide a front yard setback as required in this Chapter on the street that the structure faces. A second front yard setback shall be provided on the side of the structure abutting a public or private street.
 - (7) Every kennel shall be located at least 200 feet from the nearest dwelling on adjacent properties and at least 100 feet from any lot line.
 - (8) Accessory structures located in parcels zoned R-1, R-2, R-3, R-4, R-5 and R-6 shall be subject to the following requirements:
 - a. Accessory structures shall not exceed 1200 square feet in area, exceed 22 feet in height, be located closer than five (5) feet from the principal structure or any lot line, be located closer than five (5) feet from an alley right-of-way, or exceed 20% of total rear yard area.
 - b. There shall be no more than one (1) accessory structure in

addition to one (1) private garage.

- c. Any accessory structure proposed to exceed 200 square feet in area shall be subject to review by the Planning & Zoning Committee and to such conditions as may be imposed upon that structure by that Committee.
- d. When an accessory structure is used to store a licensed or operable car, truck, motorcycle or recreational vehicle, and said car, truck, or recreational vehicle is moved a minimum of once per week from an accessory structure to a public roadway, a driveway consisting of paver blocks, paved asphalt or concrete shall be required. **(Ord. #484-09)**
- e. The total maximum garage space for private garage structures for single-family and two-family residences in R-1, R-2, R-3 and R-4 Zoning Districts shall not exceed 1,200 square feet per lot without prior written approval of the Planning and Zoning Commission." **(Ord. #504-2011)**

(h) **BUILDING AREA REGULATION.** The total minimum living area of a dwelling shall be 720 square feet per dwelling unit. **(Ord. #504-2011)**

(i) **STANDARD INDUSTRIAL CLASSIFICATION.** The listings of activities for the Business Districts and Industrial Districts is taken from the Standard Industrial Classification Manual commonly referred to as the S.I.C. Code and is incorporated herein by reference. It is prepared and maintained by the U.S. Office of Management and Budget. It may be referred to by the Village Planning and Zoning Committee for more specific definitions and guidelines regarding activity classification.

(j) **MEMBRANE STORAGE STRUCTURES.** Membrane storage structures, as defined at Section 51.02(b)(60), may be permitted in A-1, B-2, I-1 and I-2 zoning districts with the following restrictions:

- (1) The structure may not be assembled for more than eight (8) consecutive months during a calendar year with a minimum of four (4) consecutive months between constructions. Removal of the covering material without removal of the frame shall not be considered as meeting this requirement.
- (2) All applications for membrane storage structures require review and approval by the Village Planning & Zoning Commission.
- (3) The square footage of floor area encompassed by a membrane storage structure shall count towards the total square footage, and percentage of rear yard coverage, of accessory structure floor area permitted on any one lot.
- (4) The structure shall only be located within the rear yard and shall meet all setback requirements.

- (5) An application for a membrane storage structure must be filed with the Building Inspector prior to each construction.
- (6) Membrane storage structures, legally existing at the time of the enactment of this subsection on December 1, 2008, shall be allowed to continue, regardless of the zone in which the structure is located, until such time as the property upon which the structure is located is transferred to a new owner or the temporary membrane structure deteriorates to the point where it becomes a nuisance, as determined by the Village Zoning Administrator. **(Ord. #477-08)**

51.04 ESTABLISHMENT OF DISTRICTS

- (a) **ESTABLISHMENT OF DISTRICTS.** For the purpose of this Chapter, the Village of Pulaski, Brown County, Wisconsin, is hereby divided into the following zoning districts:

- A-1 General Agriculture District
- R-1 Single-Family Residential
- R-2 Single-Family District
- R-3 Single-Family Residential District
- R-4 Two-Family Residential District
- R-5 Multi-Family Residential District
- R-6 Mobile Home Park District
- B-1 Central Business District
- B-2 Highway Business District
- B-3 Professional and Institutional District
- B-4 Neighborhood Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District
- INT Institutional District
- P-1 Park District
- C-1 Conservancy Overlay District
- PUD Planned Unit Development Overlay District

- (b) **ZONING MAP AND AMENDMENT.**

- (1) The location and boundaries of the districts established in this Chapter are set forth on the zoning map entitled "Zoning District Map for the Village of Pulaski, Brown County, Wisconsin, dated _____ 19__" which are incorporated herein and hereby made a part of this Chapter. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Chapter as though fully set forth and described herein.

- (2) Amendments to the Zoning Map shall take effect upon adoption by the Village Board, and the filing of proof of posting or publication thereof in the office of the Village Clerk. It shall be the duty of the Village Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.
- (c) **INTERPRETATION OF DISTRICT BOUNDARIES.** The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.
- (1) District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads and expressways; or section, division of section, tract and lot lines; wetland mapping unit lines or such lines extended, unless otherwise indicated.
 - (2) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street or highway, and length of frontage shall be in accordance with dimensions shown on the map of streets and highways, or railroad rights-of-way, unless otherwise indicated.
 - (3) Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, the Village Board, after due hearing may extend the regulation for either portion of such lot.

51.05 A-1 AGRICULTURAL DISTRICT

- (a) **GENERAL.** The A-1 General Agricultural District is intended to provide for the continuation of general farming and related uses in those areas of the village that are not yet committed to urban development. It is further the intent of this district to protect lands contained herein from urban development until their orderly transition into urban-oriented districts is required.
- (b) **PERMITTED USES.**
- (1) General crop farming, including agriculture, floriculture, forestry, hay, orchards, truck farming, and viticulture (grape growing).
 - (2) Existing dwellings not accessory to any farm operation or dwelling remaining after consolidation of farms.
- (c) **PERMITTED ACCESSORY USES.**
- (1) Customary accessory buildings, including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign, and other provisions of this Chapter.

- (2) One (1) farm dwelling per operating farm.
 - (3) Attached or detached private garages and carports accessory to permitted uses, providing that such accessory uses shall not involve the conduct of a business.
 - (4) Home occupations and professional offices.
 - (5) Satellite dish antennas located on the roof of the principal structure of in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load
- (d) **CONDITIONAL USES.**
- (1) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
 - (2) Schools and churches
 - (3) Utilities
 - (4) Signs
 - (5) Campgrounds
- (e) **LOT AREA AND WIDTH.**
- (1) Farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than 20 acres, and no farm parcel shall be less than 500 feet in width.
 - (2) Accessory farm dwellings, existing residential structures, and farm dwellings remaining after the consolidation of existing farms shall provide a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet.
- (f) **BUILDING HEIGHT AND AREA.** No building or parts of a building shall exceed 30 feet in height. No farm dwelling or other residential structure shall be less than 800 square feet in area.
- (g) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
 - (2) There shall be a side yard on each side of the principal structure not less than 15 feet in width.
 - (3) There shall be a rear yard of not less than 30 feet.

51.06 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **GENERAL.** The primary purpose of this district is to provide for a quiet, pleasant and relatively spacious living area for high quality, low density single-family residential development at densities not exceeding 2.7 dwelling units per net acre protected from traffic hazards and the intrusion of

non-compatible land uses.

(b) **PERMITTED USES.**

- (1) Single-family dwellings with attached garages
- (2) Agricultural row crops in areas without urban improvements **(Ord. #501-2011)**

(c) **PERMITTED ACCESSORY USES.**

- (1) Private Carports
- (2) Detached Private Garages
- (3) Satellite Dish Antennas located in the rear yard
- (4) Roof mounted solar collectors
- (5) Gardening, tool, and storage sheds incidental to the residential uses.

(d) **CONDITIONAL USES.**

- (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
- (2) Utilities

(e) **LOT AREA AND WIDTH.** Lots shall have a lot area of not less than 16,000 square feet and a width of not less than 100 feet.

(f) **BUILDING HEIGHT AND AREA.**

- (1) No building or parts of a building shall exceed 35 feet in height. No accessory building shall exceed 15 feet in height.
- (2) The total minimum living area of a dwelling shall be 1,400 square feet.
- (3) The minimum first floor area of a bi-level or two-story dwelling shall be 1,000 square feet.
- (4) A tri-level dwelling shall have a minimum living area of 500 square feet per level.
- (5) There shall be a minimum core area of 24 by 24 feet.

(g) **SETBACK AND YARDS.**

- (1) There shall be a minimum building setback of 25 feet from the street right-of-way.
- (2) There shall be a side yard of not less than 10 feet on each side of the principal structure.
- (3) There shall be a rear yard of not less than 30 feet. **(Ord. 508-2011)**

(h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.

(i) **PROHIBITED USES.**

- (1) Agricultural row crops in areas with urban improvements. **(Ord. #501-2011)**

(j) **GARAGES.** A two-stall, attached garage of no less than 20' x 20' in size, with a minimum of 16' of overhead door width on one side, is required. **(Ord. #416)**

51.07 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **GENERAL.** The primary purpose of this district is to provide for a quiet and pleasant living area for medium density single-family residential development at densities not to exceed 4.0 dwelling units per net acre protected from traffic hazards and the intrusion of non-compatible land uses.
- (b) **PERMITTED USES.**
- (1) Single-family dwellings with attached garages
 - (2) Community living arrangement with a capacity for 8 or fewer persons served by the program
 - (3) Agricultural row crops in areas without urban improvements. *(Ord. #501-2011)*
- (c) **PERMITTED ACCESSORY USES.**
- (1) Private Carports
 - (2) Detached Private Garages
 - (3) Home Occupations and Professional Home Offices
 - (4) Day Care Home, Family
 - (5) Satellite Dish Antennas located in the rear yard
 - (6) Roof Mounted Solar Collectors
- (d) **CONDITIONAL USES.**
- (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
 - (2) Utilities
 - (3) Community living arrangement with a capacity for 9 or more persons served by the program
 - (4) Day Care Center, Group
- (e) **LOT AREA AND WIDTH.** Lots shall have a lot area of not less than 11,000 square feet and a width of not less than 90 feet.
- (f) **BUILDING HEIGHT AND WIDTH.**
- (1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory buildings shall exceed 15 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,200 square feet.
 - (3) The minimum first floor area of a bi-level or two-story dwelling shall be 600 square feet.
 - (4) A tri-level dwelling shall have a minimum living area of 400 square feet per level.
 - (5) There shall be a minimum core area of 24 by 24 feet.
- (g) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 20 feet from the street right-of-way.
 - (2) There shall be a side yard of not less than 8 feet on each side of the principal structure.

- (3) There shall be a rear yard of not less than 30 feet. **(Ord. 508-2011)**
- (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
- (i) **PROHIBITED USES.**
 - (1) Agricultural row crops in areas with urban improvements. **(Ord. #501-2011)**
- (j) **GARAGES.** A two-stall, attached garage of no less than 20' x 20' in size, with a minimum of 16' of overhead door width on one side, is required. **(Ord. #416)**

51.08 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **GENERAL.** The primary purpose of this district is to provide for a quiet and pleasant living area for single-family residential development at densities not exceeding 5.2 dwelling units per net acre protected from traffic hazards and the intrusion of non-compatible land uses.
- (b) **PERMITTED USES.**
 - (1) Single-family dwellings with attached garages
 - (2) Community living arrangement with a capacity for 8 or fewer persons served by the program
 - (3) Agricultural row crops in areas without urban improvements. **(Ord. #501-2011)**
- (c) **PERMITTED ACCESSORY USES.**
 - (1) Private Carports
 - (2) Detached Private Garages
 - (3) Home Occupations and Professional Home Offices
 - (4) Day Care Home, Family
 - (5) Satellite Dish Antennas Located in the Rear Yard
 - (6) Roof Mounted Solar Collectors
 - (7) Gardening, Tool and Storage Sheds Incidental to the Residential Use
- (d) **CONDITIONAL USES.**
 - (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
 - (2) Utilities
 - (3) Community living arrangement with a capacity for 9 or more persons served by the program
- (e) **LOT AREA AND WIDTH.** Lots shall have a lot area of not less than 8,400 square feet and a width of not less than 75 feet.
- (f) **BUILDING HEIGHT AND AREA.**
 - (1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height.
 - (2) The total minimum living area of a dwelling shall be 1,000 square feet.

- (3) The minimum first floor are of a bi-level or two-story dwelling shall be 500 square feet.
- (4) A tri-level dwelling shall have a minimum living area of 350 square feet per level.
- (5) There shall be a minimum core area of 24 feet by 24 feet.
- (g) **SETBACK AND YARDS.**
 - (1) There shall be a minimum building setback of 15 feet from the street right-of-way.
 - (2) There shall be a side yard of not less than 8 feet on each side of the principal structure.
 - (3) There shall be a rear yard of not less than 25 feet. *(Ord. 508-2011)*
- (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
- (i) **PROHIBITED USES.**
 - (1) Agricultural row crops in areas with urban improvements. *(Ord. 501-2011)*
- (j) **GARAGES.** A single-stall, attached garage is required.

