

# TITLE 13

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## Zoning

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Zoning Code

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## Article A: Introduction

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### **Sec. 13-1-1 Authority.**

This Chapter is adopted under the authority granted by Sections 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto. Any mandatory amendments or repeals or recreations to State Statutes pertaining to the subject matter of this Chapter are incorporated in this Chapter as of the effective date of the amendment, repeal or recreation.

*State Law Reference:* Sec. 62.23(7), Wis. Stats.

### **Sec. 13-1-2 Title.**

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Bristol, Kenosha County, Wisconsin" and is hereinafter referred to as the "Zoning Code" or "Chapter."

### **Sec. 13-1-3 General Purpose.**

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Bristol, Wisconsin.

### **Sec. 13-1-4 Intent and Purposes in View.**

The general intent and purposes in view of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village of Bristol into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Determine, establish, regulate and restrict the location, setback, side yard, rear yard, height, bulk, number of stories, and size of buildings and other structures;

- (f) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (g) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (h) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;
- (i) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village of Bristol;
- (j) Insure adequate highway, utilities, health, educational, recreational, and other public facilities;
- (k) Promote the efficient and economical use of public funds;
- (l) Preserve and protect the beauty of the Village of Bristol, and encourage the uses of land and other natural resources which are in accordance with their character and adaptability;
- (m) Obtain the wise use, conservation, development and protection of the Village of Bristol's water, soil, wetlands, woodlands, wildlife and other natural resources and attain a balance between land uses and the ability of the natural resource space to support and sustain such uses;
- (n) To prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (o) To provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (p) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (q) Further the maintenance of safe and healthful water conditions;
- (r) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (s) Provide for and encourage a variety of suitable commercial and industrial sites, and appropriate areas for residential, agricultural, public and conservancy uses;
- (t) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (u) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Bristol;
- (v) Identify and preserve historical sites; and
- (w) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.

### **Sec. 13-1-5 Abrogation and Greater Restrictions.**

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously

adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

### **Sec. 13-1-6 Interpretation; Standard Industrial Classifications.**

- (a) **Liberal Construction.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Bristol and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Bristol.
- (b) **Standard Industrial Classifications.** Uses allowed in Commercial and Industrial Districts may be cross-referenced with the Standard Industrial Classification (SIC), and may be utilized when deemed appropriate by the Plan Commission. The SIC number is represented as [ ] in this Chapter.

### **Sec. 13-1-7 Severability and Non-Liability.**

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.
- (c) The Village of Bristol does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village Board, its agencies or employees for any flood damages, or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

### **Sec. 13-1-8 Repeal and Effective Date.**

All other ordinances or parts of ordinances of the Village of Bristol inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

### **Sec. 13-1-9 Projects in Progress.**

The provisions of this Chapter shall not apply to any construction project for which a valid zoning permit has been issued prior to the enactment of this Chapter, with the provision, however, that construction substantially commenced within six (6) months after the issuance of

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the permit, and with the further provision that in the case of permits granted in areas under jurisdiction of Shoreland-Wetland Zoning that substantial construction is completed within fifteen (15) months after the issuance of the permit.

**Sec. 13-1-10 Conflicts in Zoning Code Provisions.**

Where there are conflicts between or among regulations in this Chapter, the regulations and standards which are more restrictive or which impose higher standards or requirements shall prevail.

**Sec. 13-1-11 through Sec. 13-1-39      Reserved for Future Use.**

## Article B: General Provisions

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### Sec. 13-1-40 Jurisdiction and General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Bristol. The provisions of this Chapter shall be held to be the minimum requirements for carrying out the intent and purpose of this Chapter.
- (b) **Compliance.** No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and state regulations.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.
- (d) **Relationship with Other Laws.** Where the conditions imposed by any part of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or any other laws, ordinances, resolutions, rules or regulations of any kind, the regulations which are more restrictive (or impose higher standards or requirements) shall be enforced.
- (e) **Legal Remedies.** No provision of this Chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate state laws.