51.09 R-4 TWO-FAMILY RESIDENTIAL DISTRICT

- (a) **GENERAL.** The primary purpose of this district is to provide for a quite and pleasant living area for two-family residential development at densities not exceeding 10.4 dwelling units per net acre protected from traffic hazards and the intrusion of non-compatible land uses.
- (b) **PERMITTED USES.**
 - (1) Single-family dwellings with attached garages
 - (2) Community living arrangement with a capacity for 8 or fewer persons served by the program
 - (3) Two-family dwellings with attached garages
 - (4) Agricultural row crops in areas without urban improvements. *(Ord. #501-2011)*
- (c) **PERMITTED ACCESSORY USES.**
 - (1) Private Carports
 - (2) Detached Private Garages
 - (3) Home Occupations and Professional Home Offices
 - (4) Day Care Home, Family
 - (5) Satellite Dish Antennas Located in the Rear Yard
 - (6) Roof Mounted Solar Collectors
 - (7) Gardening, Tool and Storage Sheds Incidental to the Residential Use
- (d) **CONDITIONAL USES.**

- (1) Governmental and Cultural Uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums
 - (2) Utilities
 - (3) Community living arrangement with a capacity for 9 or more persons served by the program
 - (4) Day Care center, group
 - (5) Multi-family dwellings with four or fewer dwelling units
 - (6) Bed and Breakfast Establishments.
- (e) **LOT AREA AND WIDTH.** Lots shall have a minimum of 8,400 square feet in area, with not less than 4,200 square feet per dwelling unit. Lots shall be not less than 120 feet in width.
- (f) **BUILDING HEIGHT AND AREA.**
- (1) No principal building or parts of a principal building shall exceed 35 feet in height and no accessory building shall exceed 15 feet in height.
 - (2) The total minimum living area of a dwelling shall be 2,000 square feet.
 - (3) The minimum first floor area of a bi-level or two-story dwelling shall be 500 square feet for single-family dwellings and 1,000 square feet for a two-family building.
 - (4) A tri-level dwelling shall have a minimum living area of 350 square feet per level for a single-family dwelling and 700 square feet per level for a two-family building.
 - (5) There shall be a minimum core area of 24 feet by 24 feet for each side of a two-family dwelling.
- (g) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 10 feet from the street right-of-way.
 - (2) There shall be a side yard of not less than 8 feet on each side of the principal structure.
 - (3) There shall be a rear yard of not less than 25 feet. **(Ord. 508-2011)**
- (h) **ROOFS.** There must be a minimum overhang of twelve (12) inches for all roofs.
- (i) **PROHIBITED USES.**
- (1) Agricultural row crops in areas without urban improvements. **(Ord. 501-2011)**
- (j) **GARAGES.** A minimum of a one-stall attached garage must be supplied for each unit. If only one-stall is supplied per unit, then the garages shall be joined to each other.

51.10 R-5 MULTI-FAMILY RESIDENTIAL DISTRICT

- (a) **GENERAL.** The R-5 Multi-family Residential District is intended to provide for multiple-family residential development.

(b) **PERMITTED USES.**

- (1) Multi-family dwellings
- (2) Two-family dwellings with attached or detached garages
- (3) Community living arrangements
- (4) Day Care Center, Group
- (5) Day Care Home, Family
- (6) Agricultural row crops in areas without urban improvements. (Ord. 501-2011)

(c) **ACCESSORY USES.**

- (1) Private carports for multiple-family dwellings
- (2) Private garages for multiple-family dwellings
- (3) Home occupations and professional offices
- (4) Satellite dish antennas located in the rear yard
- (5) Roof mounted solar collectors
- (6) Gardening, tool, and storage sheds incidental to the residential use

(d) **CONDITIONAL USE.**

- (1) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums
- (2) Single-family dwellings
- (3) School and churches
- (4) Utilities
- (5) Bed and Breakfast Establishments

(e) **LOT AREA AND WIDTH.**

- (1) A minimum permissible lot area for multi-family residential dwellings shall be based upon the following:
 - a. Except as provided in paragraph (e)(1)b, the minimum lot size shall be 3,630 square feet for each dwelling unit of a multi-family dwelling.
 - b. The minimum lot size may be 1,815 square feet for each dwelling unit within a multi-family dwelling upon the following conditions:
 1. A minimum of twenty-five (25%) percent of the lot area shall be green space. This green space shall be in addition to all required setback areas.
 2. A minimum of one (1) parking stall per dwelling unit within the multi-family dwelling shall be underground or in a bi-level or multi-level parking structure.
- (2) No lot shall be less than 120 feet in width.

(f) **BUILDING HEIGHT AND AREA.**

- (1) No building or parts of a building shall exceed 45 feet in height and no accessory building shall exceed 15 feet in height. The minimum first floor area of a principal structure shall be 1,000 square feet, and no dwelling unit shall have a livable floor area of less than the following:
 - a. Efficiency apartment--350 square feet per dwelling unit.
 - b. One bedroom unit--500 square feet per dwelling unit.
 - c. Two bedroom or more units--750 square feet per dwelling unit.
- (g) **SETBACK AND YARDS.**
 - (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
 - (2) There shall be a side yard on each side of all buildings of not less than 25 feet in width.
 - (3) There shall be a rear yard of not less than 40 feet.
- (h) **OFF-STREET PARKING.** All multi-family residential developments shall provide for a minimum of one and one-half (1-1/2) off-street parking spaces per dwelling unit within a multi-family residential dwelling. **(Ord. #383)**
- (i) **PROHIBITED USES.**
 - (1) Agricultural row crops in areas with urban improvements. **(Ord. 501-2011)**

51.11 R-6 MOBILE HOME PARK RESIDENTIAL DISTRICT (MHP)

- (a) **DEFINITIONS.** As used herein, the following definitions shall have the terms ascribed to them:
 - (1) **"Dependent Mobile Home"** shall mean a mobile home without inside toilets and bath are prohibited in a mobile home park as defined in this Chapter.
 - (2) **"Issuing Authority"** shall mean the person, board or committee who has been authorized to issue respective permits.
 - (3) **"Licensee"** shall mean any person licensed to operate and maintain a mobile home park under the provisions of this Chapter.
 - (4) **"MHP"** shall mean a Mobile Home Park Residential District.
 - (5) **"Mobile Home"** shall mean a manufactured transportable, single-family dwelling unit suitable for year-round occupancy and containing water supply, waste disposal and electrical services.
 - (6) **"Mobile Home Lot or Site or Space"** shall mean a plot of ground within a mobile home park designed for the accommodation or placement of one (1) mobile home and the exclusive use of its occupants.
 - (7) **"Mobile Home Owner"** shall mean the person in whose name the mobile home is titled by the State Department of Transportation.
 - (8) **"Mobile Home Park"** shall mean any site, plot, parcel or tract of land

used or intended to be used for the purpose of providing a location or accommodations for mobile homes and shall include all buildings used or intended to be used as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities. The term "mobile home park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection for the purposes of sale.

- (9) **"Permittee"** shall mean any person to whom a special permit is issued to maintain or operate a mobile home park under the provisions of this Chapter.
- (10) **"Person"** shall mean an individual, partnership, firm, corporation, association, trust, affiliation or any other type of business association or combination, whether owner, lessee, licensee or their agent, heir or assign.
- (11) "Unit" shall mean any mobile home dwelling unit.

(b) **INTENT.**

- (1) It is the intent of this Chapter that mobile homes be parked or used only within mobile home park residential zoning districts as herein provided. It shall be unlawful for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the village on any property outside an approved licensed mobile home park as herein specified.
- (2) It shall be unlawful for any person to place, establish, operate or maintain a mobile home on property except that zoned for mobile home park residence districts.
- (3) Subject to the terms, conditions and limitations set forth herein, it shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property within the village, a mobile home park which is not in compliance with this Chapter and Chapter 34.
- (4) It is the intent of this section that Mobile Home Parks provide a quiet and pleasant living area that is harmonious with the surrounding area. Further, Mobile Home Parks are to be well landscaped and well planned, are to provide a well planned and designed internal street system, and to be well maintained. Mobile Home Parks are not to be located in areas unsuitable for residential use.

(c) **PERMITTED USES.**

- (1) Permitted Uses: None.
- (2) Conditional Uses: Mobile home parks.

(d) **MOBILE HOME PARK REQUIREMENTS:**

- (1) Mobile Home Park Area Requirements: Each mobile home park shall comply with the following standards:
 - a. A mobile home park shall have a minimum of ten (10)

- acres in area.
 - b. The minimum setback for a mobile home park building, structure or unit shall be 50 feet from the right-of-way line of a street or highway which abuts the development.
 - c. Except for public utility structures, no structure or pavement of any type shall be placed closer than 40 feet from the exterior property line.
- (2) Mobile Home Site Requirements: Each mobile home site shall have:
- a. A minimum of 6,000 square feet of land area for a single mobile home for the exclusive use of the residents of the mobile home located on the site with an average (minimum) width of 60 feet and a minimum depth of 100 feet.
 - b. A minimum of 6,500 square feet of land area for a double mobile home for the exclusive use of the residents of the mobile home located on the site with an average (minimum) width of 65 feet and a minimum depth of 100 feet.
 - c. A minimum frontage for cul-de-sac sites shall be 20 feet measured along the pavement edge.
 - d. Mobile home sites with their long axis parallel to the roadway ("parallel lots") shall be a minimum 100 feet wide and 60 feet deep for a single unit, and 100 feet wide and 65 feet deep for a double-wide unit.
 - e. Each space shall be numbered.
- (3) Yard Requirements: All mobile homes shall comply with the following yard requirements:
- a. No mobile home shall be parked closer than 15 feet to the front site line nor 10 feet to the rear site line. Cul-de-sac lots shall provide a minimum 15-foot setback from the roadway edge.
 - b. There shall be an open space of at least 20 feet between adjacent mobile homes and 20 feet between adjacent mobile homes on the rear of the site lines.
- (4) Parking: The following are minimum parking requirements for mobile home parks:
- a. Each mobile home site shall have hard-surfaced (paved) off-street parking space for 2 automobiles. The parking spaces shall total a minimum of 360 square feet in area.
 - b. Access drives off roads to all parking spaces and mobile home spaces shall be hard surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.
- (5) Utilities: The following minimum requirements for utilities shall be maintained:
- a. There shall be no permanent obstructions impeding the inspection of plumbing, electrical facilities, utilities or other

- related equipment.
- b. Garbage, waste, and trash disposal plans must conform to all state and local health and population control regulations.
 - c. The owner of a mobile home park shall pay all required sewer and utility fees or assessments to the Village Treasurer or appropriate utility.
 - d. The owner of a mobile home park may elect to either have the mobile home park master metered or to have each mobile home individually metered for water service subject to the following:
 - 1. Should the owner elect to have the Village meter each mobile home individually, the water mains and laterals shall be installed in accordance with the Village specifications and located in accordance with the specifications acceptable to the Village Director of Public Works. Such mains and laterals, to the curb box, shall be conveyed to the Village by such document approved by the Village. The mains and laterals shall become part of the Village's utility distribution system.
 - 2. Should the owner elect to locate the water mains and laterals in locations that are not acceptable to the Director of Public Works, the ownership of such mains and laterals shall remain with the mobile home park owner. The mobile home park shall, however, be metered at a strategic location approved by the Director of Public Works. The meter pit or manhole shall be installed in accordance with the specifications of the Village. The maintenance of the mains and laterals shall be the sole responsibility of the mobile home park owner. The mobile home park owner may purchase, install and bill each tenant directly for the water used and such meters shall be owned, read and maintained by the mobile home park owner.
 - e. Each mobile home site shall be provided with a sewer receptacle at least 4 inches in diameter which shall be connected to receive the waste from the shower, bath, tub, flush toilet, lavatory, and kitchen sink of the mobile home harbored on such site having any or all of such facilities. The sewer in each site shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances. Each unit shall be subject to the license agreement with the Village Board.
 - f. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile

- home sites within the park, to meet the requirements of the park.
- (6) Internal Streets: All internal streets shall meet the following minimum requirements:
- a. Streets shall be hard-surfaced with bituminous concrete or portland cement concrete to accommodate the structural requirements in the Village streets as approved by the Planning and Zoning Committee.
 - b. All streets shall be developed with a paved street surface of not less than 24 feet wide. On-street parking is not permitted.
 - c. Streets shall be designed to provide suitable drainage without on-street ponding of storm water. The Village Planning and Zoning Committee or the Village Engineer may require curb, gutter, and/or storm sewers based on the natural characteristics of the site and the public health, safety and welfare.
- (7) Sidewalks: A 36-inch wide portland cement concrete sidewalk shall be built and maintained by the owner or operator providing access from roadways to all recreational areas, common use buildings, and common storage areas.
- (8) Lighting: Artificial lights shall be maintained during all hours of darkness in all buildings provided for common facilities for occupant's use. The mobile home park, streets, and pedestrian areas shall be lighted from sunset to sunrise. Entrance roads intersecting with adjacent streets shall be lighted with either public street lights or private entrance lights or a combination of both as required by the Planning and Zoning Committee.
- (9) Recreational Areas: All mobile home parks shall have one or more recreational areas which shall be easily accessible to all park residents. Recreational areas shall be so located as to be free of traffic hazards and shall, where the topography permits, be centrally located. The size of such recreational areas shall be based on a ratio of providing

a minimum of one and one-half (1-1/2) acres of recreational area for each one-hundred (100) mobile home sites. At least one-half of the recreational area shall be concentrated in one site, and the remaining balance may be distributed throughout the park in several smaller sites. All recreational equipment installed in such area shall be owned and maintained by the owner or operator of the mobile home park at his/her expense.