### Sec. 13-1-41 Use Regulations.

- (a) **Regulation of Allowable Uses.** Allowable land uses for each zoning district are listed in this Zoning Code. Even if a land use may be indicated as permitted by right or requiring a conditional use permit in a particular zoning district, such a land use may not necessarily be permitted or permissible on a property unless it can be located and/or implemented on it in full compliance with all of the applicable standards and regulations of this Chapter.
- (b) **Permitted Uses – Principal Land Uses Permitted by Right.** Permitted uses are principal land uses permitted by right within a zoning district, per the:
  - (1) Density, intensity, and bulk regulations of the specific zoning district in which they are located;

- (2) All other applicable requirements of this Chapter;
- (3) Any additional requirements imposed by applicable overlay zoning districts; and
- (4) Any and all other applicable village, county, state and/or federal regulations with jurisdiction over the property.

(c) **Conditional Uses – Principal Land Uses Permitted Only as Conditional Uses.**

- (1) Principal uses allowed only with a conditional use permit may be permitted by the Village subject to all of the requirements applicable to uses permitted by right, plus any additional requirements applicable to that particular land use imposed as part of the conditional use permit process.
- (2) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval in accordance with Article E of this Chapter excepting:
  - a. Those uses which have been approved under a General Development Plan and Specific Implementation Plan as a planned unit development pursuant to Article D; or
  - b. Are uses existent at the time of original adoption of the Zoning Code.
- (3) Each application for, and instance of, a conditional use granted shall be considered a unique situation and shall not be construed as precedence for similar requests.
- (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of new conditional use(s) shall require review, public hearing and approval in accordance with Article E of this Chapter.
- (5) Conditional uses authorized by the Village Board may be established for a period of time to a time certain or until a future happening or event at which the same shall terminate, such as a change of ownership or occupancy.
- (6) Conditional uses authorized by the Village Board shall not be subject to substitution with other conditional uses, either regular or limited, whether similar type or not, without Village Board approval and the procedures required in Article E of this Chapter.
- (7) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of original adoption of this Chapter require no action by the Village Board for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.

(d) **Accessory Land Uses.**

- (1) Accessory uses and structures as specified are permitted in any zoning district, but not until a principal structure is present or under construction. The construction of an accessory structure may be commenced prior to the principal structure being present, provided that building permits have been issued by the Village for both the principal and accessory structures. If two legal lots are combined, an accessory structure may be placed on the former vacant lot.

- (2) Accessory land uses are allowed subject to the requirements applicable to principal permitted uses.
- (3) Accessory uses allowed only with a conditional use permit are subject to the requirements applicable to principal land uses requiring a conditional use permit.
- (4) Where applicable, the accessory use standards in Article K shall be complied with.
- (e) **Classification of Unlisted Uses.** Any use not specifically listed as a permitted use or a conditional use in the districts established in Article C shall be considered to be prohibited except as may be otherwise specifically provided hereinafter. In case of a question as to the classification of an unlisted use, the question shall be submitted to the Village Board for determination, following a recommendation from the Plan Commission, in accordance with the following procedure:
  - (1) **Application.** Application for determination for classification of an unlisted use shall be made in writing to the Zoning Administrator and shall include a detailed description of the proposed use and such other information as may be required by the Village Board to facilitate the determination.
  - (2) **Investigation.** The Village Board shall make or have made such investigations as it deems necessary in order to compare the nature and characteristics of the proposed use with those of the uses specifically listed in the Chapter and to recommend its classification.
  - (3) **Determination.** The determination of the Village Board shall be rendered in writing within sixty (60) days from the application and shall include findings supporting the conclusion. The Village Board shall determine if the classification of the unlisted use is a permitted use, conditional use or prohibited use in one (1) or more of the districts established in Article C.
  - (4) **Effective Date of Determination.** At the time of this determination of the classification of the unlisted use by the Village Board, the classification of the unlisted use shall become effective.
  - (5) **Appeals.** The classification determination by the Village Board under this Subsection may be appealed to the Zoning Board of Appeals pursuant to Article N.

## Sec. 13-1-42 Site Regulations.

- (a) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of forty (40) feet at the front setback line; however, to be buildable, the lot shall comply with the frontage requirements of the zoning district in which it is located.
- (b) **Principal Structures.**
  - (1) All principal structures shall be located on a legal lot. Except in the case of planned unit developments, not more than one (1) principal building or use and two (2)

accessory structures, including a private garage, may be located on a lot in any residential district.

- (2) The Village Board may permit as a conditional use pursuant to Article E or a planned unit development under Article D more than one (1) principal structure per lot in any district where unique characteristics exist and more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (c) **Dedicated Street Required.** All lots shall abut a public street or Village-approved private road or way which is constructed to applicable Village standards. 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.
- (d) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board, upon the recommendation of the Plan Commission, 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 Plan Commission, in applying the provisions of the Section, shall, in writing, recite the particular facts upon which it bases its recommendation that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability when making its recommendation to the Village Board.
- (e) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than four (4) horizontal to one (1) vertical (4:1), within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board, upon the recommendation of the Plan Commission, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- (f) **Setbacks — Decks, Porches, and Handicapped Ramps.** For purposes of this Chapter, handicapped ramps, decks, and porches shall be considered a part of a building or structure for determining setback compliance. [See also Sec. 13-1-43(b)(1)].
- (g) **Vacated Streets.** Whenever any street, alley, easement or public way is vacated by official action, the zoning district abutting the centerline of the said vacated area shall not be affected by such proceeding.

- (h) **Obstruction of Unplatted Lands.** All buildings hereafter erected upon unplatted land shall be so placed that they will not obstruct proper street extensions or other features of proper subdivision and land platting.
- (i) **Prohibited Dwelling Units (Accessory Buildings, Recreational Vehicles, Tents, etc.)**
  - (1) Except as provided in Subsection (i)(2) below, no cellar, basement or unfinished home, garage, tent, recreational vehicle, camper, recreational trailer or accessory building shall, at any time, be used as a dwelling unit. Basements shall not be used as dwelling units, except where specifically designed for such use through proper damp-proofing, fire-protecting walls and other requirements as may be imposed by the building and housing codes.
  - (2) A recreational vehicle, camper or tent on private property not zoned for campground purposes may be occupied as living quarters for no more than three (3) days on parcels with no principal structure present or fourteen (14) days on parcels with a principal structure present within a ninety (90) day period. Such occupancy is permissible only with the written permission of the property owner.
- (j) **Temporary Uses.** Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator. The Zoning Administrator may impose conditions on such temporary uses.
- (k) **Screening Regulations.** Any use required by this Chapter to be screened shall meet applicable buffer yard and screening requirements, specifically Section 13-1-45.
- (l) **Number of Permitted Tenants.** No owner of any dwelling shall lease or enter any lease of any one (1) dwelling unit to more than six (6) persons not related by blood, marriage, adoption or legal guardianship, living together as a single housekeeping unit and using common cooking facilities, or more than ten (10) persons living together as a single housekeeping unit and using common cooking facilities in a foster home wherein the foster parents have been licensed by the State of Wisconsin.
- (m) **Yard Reduction or Joint Use.**
  - (1) No lot, yard, parking area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this 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) No yard or other open space allocated to a structure or parcel of land shall be used to satisfy yard, other open spaces or minimum lot area requirements for any other structure or parcel.
- (n) **Lots Abutting More Restrictive District.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two (2) districts which abut the district boundary line.
- (o) **Double-Frontage Lots.** Buildings on through lots and extending from street to street may have waived the requirements for a rear yard by furnishing an equivalent open space on the

same lot in lieu of the required rear yard, provided that the setback requirements on both streets be complied with.

- (p) **Area Required for Rubbish Containers.** On all premises on which there will be constructed after the effective date of this Chapter a new structure which will house six (6) or more dwelling units, any existing building converted to six (6) or more dwelling units after such date, or any rooming house or other residential structure having six (6) or more occupants, there shall be provided a sufficient area as determined by the Plan Commission for screened refuse/recycling collection containers. Such areas shall not be located in the front or street side yard and shall be accessible by motorized vehicles or other motorized equipment. Such areas shall not be a required off-street parking area and shall be shown on the plot plan submitted at the time of application for a permit.

### **Sec. 13-1-43 Modifications; Height, Area and Setback Exceptions.**

- (a) **Height.** The district height limitations stipulated elsewhere in each zoning district in Article C may be exceeded, but such modification shall be in accord with the following:
- (1) **Agricultural Structures.** Agricultural structures, such as barns, silos and windmills, shall not exceed in height twice their distance from the nearest lot line.
  - (2) **Special Structures,** such as elevator penthouses, gas tanks, grain elevators, scenery lots, 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, 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) **Public or Semipublic Facilities.** Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, government offices and stations, may be erected to a height of sixty (60) feet measured at the roof level, provided all required yards/setbacks are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.
- (b) **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:
- (1) **Architectural Projections.** Chimneys, flues, fireplace chases, sills, eaves, belt courses, ornaments, etc., may project into any required yard, but such projection shall not exceed two (2) feet.
  - (2) **Essential Services,** utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter. [See also Sec. 13-1-42(f)].