- (10) Landscaping: The following minimum landscaping requirements shall be maintained in all mobile home parks:
- a. Each space shall be properly landscaped with at least two trees. All yards shall be sodded or planted in grass. Trees, grass and landscape materials shall be properly maintained and replaced as needed to conform to the initially approved landscaping.
 - b. All mobile home parks constructed under this Chapter shall have a greenbelt or buffer strip at least 20 feet wide along all boundaries. This area shall be landscaped with permanent plantings and/or beams to establish a screening effect. Where the adjoining property is also a mobile home park, such screening or buffer strip shall not be required on that side of the property.
 - c. All areas shall be landscaped and the landscaping shall be shown on a typical mobile home individual site plan, and also shall be shown in concept on the overall master plan.
- (11) Mobile Home Stands Required: All mobile homes shall be placed and leveled on stands consisting of either 8-inch by 16-inch by 4-inch block, or 16-inch by 16-inch by 4-inch square solid base, minimum, with a double tier of alternately crossed 8-inch block ascending; no I-beam or any portion of the mobile home frame shall rest directly on the concrete block. Wood shimming shall be used. No second or medium grade of concrete block may be used and all block must be installed with the hollow core in the vertical position.
- (12) Mobile Home Pad Required: Each mobile home site shall have a concrete pad equal to or greater than the outside dimensions of the mobile home. The concrete shall have a nominal thickness of 4 inches and shall be substantially level to facilitate the placement of the mobile home thereon, but shall have a crown or gradient for surface drainage of not less than 1/4 inch per foot.
- (13) Tie Downs and Anchors Required on All Mobile Homes: Straps

and anchoring equipment shall be capable of resisting an allowable working load of not less than 3,150 pounds and capable of withstanding a 50 percent overload (4,750 pounds) without failure.

- (14) Skirting: All mobile home units shall have skirts around the entire mobile home made of plastic, fiberglass or other comparable materials and shall be of a permanent color, or painted to match the appropriate mobile home so as to enhance the general appearance thereof.
- (15) Accessory Storage Buildings or Garages: Any accessory storage building or garage in a mobile home park shall comply with other applicable Village codes. Accessory storage buildings shall be anchored.
- (16) Service Buildings:
- a. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statues regulating buildings, electrical installations and plumbing and sanitation systems.
 - b. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moisture-proof materials which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. The floors of the service buildings shall be of water impervious materials. Washing and drying machines may be installed according to needs of the park.
 - c. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.
- (17) Fire Protection: Service buildings shall be equipped with fire extinguishers and the park with water hydrants of such type, size and number and so located within the park to comply with the Village Water Department rules and all of standard size and fitness of this department and the regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. All municipal codes regulating open fires shall be enforced.
- (18) Register of Owners: The manager of a mobile home park shall keep a registration list of mobile home owners available to the Village or its agents for inspection at reasonable times.
- (19) Inspection and Occupancy Permit: All mobile homes shall comply with State and Village fire, health, building, and plumbing regulations. Before a mobile home unit may be occupied, the mobile

home owner or licensed selling agent must secure the inspection and approval of the Building Inspector regarding compliance with such regulations including the provisions of this Chapter. An occupancy permit must be issued by the village prior to occupancy of such mobile home unit.

(e) **DECLARATION OF RESTRICTIONS/RESTRICTIVE COVENANTS.**

- (1) The Village may accept a declaration of restrictions or restrictive covenants filed by the applicant petitioning for rezoning concerning the uses of the proposed parcel to be rezoned establishing lot sizes, setbacks, roadways, recreational areas, location of mobile homes, buildings, structures, and landscaping and other physical features as specified in this Chapter.
- (2) A declaration of restrictions or restrictive covenant shall run with the land and shall contain the following requirements:
 - a. A subscription clause.
 - b. The legal description of the property and master plan.
 - c. The names of the persons having an interest in the property who shall also execute the restrictive covenant or declaration of restrictions.
 - d. The names and addresses of all persons holding a security interest in the property who shall also execute the restrictive covenant or declaration of restrictions.
 - e. The declaration of restriction or restrictive covenant shall run with the land and be binding upon the property owners, grantees, successors, heirs or assigns of the property.
 - f. Contain the condition that as long as the property is zoned Mobile Home Park District that should buildings or the property be used for other than that specified in the declaration of restriction or restrictive covenant, that any building permit issued by the Village shall be null and void or that the occupancy of such building(s) or use of the property shall be considered to be in violation of the zoning ordinance of the Village.
 - g. Such declaration of restrictions or restrictive covenant running with the land shall be recorded in the Register of Deeds office for Brown County and shall be considered a restrictive covenant running with the land or declaration of restrictions running with the land and shall inure to the benefit of all abutting and contiguous properties to that of the subject property, as well as the residents of the Village of Pulaski.

(f) **MANAGEMENT.**

- (1) In every mobile home park, there shall be located the office of the person in charge of said mobile home park. In instances where the mobile home park is owned by the same persons owning other mobile home parks within the village, only one office shall be required.
 - (2) The licensee or permittee, or a duly authorized attendant or caretaker shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.
 - (3) It is the duty of the mobile home park owner or operator together with any attendants or persons in charge of a mobile home park to:
 - a. Keep a register of all principal occupants of mobile homes to be open at all times to inspection by federal, state and local officials.
 - b. Maintain the mobile home park in a clean, orderly and sanitary condition at all times.
 - c. At the time of entry into the mobile home park, obtain a signed application form, stating year in which mobile home was new, together with size and make, last prior address and current employer, plus number of and ages of children in family.
- (g) **PERMITS AND LICENSES.** It shall be unlawful for any person to construct, alter, or extend any mobile home park within the limits of the village of Pulaski without a valid permit issued by the Village, under the provisions of Sec. 34.04, in the name of such person for the specific construction, alteration, or extension proposed. It shall further be unlawful for any person to operate or continue to operate a mobile home park without a valid operator's license issued by the Village in the name of the applicant.
- (h) **LICENSE FEES.**
- (1) The annual license fee for each mobile home lot, site or park shall be One Hundred Dollars (\$100.00) for each fifty (50) mobile home spaces, lots or sites, or fraction thereof.
 - (2) The fee for transfer of a license shall be \$10.00.
- (i) **APPLICATION FOR RENEWAL OR TRANSFER OF LICENSE.**
- (1) Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, and upon review, the issuing authority shall issue a certificate renewing such license for another year.
 - (2) Upon application in writing for transfer of a license and payment of the transfer fee, the issuing authority shall issue a transfer.

51.12 B-1 CENTRAL BUSINESS DISTRICT

(a) **GENERAL.** The primary purpose of the Central Business District is to serve the retail and service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 Districts:

- (1) Accounting, auditing, bookkeeping services SIC 872
- (2) Advertising agency SIC 7311
- (3) Amusement parks SIC 7996
- (4) Animal Specialty Services/pet grooming, kennels, animal shelters SIC 0752
- (5) Apparel and accessory stores SIC 560
- (6) Art and school supply stores SIC 5999
- (7) Art Dealers SIC 5999
- (8) Art Galleries SIC 834
- (9) Auto and home supply stores SIC 553
- (10) Automotive parking SIC 752
- (11) Barber shops SIC 724
- (12) Beauty shops SIC 723
- (13) Boat Dealers SIC 555
- (14) Book stores, except adult SIC 5942
- (15) Bowling centers SIC 793
- (16) Building Maintenance services SIC 7349
- (17) Building Materials and Garden Supplies SIC 520
- (18) Business Credit Institutions SIC 615
- (19) Camera and photographic supply shops SIC 5946
- (20) Camps and recreational vehicle parks SIC 703
- (21) Child care services (Day Care services, Group Day Care Center, Family Day Care Centers) SIC 835
- (22) Computer and data processing services SIC 737
- (23) Credit reporting and collection SIC 732
- (24) Dance studios and schools SIC 791
- (25) Department stores SIC 531
- (26) Depository Institutions, Banks, Credit Unions, etc. SIC 600
- (27) Drug stores and proprietary stores SIC 591
- (28) Eating and drinking places SIC 581
- (29) Elementary and secondary schools SIC 821
- (30) Employment and Help agencies SIC 736
- (31) Engineering and Architectural Services SIC 871
- (32) Equipment rental, small SIC 7359
- (33) Farm machinery and Equipment sales SIC 5083
- (34) Florists SIC 5992
- (35) Food Stores SIC 540
- (36) Funeral Service and crematories SIC 726
- (37) Furniture and home furnishing stores SIC 571

(38)	Gasoline service stations	SIC 554
(39)	General Merchandise stores	SIC 530
(40)	Gift, novelty, and souvenir shops	SIC 5947
(41)	Hardware Stores	SIC 525
(42)	Hobby, toy and game shops	SIC 5945
(43)	Holding and other investment offices	SIC 670
(44)	Home Health Care Services	SIC 808
(45)	Hospitals	SIC 806
(46)	Hotels and motels	SIC 701
(47)	Household appliance stores	SIC 572
(48)	Insurance agents, brokers and services	SIC 640
(49)	Insurance Carriers	SIC 630
(50)	Landscaped Horticultural Services	SIC 078
(51)	Lawn and Garden Services	SIC 0782
(52)	Jewelry stores	SIC 5944
(53)	Laundry, cleaning and garment service	SIC 721
(54)	Legal Services	SIC 811
(55)	Libraries	SIC 823
(56)	Liquor stores	SIC 592
(57)	Luggage and leather goods stores	SIC 5948
(58)	Lumber and other building materials	SIC 521
(59)	Mailing, reproduction, stenographic services	SIC 733
(60)	Management and Public Relations Services	SIC 874
(61)	Medical and Dental laboratories	SIC 807
(62)	Medical Equipment Leasing	SIC 7352
(63)	Membership organizations	SIC 860
(64)	Mobile home dealers	SIC 527
(65)	Mortgage Bankers and brokers	SIC 616
(66)	Motion pictures theaters	SIC 783
(67)	Motorcycle dealers	SIC 557
(68)	Nursing and personal care facilities	SIC 805
(69)	Office and clinic of medical doctors	SIC 801
(70)	Office and clinic of osteopathic physicians	SIC 803
(71)	Office of other health practitioners	SIC 804
(72)	Office and clinic of dentists	SIC 802
(73)	Optical goods store	SIC 5995
(74)	Outdoor advertising services	SIC 7312
(75)	Paint, glass and wallpaper stores	SIC 523
(76)	Personal Credit Institutions	SIC 614
(77)	Pest Control	SIC 7342
(78)	Photographic studios, portrait	SIC 722
(79)	Physical fitness centers	SIC 7991
(80)	Public golf courses	SIC 7992
(81)	Real estate agents and managers	SIC 653

(82)	Real estate operators and lessors	SIC 651
(83)	Record and music stores	SIC 573
(84)	Repair shops, misc.	SIC 769
(85)	Research and Testing services	SIC 873
(86)	Residential care services	SIC 836
(87)	Retail Nurseries and garden stores	SIC 526
(88)	Re-upholstery and furniture repair shops	SIC 764
(89)	Security and commodity brokers	SIC 620
(90)	Security systems services	SIC 7382
(91)	Sewing, needlework, and piece goods stores	SIC 5949
(92)	Shoe repair	SIC 725
(93)	Sporting goods and bicycle shops	SIC 5941
(94)	Sports and recreation clubs, membership	SIC 7997
(95)	Stationery Stores	SIC 5943
(96)	Tax return preparation	SIC 729
(97)	Title abstract offices	SIC 654
(98)	Tobacco stores and newsstands	SIC 5994
(99)	Used Merchandise stores	SIC 593
(100)	Variety stores	SIC 533
(101)	Livestock services	SIC 751
(102)	Animal Specialty Services (pet grooming, kennels, animal shelters)	SIC 752
(103)	Video tape rental store	SIC 874
(104)	Vocational schools	SIC 824
(105)	Watch, clock and jewelry repair	SIC 763
(106)	Other uses as deemed appropriate by the Zoning Administrator	SIC

- (b) **ACCESSORY USES.** The following accessory uses are permitted in B-1 Districts:
- (1) Parking lots
 - (2) Accessory buildings or use incidental to principal use
 - (3) Residential use, quarters for the owner or proprietor, located in the same building as the business.

- (c) **CONDITIONAL USES.**
- (1) Amusement establishments - archery ranges, bowling alleys, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities
 - (2) Auction rooms
 - (3) Automotive repair shops (SIC 753)
 - (4) Automotive rental and leasing (SIC 751)
 - (5) Automotive services (SIC 754)
 - (6) Car wash (SIC 754)
 - (7) Dry cleaning establishments employing more than four (4) persons

- (8) Attached dwelling units for the owner or operator of the principal use
 - (9) Eating and drinking establishments primarily engaged in drive-in and carry-out service
 - (10) Greenhouses, commercial
 - (11) Fuel Oil Dealers (SIC 598)
 - (12) Mail order houses
 - (13) Manufactured home sales (SIC 835)
 - (14) Motor vehicle sales
 - (15) Off-premise signs greater than three hundred (300) square feet in size and less than five hundred one (501) square feet in size
 - (16) Parking garages or structures, other than accessory, for the storage of private passenger automobiles only
 - (17) Parking lots, open and other than accessory
 - (18) Recreational and utility trailer dealers (SIC 556)
 - (19) Used merchandise stores (SIC 593)
 - (20) Residential Use
 - (21) Other uses as deemed a similar nature by the Zoning Administrator (SIC)
- (e) **LOT AREA AND WIDTH.** Lots shall be a minimum of 3,000 square feet in area and shall not be less than 30 feet in width.
- (f) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed 45 feet in height.
- (g) **SETBACK AND YARDS.**
- (1) No minimum setback shall be required.
 - (2) No minimum side yard shall be required, except as provided in Sec. 51.03(c) of this Chapter.
 - (3) There shall be a rear yard having a minimum depth of twenty (20) feet for a building two (2) two stories or less in height. For each additional story or fractional story in height, the depth of such rear yard shall be increase five (5) feet.
- (h) **CONDITIONAL USES.**
- (1) It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and to impose restriction upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence, and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of

defined materials and activities consistent with the Village's interest in the present and future character of its community development.

(2) The following uses shall only be permitted as herein provided:

- a. Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
- b. Commercial establishments which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
- c. Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

(3) Definitions.

- a. As used herein, "**nudity**" means the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
- b. As used herein, "sexual conduct" means acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

(4) The above conditional uses shall be subject to the following provisions:

- a. No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, museum, or playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
- b. No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential or agricultural in the same or a contiguous town or municipality.
- c. The applicant shall furnish the Village detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment under subparagraph (2) (a) or (2) (b) of this subsection, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment under subparagraph (2) (c) of this subsection, the applicant shall in detail specify the nature of the activity to be engaged in.

- d. The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 300 feet of the proposed establishment.
- e. Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semipublic areas.
- f. All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened in a manner which will prevent a view into the interior from any public or semipublic area.
- g. In case of a protest signed by 20 percent or more of the persons of the area within 300 feet of the proposed establishment, the grant of such permit shall require a two-thirds vote of the Village Board.
- h. The Village Board in determining whether to grant a permit hereunder shall, in addition to considerations otherwise taken into account when acting on Conditional Use Permits, consider the protection of property values in the affected area; the preservation of neighborhoods, the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; and any other factor created by the type of use being considered, along with the health, safety and general welfare of the community.

(i) **RESTRICTIONS FOR RESIDENTIAL USE.**

- (1) Off-Street Parking. The minimum parking must be one-and-one-half (1-1/2) spaces per unit within the apartment complex. These parking spaces must be provided as off-street parking. If no off-street parking is available, then the property owner must lease off-street parking within 500 feet of the property site. The lease must run at least one-year terms, which must be renewed. The Village Board must approve the lease annually. On-street parking shall not be considered in determining the parking provision for the apartment building. The parking stalls provided shall be served by a minimum eighteen (18') foot drive or aisle and each stall shall measure a minimum nine (9') feet

in width and eighteen (18') feet in depth at ninety (90) degrees to the eighteen-foot aisle. The off-street parking for the apartment complex shall be in the rear of the building. The aisle may include the right of way of a public alley but shall not be less than eighteen feet. The purpose of these dimensions is to allow vehicles entering and exiting the parking lot to do so in a forward motion, assuring the safest access possible to the apartment complex.

- (2) Delivery Areas. All delivery areas shall be located within the interior of the building, including newspaper delivery boxes.
- (3) Storefront Window Remodeling. Large full-glass storefronts should be remodeled with small windows, yet the commercial appearance of the building front must be retained. This is an aesthetic requirement to protect the commercial nature of the Central Business District. An elevation view of the building front as it exists prior to conversion and a proposed elevation are required. These plans must be submitted at the time of initial application for the conditional use approval. Conformance to this requirement is on a case-by-case basis at the discretion of the Village Board.
- (4) Additional Sound Insulation. Insulation must be sound-proof rated for at least five (5) decibels outdoor to indoor noise level reduction over the industry standard for such a structure. These plans must be submitted at the time of initial application for the conditional use approval for site plan approval.
- (5) Outside Storage. No outside storage of accessory residential items, such as barbecue grills, bicycles, planters, lawn or deck chairs, etc. shall be allowed. A copy of the rental agreement to be used by the landlord for tenants must be provided with the initial application for conditional use approval that includes a statement information the tenant that such storage is not allowed.
- (6) Outdoor Laundry Facilities. All outdoor laundry facilities, such as clotheslines, are prohibited. The rental agreement must address the prohibition of all outdoor laundry facilities.
- (7) Garbage Facilities. Garbage facilities must be consolidated to one facility for the entire complex (no individual garbage cans) by use of a single dumpster or enclosed storage area. Garbage removal must be restricted to the rear of the building. The rental agreement must address the prohibition of individual garbage cans.
- (8) Compliance with State and Local Laws. All state and local laws must be followed.
- (9) Site Plan Requirements. A site plan is required with the application for conditional use approval. The site plan must show the property boundaries, exterior dimensions of the existing building and proposed additions, building setbacks, proposed and existing off-street parking,

location of garbage facilities, driveways, etc. Interior building plans must also be submitted with the application that show the layout of the building and function of all rooms. The building elevations and rental agreements previously mentioned are required as part of the conditional use approval application.

51.13 B-2 HIGHWAY BUSINESS DISTRICT

(a) **GENERAL.** The B-2 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

(b) **PERMITTED USES.**

- (1) Auto and home supply stores SIC 553
- (2) Barber shops SIC 724
- (3) Beauty shops SIC 723
- (4) Boat dealers SIC 555
- (5) Bowling centers SIC 793
- (6) Building materials and garden supplies SIC 520
- (7) Business Credit Institutions SIC 615
- (8) Car dealers, new and used SIC 551
- (9) Computer and data processing services SIC 737
- (10) Department Stores SIC 531
- (11) Depository Institutions, Banks, Credit Unions,
etc. SIC 600
- (12) Eating and drinking places SIC 581
- (13) Engineering and Architectural Services SIC 871
- (14) Equipment rental, small SIC 7359
- (15) Farm machinery and Equipment sales SIC 5083
- (16) Food Stores SIC 540
- (17) Furniture and home furnishings stores SIC 571
- (18) Gasoline service stations SIC 554
- (19) General Merchandise stores SIC 530
- (20) Gift, novelty and souvenir shops SIC 5947
- (21) Hardware stores SIC 525
- (22) Hospitals SIC 806
- (23) Hotels and motels SIC 701
- (24) Household appliance stores SIC 572
- (25) Insurance agents, brokers and services SIC 640
- (26) Insurance Carriers SIC 630
- (27) Landscape and Horticultural Services SIC 078
- (28) Lawn and Garden Services SIC 702

(29)	Legal Services	SIC 811
(30)	Lumber and other building materials	SIC 521
(31)	Medical and Dental laboratories	SIC 807
(32)	Membership organizations	SIC 860
(33)	Motorcycle dealers	SIC 557
(34)	Mortgage bankers and brokers	SIC 616
(35)	Motion picture theaters	SIC 783
(36)	Office and clinic of medical doctors	SIC 801
(37)	Office and clinic of osteopathic physicians	SIC 803
(38)	Office of other health practitioners	SIC 804
(39)	Office and clinic of dentists	SIC 802
(40)	Real estate agents and managers	SIC 653
(41)	Real estate operators and lessors	SIC 651
(42)	Recreational vehicle dealers	SIC 556
(43)	Retail Nurseries and garden stores	SIC 526
(44)	Dance Studio (Ord. No. 522-13)	
(45)	Other uses as deemed appropriate by the Zoning Administrator	SIC

(c) **PERMITTED ACCESSORY USES.**

- (1) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

- (1) Attached dwelling unit or residential quarters for the owner, proprietor, commercial tenant, employee, or care taker located in the same building as the business.
- (2) Appliance store
- (3) Car wash
- (4) Manufactured home sales
- (5) Public Utilities
- (6) Shopping centers
- (7) child daycare, group daycare and family daycare service centers.
- (8) Wholesale Distribution (**Ord. #530-14**)

- (9) Other uses as deemed a similar nature by the Zoning Administrator (SIC)
- (e) **LOT AREA AND WIDTH.** Lots shall have a minimum area of 20,000 square feet and shall be not less than 100 feet in width.
- (f) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed 35 feet in height.
- (g) **SETBACK AND YARDS.**
 - (1) There shall be a minimum building setback of 40 feet from the right-of-way of all streets.
 - (2) There shall be a side yard on each side of all buildings not less than 15 feet in width.
 - (3) There shall be a rear yard of not less than 25 feet.

51.14 B-3 PROFESSIONAL OFFICE BUSINESS DISTRICT

- (a) **GENERAL.** This district is intended to provide a spacious, well landscaped and aesthetic environment for professional offices and institutional uses that can be operated without creating objectionable noise, odor, dust, smoke, and gas.
- (b) **PERMITTED USES.**
 - (1) Accounting, auditing, bookkeeping services SIC 872
 - (2) Advertising agencies SIC 7311
 - (3) Computer and data processing services SIC 737
 - (4) Credit reporting and collection SIC 732
 - (5) Depository institutions, banks and credit unions SIC 60
 - (6) Engineering and architectural services SIC 877
 - (7) Funeral service and crematories SIC 726
 - (8) Hospitals SIC 806
 - (9) Insurance agents, brokers and services SIC 64
 - (10) Insurance carriers SIC 63
 - (11) Legal services SIC 811
 - (12) Libraries SIC 823
 - (13) Medical and dental laboratories SIC 807
 - (14) Mortgage bankers and brokers SIC 616
 - (15) Nursing and personal care facilities SIC 805
 - (16) Office and clinic of medical doctors SIC 801
 - (17) Office and clinic of osteopathic physicians SIC 803
 - (18) Office of other health practitioners SIC 804
 - (19) Office and clinic of dentists SIC 802
 - (20) Security and commodity brokers SIC 62
 - (21) Veterinary services SIC 074
 - (22) Other uses as deemed appropriate by the Zoning Administrator
- (c) **PERMITTED ACCESSORY USES.** Accessory uses permitted in the B-1 District except for residential uses.
- (d) **CONDITIONAL USES.**
 - (1) Elementary Schools SIC 821
 - (2) Churches

- (3) Other uses as deemed a similar nature by the Zoning Administrator
- (e) **LOT AREA AND WIDTH.** Lots shall be a minimum of 10,000 square feet in area and shall not be less than 100 feet in width.
- (f) **BUILDING HEIGHT AND AREA.** No principal building or parts of a principal building shall exceed 35 feet in height.
- (g) **SETBACK AND YARDS.**
 - (1) There shall be a minimum building setback of 40 feet from the street right-of-way.
 - (2) There shall be a side yard on each side of the principal structure of not less than 20 feet in width.
 - (3) There shall be a rear yard of not less than 25 feet.
- (h) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage a business environment that is compatible with the residential character of the Village, building permits for permitted uses in Business Districts shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

51.15 B-4 NEIGHBORHOOD BUSINESS DISTRICT

- (a) **GENERAL.** The B-4 Business District is intended to provide for individual or small groups of retail and customer service establishments serving primarily the convenience of a local neighborhood, and the character, appearance, and operation of which are compatible with the character of the surrounding area.
- (b) **PERMITTED USES.**
 - (1) Accounting, auditing, bookkeeping services SIC 872
 - (2) Advertising agency SIC 7311
 - (3) Art Galleries SIC 834
 - (4) Barber shops SIC 724
 - (5) Beauty shops SIC 723
 - (6) Book stores, except adult SIC 5942
 - (7) Camera and photographic supply shops SIC 5946
 - (8) Child care services (Day Care services, Group)
Day Care Center, Family Day Care Center SIC 835
 - (9) Computer and data processing services SIC 737
 - (10) Credit reporting and collection SIC 732
 - (11) Dance studios and schools SIC 791
 - (12) Depository Institutions, Banks, Credit Unions,
etc. SIC 600
 - (13) Drug stores and proprietary stores SIC 591

(14)	Engineering and Architectural Services	SIC 871
(15)	Florists	SIC 5992
(16)	Food Stores	SIC 540
(17)	Gift, novelty, and souvenir shops	SIC 5947
(18)	Hobby, toy and game shops	SIC 5945
(19)	Insurance agents, brokers and services	SIC 640
(20)	Insurance Carriers	SIC 630
(21)	Jewelry stores	SIC 5944
(22)	Laundry, cleaning and garment service	SIC 721
(23)	Legal Services	SIC 811
(24)	Liquor stores	SIC 592
(25)	Medical and Dental laboratories	SIC 807
(26)	Membership organizations	SIC 860
(27)	Mortgage Bankers and brokers	SIC 616
(28)	Office and clinic of medical doctors	SIC 801
(29)	Office and clinic of osteopathic physicians	SIC 803
(30)	Office of other health practitioners	SIC 804
(31)	Office and clinic of dentists	SIC 802
(32)	Optical goods store	SIC 5995
(33)	Photographic studios, portrait	SIC 722
(34)	Real estate agents and managers	SIC 653
(35)	Real estate operators and lessors	SIC 651
(36)	Record and music stores	SIC 573
(37)	Repair shops, misc.	SIC 769
(38)	Sewing, needlework, and piece goods stores	SIC 5949
(39)	Shoe repair	SIC 725
(40)	Sporting goods and bicycle shops	SIC 5941
(41)	Sports and recreation clubs, membership	SIC 7997
(42)	Video tape rental store	SIC 874
(43)	Watch, clock and jewelry repair	SIC 763
(44)	Eating and Drinking Establishments	
(45)	Other uses deemed appropriate by the Zoning Administrator	SIC

(c) **ACCESSORY USES.**

- (1) Garages for storage of vehicles used in conjunction with the operation of business.
- (2) Off-street parking and loading areas.
- (3) Residential quarters for the owner or proprietor, located in the same building as the business.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted, solar collectors provided that a registered engineer

shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

- (1) Animal specialty services/pet grooming, kennels, animal shelters SIC 0752
- (2) Eating and drinking places SIC 581
- (3) Funeral service and crematories SIC 726
- (4) Gasoline service stations SIC 554
- (5) Other uses as deemed a similar nature by the Zoning Administrator.

(e) **LOT AREA AND WIDTH.** Lots shall be a minimum of 6,000 square feet in area and shall not be less than 30 feet in width.

(f) **BUILDING HEIGHT.** No principal building or parts of a principal building shall exceed 30 feet in height.

(g) **BUILDING SETBACK.**

- (1) There shall be a minimum building setback of 30 feet from the street right-of-way.
- (2) There shall be a side yard on each side of the principal structure. For buildings not over 1-1/2 stories high, the sum of the widths of the required side yards shall not be less than twenty-five (25) feet, and no single side yard shall be less than ten (10) feet in width.
- (3) For structures from 1-1/2 stories to 2-1/2 stories high, the sum of the widths of the required side yards shall be not less than thirty (30) feet, and no single side yard shall be less than twelve (12) feet in width.
- (4) There shall be a rear yard of not less than 25 feet.

51.16 I-1 LIGHT INDUSTRIAL DISTRICT

(a) **GENERAL.** The I-1 Industrial District is intended to provide for the orderly development of light manufacturing or light industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the village as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as well reasonably ensure compatibility with the surrounding area in this respect.

(b) **PERMITTED USES.**

- (1) Agricultural services SIC 07
- (2) Apparel manufacture SIC 23
- (3) Appliance repair SIC 7699
- (4) Automotive services SIC 754
- (5) Automotive truck, trailer leasing SIC 751
- (6) Blacksmith shops SIC 7699
- (7) Building cleaning and maintenance services SIC 734
- (8) Bus charter service SIC 414

(9)	Communications equipment manufacture	SIC 366
(10)	Computer and office equipment manufacture	SIC 357
(11)	Contractors: carpentry and floor work	SIC 175
(12)	Contractors: concrete work	SIC 177
(13)	Contractors: electrical	SIC 173
(14)	Contractors: masonry, stonework, tile, plastering	SIC 174
(15)	Contractors: painting and paper hanging	SIC 172
(16)	Contractors: plumbing, heating and air conditioning	SIC 171
(17)	Contractors: roofing, siding, and sheet metal work	SIC 176
(18)	Electronic components and accessories manufacture	SIC 367
(19)	Equipment rental and leasing	SIC 735
(20)	Farm machinery and equipment, sales	SIC 5083
(21)	Farm machinery repair	SIC 7699
(22)	Farm supplies wholesale	SIC 5191
(23)	Food manufacturing facilities, except slaughtering	SIC 20
(24)	Footwear manufacture	SIC 314
(25)	Furniture and fixture manufacture	SIC 25
(26)	General building contractors, except heavy construction	SIC 15
(27)	Gloves and mitten manufacture	SIC 3125
(28)	Handbags and other personal leather goods	SIC 317
(29)	Household audio and video equipment	SIC 365
(30)	Laundry, cleaning, and garment services	SIC 721
(31)	Locksmith shops	SIC 7699
(32)	Luggage manufacture	SIC 316
(33)	Lumber and other building supplies and sales	SIC 521
(34)	Mailing, reproduction, commercial art Supplies	SIC 733
(35)	Miscellaneous fabricated textile product manufacture	SIC 239
(36)	Motorcycle repair shops, including sales	SIC 7699
(37)	Pest control services	SIC 734
(38)	Photographic equipment manufacture	SIC 386
(39)	Photography and stenographic services	SIC 733
(40)	Printing and publishing	SIC 27
(41)	Printing service industries, typesetting	SIC 279
(42)	Professional and scientific instrument manufacture	SIC 38
(43)	Retail nurseries, lawn and garden supply	

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|------|---|----------|
| | stores | SIC 526 |
| (44) | Re-upholstery and furniture repair | SIC 764 |
| (45) | School bus establishment | SIC 415 |
| (46) | Surgical, medical and dental supplies and
manufacture | SIC 384 |
| (47) | Taxidermists | SIC 7699 |
| (48) | Textile mill products | SIC 22 |
| (49) | Warehousing and storage | SIC 422 |
| (50) | Watches and clocks manufacture | SIC 387 |
| (51) | Wholesale trade-nondurable goods,
except chemicals | SIC 051 |
| (52) | Wholesale trade-durable goods | SIC 050 |
| (53) | Wood kitchen cabinets manufacture | SIC 2434 |
| (54) | Other uses as deemed appropriate by the
Zoning Administrator | SIC |
- (c) **PERMITTED ACCESSORY USES.**
- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
 - (2) Off-street parking and loading areas.
 - (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
 - (4) Residential quarters for the owner or caretaker.
 - (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (d) **CONDITIONAL USES.**
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|------|--|----------|
| (1) | Business services, miscellaneous | SIC 738 |
| (2) | Contractors: well drilling | SIC 178 |
| (3) | Farm machinery repair | SIC 7699 |
| (4) | Miscellaneous wood manufacture | SIC 2499 |
| (5) | Miscellaneous light manufacturing | SIC 39 |
| (6) | Repair services, miscellaneous | SIC 76 |
| (7) | Sawmills and planing mills | SIC 242 |
| (8) | Septic tank cleaning services | SIC 7699 |
| (9) | Sewer cleaning | SIC 7699 |
| (10) | Special trade contractors, except
excavation and demolition | SIC 17 |
| (11) | Welding shops | SIC 7692 |
| (12) | Other uses deemed a similar nature by the
Zoning Administrator. | SIC |
- (e) **CERTAIN INCOMPATIBLE USES PROHIBITED.**

- (1) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.
 - (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
 - (3) Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
 - (4) Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- (f) **LOT AREA AND WIDTH.** Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
- (g) **BUILDING HEIGHT AND AREA.**
- (1) No building or parts of a building shall exceed 60 feet in height.
 - (2) No building or buildings shall occupy more than 50 percent of the lot area.
- (h) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 25 feet from the street right-of-way.
 - (2) There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for a building up to 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (3) There shall be a rear yard of not less than 25 feet.
- (i) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage an industrial use environment that is compatible with the character of the village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, location and landscape plans.

51.17 I-2 HEAVY INDUSTRIAL DISTRICT

- (a) The I-2 Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operation characteristics, would not be detrimental to the surrounding area or to the town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted

as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts

(b)

PERMITTED USES.

(1)	Aircraft and parts manufacture	SIC 372
(2)	Apparel manufacture	SIC 23
(3)	Computer and office equipment manufacture	SIC 357
(4)	Converted paper and paper board products and manufacture	SIC 267
(5)	Electronic and electrical equipment manufacture	SIC 36
(6)	Fabricated metal products manufacture	SIC 34
(7)	Food manufacturing facilities	SIC 20
(8)	Furniture and fixture manufacture	SIC 25
(9)	General building contractors	SIC 15
(10)	Heavy construction contractors	SIC 16
(11)	Industrial and commercial machinery manufacture	SIC 35
(12)	Leather and leather products manufacturer	SIC 31
(13)	Lumber and wood products manufacture	SIC 24
(14)	Millwork, veneer, plywood and structural wood manufacturer	SIC 243
(15)	Motor freight transportation and warehousing	SIC 42
(16)	Motor freight terminal and maintenance terminals	SIC 423
(17)	Motor vehicles and motor vehicle equipment manufacture	SIC 371
(18)	Motorcycles, bicycles and parts manufacture	SIC 375
(19)	Pallets and skid manufacture	SIC 2441
(20)	Paper and allied products manufacture	SIC 26
(21)	Paper mills	SIC 262
(22)	Paperboard containers and box manufacture	SIC 265
(23)	Printing, publishing and allied industries	SIC 27
(24)	Professional and scientific instrument manufacture	SIC 38
(25)	Public warehousing and storage	SIC 422
(26)	Pulp mills	SIC 261
(27)	Railroad equipment	SIC 374
(28)	Railroad transportation	SIC 40
(29)	Rubber and plastics manufacture	SIC 30
(30)	Sawmills and planing mills	SIC 242
(31)	Ship and boat building and repair establishments	SIC 373
(32)	Special trade contractors	SIC 17
(33)	Stone, clay, glass, and concrete products manufacturer	SIC 32
(34)	Textile mill products	SIC 22

(35)	Transportation equipment and manufacturers	SIC 37
(36)	Trucking and courier services	SIC 421
(37)	Wholesale trade-durable goods	SIC 50
(38)	Wholesale trade non-durable goods	SIC 51
(39)	Wood containers manufacturers	SIC 244
(40)	Other uses deemed appropriate by the Zoning Administrator	SIC

(c) **PERMITTED ACCESSORY USES.**

- (1) Garages for storage of vehicles used in conjunction with the operation of an industry.
- (2) Off-street parking and loading areas.
- (3) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- (4) Residential quarters for the owner or caretaker.
- (5) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (6) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

(1)	Asphalt paving and roofing establishments	SIC 2951
(2)	Chemicals and allied product manufacture	SIC 28
(3)	Electrical power generation facilities	SIC 491
(4)	Landfill sites	SIC 4953
(5)	Mining and quarrying of nonmetallic minerals	SIC 14
(6)	Miscellaneous heavy industry	SIC 38
(7)	Motor vehicle parts used-retail and wholesale (salvage yards)	SIC 5015
(8)	Petroleum refining	SIC 2911
(9)	Primary metals industries, steel works, foundries, castings	SIC 33
(10)	Sand and gravel extraction and preparation	SIC 144
(11)	Scrap and waste material firms (junk yards, recycling centers)	SIC 5093
(12)	Sewerage systems (wastewater treatment plants)	SIC 4952
(13)	Sludge disposal sites	
(14)	Other uses deemed similar in nature by the Zoning Administrator	SIC

(e) **CERTAIN INCOMPATIBLE USES PROHIBITED.**

- (1) Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal

tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.

- (2) Processing ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
 - (3) Storage of explosives, gasoline in excess of 50,000 gallons, grease and radioactive materials.
 - (4) Garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.
- (f) **LOT AREA AND WIDTH.** Lots shall have a minimum of 15,000 square feet in area and shall be not less than 100 feet in width.
- (g) **BUILDING HEIGHT AND AREA.**
- (1) No building or parts of a building shall exceed 60 feet in height.
 - (2) No building or buildings shall occupy more than 50 percent of the lot area.
- (h) **SETBACK AND YARDS.**
- (1) There shall be a minimum building setback of 25 feet from the street right-of-way.
 - (2) There shall be two side yards totaling not less than 40 feet in width. No single side yard shall be less than 10 feet in width for a building up to 45 feet in height. Buildings in excess of 45 feet in height shall increase the minimum side yards one (1) foot for each additional one (1) foot of building height over 45 feet.
 - (3) There shall be a rear yard of not less than 25 feet.
- (i) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage an industrial use environment that is compatible with the character of the village, building permits for permitted uses in Industrial Districts shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, location and landscape plans.

51.18 INT-1 INSTITUTIONAL DISTRICT

- (a) **GENERAL.** The INT-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
- (b) **PERMITTED USES.**
- (1) Public or private schools, colleges, and universities
 - (2) Churches
 - (3) Funeral homes

- (4) Hospitals, sanatoriums, nursing homes, and clinics
- (5) Libraries, community centers, museums, and public art galleries
- (6) Public administrative offices, and public service buildings, including fire and police stations
- (7) Public utility offices
- (8) Other uses deemed appropriate by the Zoning Administrator.

(c) **PERMITTED ACCESSORY USES.**

- (1) Residential quarters for caretakers or clergy.
- (2) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (3) Service buildings and facilities normally accessory to the permitted use.
- (4) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
- (5) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.

(d) **CONDITIONAL USES.**

- (1) Commercial uses associated with the permitted use.
- (2) Mausoleum operations.
- (3) All single family residential uses permitted under R-1, R-2 and R-3 Zoning Districts.
- (4) All multi-family residential uses permitted under R-4 and R-5 multi-family Zoning Districts.
- (5) Other uses similar in nature as deemed by the Zoning Administrator."

(e) **LOT AREA AND WIDTH.** Lots shall be a minimum area of 12,000 square feet in area and shall not be less than 80 feet in width.

(f) **BUILDING HEIGHT AND AREA.**

- (1) No principal building or part of a principal building shall exceed 60 feet in height.
- (2) Residential uses permitted in the INT-1 district shall comply with the building area requirements of the R-2 Single-Family Residential District.

(g) **SETBACK AND YARDS.**

- (1) There shall be a minimum building setback of 30 feet from the right-of-way of all streets.
- (2) There shall be a side yard on each side of all buildings not less than 10 feet in width.
- (3) There shall be a rear yard of not less than 25 feet.

(h) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND**

ZONING COMMITTEE. To encourage an institutional use environment that is

compatible with the residential character of the Village, building permits for permitted uses in the Institutional District shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

51.19 P-1 PARK DISTRICT

- (a) **GENERAL.** The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Village of Pulaski can be met without undue disturbance of natural resources and adjacent uses.
- (b) **PERMITTED USES.**
 - (1) Botanical gardens and arboretums
 - (2) Exhibition halls
 - (3) Fairgrounds
 - (4) Golf courses without county club facilities
 - (5) Historic monuments or sites
 - (6) Hiking, biking, and nature trails
 - (7) Neighborhood tot lots
 - (8) Outdoor skating rinks
 - (9) Park and playgrounds
 - (10) Picnicking areas
 - (11) Playfields or athletic fields
 - (12) Public art galleries
 - (13) Sledding, skiing or tobogganing
 - (14) Swimming beaches
 - (15) Swimming pools
 - (16) Tennis courts
 - (17) Other uses as deemed appropriate by the Zoning Administrator
- (c) **PERMITTED ACCESSORY USES.**
 - (1) Buildings accessory to the permitted use.
 - (2) Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered engineer shall certify that the structure is adequate to support the load.
 - (3) Roof-mounted solar collectors provided that a registered engineer shall certify that the structure is adequate to support the load.
- (d) **CONDITIONAL USES.** Such conditional uses as shall be deemed appropriate by the Zoning Administrator. *(Ord. 509-2011)*
- (e) **BUILDING HEIGHT.** No building or part of a building shall exceed 35 feet in

- height.
- (f) **YARDS.** No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.
- (g) **PLANS AND SPECIFICATIONS TO BE SUBMITTED TO PLANNING AND ZONING COMMITTEE.** To encourage a recreational use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Park District shall not be issued without review and approval of the Planning and Zoning Committee. Said review and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans. Municipally owned facilities shall be exempt from site plan review.

51.20 C-1 CONSERVANCY OVERLAY DISTRICT

- (a) **GENERAL.** The C-1 Conservancy Overlay District is intended to provide adequate natural areas for the drainage of surface and storm water, and to protect and promote the general health, safety and welfare of the community; and to protect natural resource areas containing wetlands, wildlife habitat, natural water or drainage courses, and areas of the community of scenic beauty and aesthetic value. Areas within the Conservancy Overlay District shall be maintained in a natural state as much as practical, as determined by the Village Zoning Administrator. The maintenance of conservancy areas in a natural state is to insure the uniformity of the ecosystem. Natural vegetation, shrubbery and trees shall be preserved wherever possible as required by the Village Zoning Administrator.
- (b) **PERMITTED USES.**
- (1) The establishment and development of:
- a. Public parks and recreations areas
 - b. Private parks and recreation areas
 - c. Natural and Outdoor education areas
 - d. Historic and Scientific areas
 - e. Wildlife refuges
 - f. Game preserves
 - g. Private wildlife habitat areas; provided that:
 1. Any private recreation or wildlife habitat areas must be exclusively used for that purpose;

2. No filling is permitted; and,
 3. Ditching, excavating, dredging, dike and dam construction is allowed in wildlife refuges, game preserves and private wildlife habitat areas, only for the purpose of improving wildlife habitat or to otherwise enhance wetland value.
- (2) Urban Forestry
- (3) Silvicultural thinning and tree cutting, provided:
- a. No more than thirty (30%) percent gross of the trees existing on the entire property at the time of the establishment of the Conservancy District, shall be cut and the cutting of this 30% shall not create a clear cut opening greater than thirty (30) feet wide for every 100 feet in any direction.
 - b. A cutting plan consisting of a site plan and accompanying documentation shall be submitted to the Village Zoning Administrator prior to any tree cutting in the Conservancy Overlay District.
 - c. The cutting plan shall include a drawn to scale plan of the boundaries of the land owned by the applicant, including:
 1. All existing buildings and structures located on the subject property and adjacent to the property;
 2. Location of parking or paved areas;
 3. Topography of the land;
 4. Existing tree locations;
 5. Proposed cutting; and
 6. Proposed replanting.

NOTE: Any variation from the clear cut area restriction of 30 feet wide every 100 feet in any direction shall require Planning and Zoning Committee approval of the required cutting plan. The Committee may approve the plan if it finds that such special cutting will not cause undue erosion or destruction of scenic beauty and will not increase the impact of surface water runoff from dwellings, accessory buildings or structures and parking or paved areas.
 - d. The management of trees and approval of cutting plans within all conservancy areas of the Village of Pulaski shall be in accordance with any urban forestry plans adopted by the Village and in instances where the requirements of this Chapter and any adopted urban forestry plan conflict, the most restrictive requirement shall govern.
- (4) Arboreta, botanical and zoological gardens

- (5) Hiking, fishing, trapping
- (6) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural functions of the wetland, drainage way or wildlife habitat
- (7) Leveling of piles of dirt as long as there is no filling
- (8) Other uses as deemed appropriate by the Zoning Administrator

(c) **CONDITIONAL USES.**

- (1) Storm Water Management and Maintenance of natural drainage ways such as dredging, grading, channelization and water course obstruction removal; provided:
 - a. A site plan for the proposed activity is submitted to the Planning and Zoning Committee as part of the conditional use approval application, depicting the following:
 - 1. The property lines of lands on which the activity will occur;
 - 2. All existing conditions, including structures, paved areas, vegetated areas, shrubbery and trees;
 - 3. The proposed limits of the work or management area;
 - 4. A written description and graphic delineation of the activity proposed;
 - 5. Proposed erosion control to mitigate impacts downstream and on water quality;
 - 6. A written explanation and justification of the need for the activity in terms of storm water management and the impacts of the project on adjacent properties both upstream and downstream.
- (2) Hiking and biking trails (public or private) subject to approval of a site plan, submitted as part of the conditional use approval application, showing:
 - a. The proposed route of the trail;
 - b. Path or passage;
 - c. Construction design; and
 - d. Erosion control measures during and after construction.

NOTE: All trails, paths, etc., shall be constructed so as to be effective in controlling erosion and to preserve existing trees, shrubbery, vegetation and natural beauty of the area.
- (3) Golf courses
- (4) Public road construction
- (5) Public utilities

(d) **OTHER REQUIREMENTS.**

- (1) Noxious weeds must be removed per Village ordinance.
- (2) No fences are allowed.
- (3) Leveling of existing topsoil and base material is allowed provided there is no filling.
- (4) No compost piles are allowed.
- (5) No wild animals may be kept.

51.21 PDO PLANNED DEVELOPMENT OVERLAY DISTRICT

- (a) **GENERAL.** The PDO Planned Development Overlay District is intended to permit developments that will, over a period of time, 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 PDO 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 community, while at the same time maintaining, insofar as possible, the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the town upon specific petition under this Section and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Section have been met.
- (b) **PERMITTED USES.** Uses permitted in a Planned Development Overlay District shall conform to uses generally permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.
- (c) **MINIMUM AREA REQUIREMENTS.** Areas designated as Planned Development Overlay Districts shall be under single or corporate ownership or control and shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PDO</u>
Residential PDO	5 acres
Commercial PDO	3 acres
Industrial PDO	20 acres

(d) **PROCEDURAL REQUIREMENTS.**

- (1) Pre-petition Conference. Prior to the official submission of the petition for the approval of a Planned Development Overlay District, the owner or his agent making such petition shall meet with the Planning and Zoning Committee or its staff to discuss the scope and proposed nature of the contemplated development.
- (2) Petition and Fee. Following the pre-petition conference, the owner or his agent may file a petition with the Building Inspector for approval of a Planned Development Overlay District. Such petition shall be accompanied by a review fee, as required by the Village Board and the following information:
 - (3) A statement which sets forth the relationship of the proposed PDO to village's adopted master plan, if applicable, or any adopted component thereof, and the general character of and the uses to be included in the proposed PDO, including the following information:
 - a. Total area to be included in the PDO, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - d. Any proposed departures from the standards of development as set forth in the village's zoning regulations, other village regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal.
- (4) A general development plan including:
 - a. A legal description of the boundaries of the subject property included in the proposed PDO and its relationship to surrounding

properties.

- b. The location of public and private roads, driveways, and parking facilities.
- c. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
- d. The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainage ways.
- e. The type, size, and location of all structures.
- f. General landscape treatment.
- g. Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures.
- h. The existing and proposed location of public sanitary sewer and water supply facilities.
- i. The existing and proposed location of all private utilities or other easements.
- j. Characteristics of soils related to contemplated specific uses.
- k. Existing topography on the site with contours at no greater than two (2) foot intervals.
- l. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- m. Master storm water drainage plan.
- n. Additional information as may be reasonably requested by the Planning and Zoning Committee or Village Board.

(5) Referral to Planning and Zoning Committee. The petition for a Planned Development Overlay District shall be referred to the Planning and Zoning Committee for its review and recommendation, including any additional conditions or restrictions which it may deem necessary or appropriate.

(6) Public Hearing. The Planning and Zoning Committee shall hold a joint public hearing of this Chapter. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Development Overlay District. As soon as is practical following the hearing, the Committee shall report its findings and recommendations to the Village Board.

(e) **BASIS FOR APPROVAL OF THE PETITION.**

- (1) The Planning and Zoning Committee in making its recommendation and the Village Board in making its determination, shall consider:
- (2) That the petitioners for the proposed Planned Development Overlay District have indicated that they intend to begin the physical development of the PDO within nine (9) months following the approval of the petition and that the development will be carried out according

to a reasonable construction schedule satisfactory to the town.

- (3) That the proposed Planned Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Chapter; is in conformity with the adopted master plan or any adopted component thereof; and that the development would not be contrary to the general welfare and economic prosperity of the community.
- (4) The Village Planning and Zoning Committee in making its recommendations and the Village Board in making its determination shall further find that:
 - a. The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
 - b. The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
 - c. No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
 - d. The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the town.
 - e. Public water and sewer facilities shall be provided.
 - f. The entire tract or parcel of land to be included in a Planned Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PDO as a single parcel, lot or tract and be so recorded with the Register of Deeds for Brown, Oconto or Shawano County.
- (5) That in the case of a proposed residential Planned Development Overlay District:
 - a. Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.

- b. The total net residential density within the Planned Development Overlay District will be compatible with the Village master plan or component thereof.
 - c. Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.
 - d. Adequate, continuing fire and police protection is available.
 - e. The population composition of the development will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - f. Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation or maintenance or by dedication to the public.
- (6) That in the case of a proposed commercial Planned Development Overlay District:
- a. The proposed development will be adequately served by off-street parking and truck service facilities.
 - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.
 - c. The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - d. The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (7) That in the case of a proposed industrial Planned Development Overlay District:
- a. The operational character, physical plant arrangement and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effects upon the property

- values of the surrounding neighborhood.
 - b. The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
 - c. The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately serviced by rail and/or highway facilities.
 - d. The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **DETERMINATION.** The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Development Overlay District shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Village Board.
- (g) **CHANGES AND ADDITIONS.** Any subsequent change or addition to the plans or uses shall first be submitted for approval to the Planning and Zoning Committee, and if in the opinion of the Committee, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Committee shall be required and notice thereof be given pursuant to the provisions of this Chapter, and said proposed alterations shall be submitted to the Village Board for approval.
- (h) **SUBSEQUENT LAND DIVISION.** The division of any land or lands within a Planned Development Overlay District for the purpose of change of conveyance of ownership shall be accomplished pursuant to the land division regulations of the village and when such division is contemplated, a preliminary plat of the lands to be divided shall accompany the petition for PDO approval.

51.22 PARKING, AND TRAFFIC VISIBILITY, ACCESS

- (a) **GENERAL PARKING REQUIREMENTS.**
 - (1) Parking areas may be located in any yard space for commercial and industrial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking

space or area shall be permitted within five (5) feet of a property line in a side yard.

- (2) Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
- (3) Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- (4) All off-street parking for more than four (4) vehicles shall be graded and surfaced with asphalt or concrete areas so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
- (5) All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- (6) Where a building permit has been issued prior to the effective date of this Chapter, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Chapter.
- (7) When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- (8) None of the off-street facilities as required in this Chapter shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this Chapter shall apply only to the enlarged portion of the building or use.
- (9) Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways if needed as determined by the Village Zoning Administrator.

(b) **SPECIFIC PARKING REQUIREMENTS.** The following uses shall be subject to the

following minimum parking requirements:

<u>Use</u>	<u>Minimum Parking Required</u>
(1) Single-family dwellings and unit manufactured homes	Two (2) spaces for each dwelling
(2) Multiple-family dwellings	One and a half (1.5) spaces for each dwelling unit
(3) Motels, hotels, bed and room breakfast establishments	One (1) space for each guest plus one (1) space for each three (3) employees
(4) Hospitals, clubs, lodges, beds dormitories, and lodging and boarding houses	One (1) space for each two (2) plus one (1) space for each three (3) employees
(5) Sanitariums, institutions, nursing homes, community-based residential facilities	One (1) space for each five (5) beds rest and plus one (1) space for each three (3) employees
(6) Medical and dental clinics	Five (5) spaces for each doctor
(7) Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	One (1) space for each five (5) seats
(8) Colleges, secondary and elementary schools	One (1) space for each two (2) employees, plus one (1) space for each 10 students of 16 years of age or more
(9) Restaurants, bars, places of entertainment, repair shops, and retail and service stores	One (1) space for each 150 square feet of floor area and one (1) space for each two (2) employees
(10) Manufacturing and processing, plants, laboratories, and warehouses	One (1) space for each two (2) employees

(11)	Financial institutions, and business, government, and professional offices	One (1) space for each 300 square feet of floor area and one (1) space for each two (2) employees
(12)	Funeral homes	One (1) space for each four (4) seats
(13)	Bowling alleys	Five (5) spaces for each alley
(14)	Lodges and clubs	One (1) space for each five (5) members
(15)	Automobile repair garages	One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area used for repair work
(16)	Gasoline filling stations similar facility	Three (3) spaces for each grease rack or one (1) space for each attendant

(c) **TRAFFIC VISIBILITY.** No vision obstructions such as structures, parking or vegetation, including trees, hedges or crops, shall be permitted in any district at any highway, street or alleyway intersection, between the heights of two and one-half (2.5) feet and ten (10) feet above the plane of the vision clearance triangle described as being that triangular area two of whose sides are formed by the intersecting property lines that form the corner of the property which abuts the highway, street or alleyway intersection, the length of which sides are no less than 25 feet in length as measured from the corner formed by the intersecting property abutting the highway, street or alleyway intersection.

(d) **LOADING REQUIREMENTS.** In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

(e) **DRIVEWAYS.** Driveways shall comply with Sec. 16.04 of the Municipal Code of Ordinances.

51.23 FENCES AND HEDGES; OUTDOOR STORAGE

(a) **PERMIT REQUIRED.** No person shall erect or construct on any property in the village of Pulaski without first having obtained a permit for such fence construction from the Zoning Administrator and having paid a fee established by the Village Board to the Village Clerk.

- (b) **DEFINITION.** For the purposes of this Chapter a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement or other material. The term "fence" shall be construed to include planting, such as hedges.
- (c) **LOCATION.** Fences and hedges may be located at the lot line but may not extend over or across the lot line. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life or limb, shall be erected along or within four (4) feet of any public right-of-way streets, sidewalks or alleys. No fence shall be located in any public right-of-way. **(Ord. #370)**
- (d) **CONSTRUCTION AND MAINTENANCE.**
- (1) Fences shall be constructed in a workman-like manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of good repair and shall not be allowed to become or remain in a condition of disrepair or danger, or constitute a nuisance, public or private.
 - (2) Any fence which is, or has become dangerous to public health or welfare is hereby declared a public nuisance and may be subject to proceedings by the Village for the abatement thereof.
(Ord. #370)
 - (3) Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted.
- (e) **RESIDENTIAL FENCES AND HEDGES.** Residential fences or hedges may be located to the lot line but may not extend over or across the lot line. No residential fence or hedge exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way; except, in the rear setback area where there is no access to a street right-of-way where the maximum height of a fence shall not exceed six (6) feet in height and hedges may be permitted to grow to their natural height. No barbed wire or electrical fence of any kind shall be permitted in a residential district. The most attractive side of a fence shall face outward toward the adjoining property. **(Ord. #370)**
- (f) **COMMERCIAL, AGRICULTURAL, INDUSTRIAL FENCES.** Fences used for industrial, commercial, agricultural purposes, and not otherwise subject to the provisions of Sec. 51.23(h), shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper. Where a fence abuts

a residential district or residential use, the fence must be set back from the lot line a distance of 30 inches.

(g) **FENCES REQUIRED FOR CERTAIN SWIMMING POOLS.** All permanent in-ground or permanent above-ground private swimming pools not enclosed with a building shall be completely enclosed by a fence of a sufficient strength to prevent access to the pool and be the kind and nature described herein (a "Pool Fence") and consisting of the following:

- (1) A Pool Fence shall be constructed of wood or metal with the individual members of the fence vertically placed with no more than four (4) inches of space between each such vertical member.
- (2) There shall be no more than four (4) inches of open space between the bottom of a Pool Fence and the grade level of the ground surrounding the pool.
- (3) A Pool Fence shall be not less than four (4) feet in height nor more than six (6) feet in height from grade level."
- (4) A Pool Fence shall be located no closer than five (5) feet from any edge of the pool.
- (5) All gates in the Pool Fence shall be self-closing and constructed as to be capable of being locked, and shall be closed and locked as to prevent unlatching when the pool is not in actual use and all hardware or equipment for opening the gate shall be located on the inside of the gate.
- (6) All Pool Fences constructed prior to July 1, 2000 shall be subject to rules set forth in Ordinance No. 370. All pools constructed after May 1, 2011 shall be in conformance with the standards set forth herein.
- (7) The wall of a house or building facing a swimming pool may be incorporated as a portion of the required fence.
- (8) Above-ground swimming pools, with self-provided fencing to prevent unguarded entry, shall be permitted without additional fencing if such self-provided fencing is at least six (6) feet in height and temporary ladders are removed and access is prevented at all times when the pool is not in use. Above-ground swimming pools, having permanent or stationary ladders, stairs, ramps, or decks for access, shall be safeguarded by the same fencing and gates required herein.
- (9) Portable pools over one foot in depth, spas, hot tubs, whirlpools and similar equipment shall be fenced as specified within regulations set forth in this section or shall be drained or covered after each day's use in such a manner as to provide for the safety of the public.
- (10) All pool permits shall be approved by the Zoning Administrator and be accompanied by plans showing:

- (a) The proposed location of the swimming pool on the lot and the proposed distances to the lot lines and existing structures.
- (b) The location of sewer lines or water lines.
- (c) Pool dimensions and proposed depths.
- (d) Type, height and location of proposed fences.
- (e) Location of electrical utilities and power lines relative to the location of the swimming pools. **(Ord. #503-2011)**

51.24 JUNK YARDS, SALVAGE YARDS, SOLID WASTE RECYCLING, STORAGE OR TRANSFER FACILITY

- (a) **CONDITIONAL USE.** Junk or salvage yard, solid waste recycling, storage or transfer facility, shall be a conditional use and shall only be permitted in I-2 Districts.
- (b) **PROCEDURE.** Except as otherwise provided by this section, the procedure for securing, granting, and revoking a conditional use permit under this section shall be as set forth in Sec. 15.30.
- (c) **FEES.** Each application shall be accompanied by a fee as established by the Village Board, and in addition thereto the applicant shall pay the reasonable cost of a review of the operational and restoration plans by the Village.
- (d) **OPERATIONAL PLAN.** The application shall be accompanied by a detailed description of the proposed method of operation; the manner in which materials will be stored; the equipment proposed to be used; the method of disposition of end products; the manner in which adjoining property owners will be protected; the hours of operation; the village highways proposed to be used; the gross weight of equipment to be used in hauling in and hauling out of any of the product; and other similar information as the Planning and Zoning Committee may require.
- (e) **RESTORATION PLAN.** The application for the operation of a conditional use under this Section shall be accompanied by a proposed restoration plan and illustrative drawing showing the manner in which the site will be restored.
- (f) **STATE LICENSES.** Any permit issued under this Section shall be subject to revocation if all or any necessary state licenses or permits have been withdrawn or revoked.
- (g) **BOND.** No permit shall be issued until the applicant furnishes a performance bond in such amount and on such conditions as shall be fixed by the Village Board.
- (h) **TERM OF PERMIT.** The permit shall be in effect for one year, subject to termination by the Village Board after notice and hearing for violations of the Operational Plan or Restoration Plan, and may be renewed by the Village Board if the operations are in reasonable compliance with the terms of the existing permit.
- (i) **INSPECTION.** The Village Zoning Administrator shall inspect the operations at

least semi-annually to insure compliance, and the reasonable fees of such inspection, as fixed by the Village Board at the time of granting the permit, shall be paid by the applicant.

(j) **FENCING.**

- (1) Junk or salvage materials shall be enclosed by a fence so that the materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way such as roads, streets, highways and waterways. The fence or planting screen shall be a minimum of eight (8) feet in height and shall be kept in good repair.
- (2) Junk or salvage materials shall not be piled higher than the height of the fence.
- (3) For fire protection, an unobstructed fire break shall be maintained, one rod in width and completely surrounding the salvage or junk yard.

51.25 QUARRIES AND MINES

- (a) **APPLICABILITY.** The following operations or activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending are prohibited in the Village of Pulaski, Wisconsin.
- (b) **EXEMPT ACTIVITIES.** This prohibition does not apply to the following activities:
 - (1) Excavations or grading by a person solely for domestic use at his or her residence.
 - (2) Excavations or grading conducted for utility and public works construction, maintenance or repair purposes within the Village.
 - (3) Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
 - (4) Excavations for building construction purposes.

51.26 NONCONFORMING USES AND STRUCTURES

- (a) **PURPOSE AND INTENT.** The purpose and intent of this section is to provide for the regulation of non-conforming buildings, structures, land and other uses and to specify those circumstances and conditions under which such non-conforming buildings, structures, land and uses shall be permitted to

continue. Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance is subject to the regulation which follows.

- (b) **BUILDINGS UNDER CONSTRUCTION.** Buildings or structures on which construction was started or for which a construction contract was entered into before the effective date of this Ordinance may be constructed notwithstanding this Ordinance, provided that the construction was legal and had received any necessary permits under the ordinances in effect on the date the construction project commenced.
- (c) **EXISTING STRUCTURES: DIMENSIONAL NONCONFORMANCE.** Buildings which were constructed prior to the effective date of this Ordinance, which are conforming to the Ordinance as to use, but do not conform as to dimensional rules (setbacks, height, yard spaces, separations, etc.) are subject to the following requirements:
- (1) Repairs and improvements of a maintenance nature are allowed.
 - (2) Alterations, additions and expansions which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Chapter are allowed.
 - (3) Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Chapter, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that in totality they do not exceed 50 percent of current full market value of the structure or building.
 - (4) No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
 - (5) No building or structure shall be moved in whole or in part to any other location on the same lot, or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.
- (d) **EXISTING USES AND STRUCTURES: USE NONCONFORMANCE.** Land uses or uses of structures which were established prior to the effective date of this Ordinance which are nonconforming as to use may be continued provided that:
- (1) If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Chapter.
 - (2) A nonconforming use may be changed to another nonconforming use only as a special exception. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.
- (e) **EXISTING STRUCTURES AND USES: OTHER STANDARDS AND REQUIREMENTS.** When a nonconforming use or structure is damaged by fire, explosion, act of God or public enemy to the extent of more than 50 percent of its current full

market value, it shall not be restored except so as to comply with the use requirements of this Chapter.

51.27 ADMINISTRATION AND ENFORCEMENT

- (a) **PURPOSE.** This section of Chapter 51 shall set forth the requirements to adequately provide for the proper administration and enforcement of this Chapter.
- (b) **VILLAGE ZONING ADMINISTRATOR.** It will be the primary responsibility of the Village Zoning Administrator and Building Inspector to administer and enforce the provisions of this Chapter. The Village of Pulaski Zoning Administrator shall have the following responsibilities and duties:
 - (1) Cause the issuance of all building and zoning permits and make and maintain records thereof.
 - (2) Issue all rezoning certificates and make and maintain records thereof.
 - (3) Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
 - (4) Forward to the Village of Pulaski Planning and Zoning Committee all applications for conditional uses and for amendments to this Chapter that are initially filed with the Zoning Administrator.
 - (5) Forward to the Board of Appeals applications of appeals, variances, or other matters on which the Board of Appeals is required to pass under this Chapter.
 - (6) Maintain permanent and current records of this Chapter including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
 - (7) Initiate, direct and review from time to time, a study of the provisions of this Chapter and to make reports of its recommendations to the Village Planning and Zoning Committee.
 - (8) If the Village Zoning Administrator shall find that any of the provisions of this Chapter are being violated, he/she shall notify in writing, the person responsible for such violation and ordering the action necessary to correct it.
- (c) **VILLAGE PLANNING AND ZONING COMMITTEE.** The Village Planning and Zoning Committee shall perform the duties of the Village Plan Commission as set forth in §62.23 of the Wisconsin Statutes. The Committee shall have the power to carry out the following duties under this Chapter:
 - (1) To review and recommend all conditional use permits and report said findings to the Village Board.

- (2) To review all zoning changes and amendment requests to this Chapter and report said findings and recommendations to the Village Board.
- (3) To receive from the Village Zoning Administrator recommendations as related to the effectiveness of this Chapter and report his/her conclusions and recommendations to the Pulaski Village Board.
- (4) To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Planning and Zoning Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (5) To hear and decide matters upon which it is required to pass under this Chapter.

51.28 BUILDING AND ZONING PERMITS

- (a) **BUILDING AND ZONING PERMIT REQUIRED.** No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building and zoning permit from the Village Zoning Administrator, unless otherwise exempted pursuant to sub(b) of this Section. Applications for building and zoning permit shall be made in duplicate to the Village Zoning Administrator on forms furnished by the Village Zoning Administrator and shall include the following where applicable:
 - (1) Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (2) Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of Survey is required for all non-residential construction. The Plat of Survey must be prepared by a registered land surveyor at a minimum scale of one (1) inch to 100 feet showing the location, boundaries, dimensions, elevations, uses and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, leading

areas and driveways; existing highway access restrictions; and existing and proposed front, side and rear yards. In addition, the Plat of Survey shall show the location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site. A Plat of Survey is also required for residential building permits unless a plot plan is provided with clearly written measurements showing the following: (1) exact footages from the property line for all structures on the subject property; (2) exact footages between each structure on the subject property; and (3) exact footages of all structures of any abutting lands and their structures within forty (40) feet of the subject site.

- (4) Additional Information as may be required by the Village Plan Commission, and Village Zoning Administrator.
- (5) A Building and Zoning Permit shall be granted or denied in writing by the Village Zoning Administrator within 30 days. The permit shall expire within six (6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Chapter shall be null and void.
- (6) Plat of Survey Exception. No Plat of Survey for residential building permits shall be required if the applicant provides a plot plan of the property with clearly written measurements showing the following:
 - a. Exact footages from all property lines for all structures on the subject property.
 - b. Exact footages for all structures from each other structure on the subject property.
 - c. Exact footages of all structures on neighboring properties from the subject property line.

(b) **OCCUPANCY PERMIT REQUIRED.**

- (1) No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no non-conforming use shall be maintained, renewed, changed, or extended until an occupancy permit shall have been issued by the Village Zoning Administrator. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this Chapter. Such permit shall be applied for at the time of occupancy of any land and/or building.
- (2) No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new occupancy permit by the Village Zoning Administrator. Such occupancy permit for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any

remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for an occupancy permit shall be made in the same manner as for a building permit pursuant to sub(a).

- (c) **PERMIT FEE REQUIRED.** Applications for building and zoning permits and occupancy permits shall be accompanied by a fee as established by the Village Board.
- (d) **PLAT OF SURVEY EXEMPTION.** No Plat of Survey, as specified in Sec. 51.28(a)(1) above shall be required for residential building permits if a Plot Plan is provided with clearly written measurements showing the following:
 - (1) Exact footages from all property lines for all structures on the subject property.
 - (2) Exact footages for all structures from each other structure on the subject property, and,
 - (3) Exact footages for all structures on neighboring properties from the property line of the subject property.

51.29 SITE PLAN REVIEW AND APPROVAL AND ARCHITECTURAL CONTROL

- (a) **PURPOSE AND INTENT.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions without first obtaining the approval of the Planning and Zoning Committee of a site plan as set forth in this section. The Committee shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the Village of Pulaski and other applicable codes and ordinances of the Village of Pulaski. The Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.
- (b) **EXCEPTIONS.** Residential development having four or fewer dwelling units on a lot of record and signs are exempt from the site plan review.
- (c) **FEE.** All site plans submitted to the village of Pulaski for review and approval shall be accompanied by a review fee as established from time to time by the Village Board.
- (d) **PRINCIPLES.** To implement and define criteria for the purposes of this Section, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.
 - (1) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste

- and community standards.
- (2) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
 - (3) No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
 - (4) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
 - (5) No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the village.
 - (6) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (e) **SITE PLAN MATERIALS.** Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Planning and Zoning Committee for their review. Plan data to be submitted with all review applications shall include the following as appropriate:
- (1) Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
 - (2) Name of project noted.
 - (3) Owner's and/or developer's name and address noted.
 - (4) Architect and/or engineer's name and address noted.
 - (5) Date of plan submittal.
 - (6) Scale of drawing noted on plan.
 - (7) North arrow shown.
 - (8) Existing and proposed topography shown at a contour interval not less than two (2) feet.
 - (9) The characteristics of soils related to contemplated specific uses.
 - (10) Total number of parking spaces noted including location and dimension.
 - (11) Dimensions of lot.
 - (12) The type, size, and location of all structures with all building dimensions shown including setbacks.
 - (13) Indicate height of building(s).
 - (14) Existing and proposed street names indicated.
 - (15) Indicate existing and proposed rights-of-way and widths.
 - (16) Locate existing and general location of proposed sanitary disposal

systems.

- (17) Locate any proposed storm water management facilities, including detention/retention areas.
 - (18) Locate existing trees and wetlands.
 - (19) Note location, extent, and type of proposed plantings.
 - (20) Note location of pedestrian sidewalks and walkways.
 - (21) A graphic outline of any development staging which is planned is required to be shown on the site plan.
 - (22) Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
 - (23) A certified survey may be required by the Planning and Zoning Committee.
- (f) **REVIEW AND FINDINGS.** The Planning and Zoning Committee shall re-view the referred plans at the first regular Committee meeting following their submittal. The Committee shall render a decision no later than the following regular Committee meeting. The Committee shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Chapter. The Committee will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.
- (g) **SURETIES.** The Planning and Zoning Committee may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Committee shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to the enforcement provisions of this Chapter.

51.30 CONDITIONAL USE PERMITS

- (a) **PURPOSE.** The purpose of conditional uses is to place unique land use characteristics within favorable zoning districts to ease conflicts on neighboring lands and public need.
- (b) **INITIATION.** Any person having a freehold interest in land, or a possessory

interest entitles to exclusive possession or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Chapter in the zoning district in which the land is located.

- (c) **APPLICATION.** The application for a conditional use shall be filed with the Village of Pulaski Planning and Zoning Committee a form so prescribed by the Village of Pulaski and shall include the site plan information specified in Sec. 51.29(e). The application shall be accompanied by such plans and/or data prescribed by the Village Board and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Committee and a written recommendation submitted thereon to the Village Board. In order to secure evidence upon which to base its recommendation, the Committee may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Chapter.
- (d) **HEARING ON APPLICATION.** Upon receipt in proper form of the written recommendation referred to in sub(c), the Village Board shall hold at least one (1) public hearing on the proposed conditional use. Notice of such public hearing specifying the time, place and matters to come before the Commission shall be given as a Class I notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as owners of property within 200 feet of the proposed conditional use.
- (e) **AUTHORIZATION.** For each application for a conditional use, the Planning and Zoning Committee shall report to the Village Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.
- (f) **STANDARDS APPLICABLE TO ALL CONDITIONAL USES.** In passing upon a Conditional Use Permit application, the Planning and Zoning Committee and Village Board shall consider the following factors:
- (1) The location, nature, and size of the proposed use.
 - (2) The size of the site in relation to it.
 - (3) The location of the site with respect to existing or future roads

- giving access to it.
- (4) Its compatibility with existing uses on land adjacent thereto.
 - (5) Its harmony with the future development of the district.
 - (6) Existing topography, drainage, soil types, and vegetative cover.
 - (7) Its relationship to the public interest, the purpose and intent of this Chapter and substantial justice to all parties concerned.
- (g) **CONDITIONS ATTACHED TO CONDITIONAL USE PERMIT.**
- (1) Upon consideration of the factors listed above, and upon recommendation of the Planning and Zoning Committee, the Village Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, flood-proofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Committee and may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
 - (2) In all cases in which conditional uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- (h) **PERMIT FEE.** Applications shall be accompanied by a fee as established by the Village Board.

51.31 (Reserved)

51.32 (Reserved)

51.33 (Reserved)

51.34 (Reserved)

51.35 AMENDMENTS

- (a) **AUTHORITY.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Pulaski may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Chapter or amendments thereto.
- (b) **INITIATION.** A change or amendment may be initiated by the Village Board, Village Planning and Zoning Committee or by a petition of one or more of the owners or lessees of property within the area affected by the change.
- (c) **PETITION.** Petition for any change to the district boundaries or amendments to the regulation shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - (1) Petitioners name, address, phone number, and interest in property (owner, broker, etc.).
 - (2) Existing and proposed zoning district.
 - (3) Proposed use (a statement of the type, extent, area, etc., of any development project).
 - (4) Owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
 - (5) Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
 - (6) Legal description of property to be rezoned.
 - (7) Plot plan or survey plat drawn to scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimension, the location and classification of adjacent zoning districts, and the location and existing uses and buildings of all properties within two hundred (200) feet of the area proposed to be rezoned.
 - (8) Additional information as may be requested by the Planning and Zoning Committee.
 - (9) Fee receipt in the amount established by the Village Board.
- (d) **RECOMMENDATION.** The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Village and shall recommend to the Village Board in writing that the petition be granted as requested, modified, or denied. Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Planning and Zoning Committee shall make findings based

upon the evidence presented to it in each specific case with respect to the following matters:

- (1) Existing uses or property within the general area of the property in question.
- (2) Zoning classification of property within the general area of the property in question.
- (3) Suitability of the property in question to the uses permitted under the existing zoning classification.
- (4) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
- (5) The Committee may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
- (6) The Committee shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

(e) **HEARINGS.** The Village Board shall, after publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each proposed amendment. The notice shall list the time, place, and the changes or amendments proposed. The Village Clerk shall also give at least ten (10) days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment and to all property owners within one hundred (100) feet of the areas of land included within the proposed amendment.

(f) **VILLAGE BOARD'S ACTION.** Following such hearing and after careful consideration of the Planning and Zoning Committee's written report and recommendations, the Village Board shall vote on the passage of the proposed changes or amendments. The Committee's recommendations may be only overruled by a unanimous vote of the full Village Board membership.

(g) **PROTEST.** In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred

(100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Village Board membership.

- (h) **EFFECTIVE DATE.** The amending ordinance shall become effective immediately after adoption by the Village Board, and publication or posting as provided by law.

51.36 VIOLATIONS, PENALTIES, AND PERMIT FEES

- (a) **VIOLATION.** It shall be unlawful to construct, erect, reconstruct, alter, convert, or maintain any building or structure, or to develop or use, any land, water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Village Zoning Administrator, the Planning and Zoning Committee, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.
- (b) **COMPLAINTS REGARDING VIOLATIONS.** Whenever a violation of this Chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Village Zoning Administrator. He/she shall record properly such complaint, immediately investigate, and take action thereon as provided by this Chapter.
- (c) **PENALTIES FOR VIOLATIONS.**
- (1) Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Village of Pulaski. Any person who violates this Chapter or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$10.00 and not more than \$500.00 or in lieu of payment thereof be imprisoned for not more than thirty (30) days and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
 - (2) The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
 - (3) Nothing herein contained shall prevent the Village of Pulaski from

taking such other lawful action as is necessary to prevent or remedy any violation.

- (d) **ABATEMENT OF VIOLATIONS.** Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Chapter shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Chapter. Such removal may be performed by a Village agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.
- (e) **PERMIT FEES.** All persons, firms, or corporations performing work which by this Chapter requires the issuance of a permit shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising, and processing of permits, licenses and variances. The permits for which a fee is required are the Building Permit, Occupancy Permit, Conditional Use Permit, Sign Permit, Quarry and Mine, Junk Yard and Salvage Yard Permit. A fee is required for a manufactured home park. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Village Board from time to time as deemed appropriate, except where specifically listed in this Chapter.