- (3) **Landscaping and Vegetation** are exempt from the yard requirements of this Chapter.
- (c) **Average Building Setbacks.** In R-1 through R-6 Residential and Districts, except for corner lots, required setbacks may be modified in the following cases:
- (1) **Average Front Yards.** The required front yards may be decreased in any residential or business district to the average of the existing street yards of the abutting principal structures on each side. Where fifty percent (50%) or more of the frontage on a block is occupied by principal structures having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter.
- (2) **Additions.** Additions in the front yard of existing structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
- (d) **Corner Side Yards.** The required side yard on the street side of corner lots shall be at least fifty percent (50%) greater than the minimum specified for the district.

### **Sec. 13-1-44 Parcels Not Served by Public Sewer or Water.**

In any location where the Village Board determines that public water service or public sewage service is not in the public interest due to excessive cost, terrain, etc., the lot shall have adequate soils for the construction and operation of private individual sewage treatment and private individual water systems, and sufficient area for at least one (1) replacement private sewage treatment system according to Ch. SPS 383, Wis. Adm. Code. Such determination shall be made by the Village Board based on whether unique circumstances exist and the overall well-being of best interests of serving the citizenry with public sewer/water facilities.

### **Sec. 13-1-45 Screens and Buffers.**

- (a) **Required Screens and Buffers.** Where screens or buffers are required by this Chapter or the Village Board to reduce the impact of existing or proposed uses on adjacent properties, the following standards in Subsections (b) and (c) shall be followed. Buffer yards and screens may be required jointly or separately.
- (b) **Buffer Yards.** Buffer yards are horizontal separations along lot lines that are intended to increase the physical separation between incompatible uses. The width of the required buffer yard shall be determined by the Plan Commission, upon the recommendation of the Zoning Administrator. The minimum width shall be ten (10) feet.

- (c) **Screens.** Screens are barriers located in a limited space [ten (10) feet or less] intended to perform a buffering effect, particularly for noise reduction or visual screening. Screens may consist of existing or planted vegetation, fences, walls, earth berms or similar techniques. Plant screens shall be sufficient to provide a year-round screen within three (3) years of installation. Walls or earth berms shall be required where noise reduction is necessary. Screen plantings shall be permanently maintained by the owner of the property, and any plant materials which do not live shall be replaced within six (6) months. The design of all screens shall be approved by the Zoning Administrator.

## **Sec. 13-1-46 Filling Activities.**

- (a) **Purpose.** The purpose of this Section is:
- (1) To regulate filling activities in order to avoid or mitigate negative impacts of changes to existing drainage patterns.
  - (2) To monitor the amount and type of material brought into the Village or transferred between sites within the Village of Bristol.
  - (3) To prevent the creation of hazardous conditions or nuisances from filling activities.
  - (4) To prevent conflict with the installation of future underground public utilities.
  - (5) To promote the public health, safety and general welfare of the citizens of the Village of Bristol without preventing the reasonable development of land.
  - (6) To encourage site development on public and private property in such a manner as to minimize hazards to life, health, property and natural resources.
  - (7) To preserve and enhance the Village's physical and aesthetic character.
  - (8) To minimize surface water runoff and diversion which may contribute to flooding and erosion.
  - (9) To reduce siltation in the Village's streams and storm sewer system, and public roadside improvements, and in area streams and waterways.
  - (10) To promote building and site planning practices that are consistent with the Village's natural topography, soils, and vegetative features.
  - (11) To implement and further the Village's Comprehensive Plan and its components.
- (b) **Scope.** This Section is not intended to apply to businesses such as landscaping, nurseries, excavating businesses, or others that regularly stockpile fill material as defined herein, on the same property as the business. This Section does not apply to activities regulated by the State of Wisconsin pursuant to NR 718, Wis. Adm. Code "Management of Solid Waste Excavated During Remedial Actions", or any successor regulation.
- (c) **Definitions.** For purposes of this Section, the following definitions shall apply:
- (1) **Acceptable Organic Materials.** Wood chips, shredded or chopped bark, sawdust, or similar material.
  - (2) **Acceptable Earth Materials.** Soil, topsoil, clay, sand, gravel, rock, stone, or other similar material free of organic materials.

- (3) **Acceptable Fill Material.** Acceptable organic materials and acceptable earth materials as defined above, which are free from cinders, ashes, refuse, soft or plastic clays, and vegetable or other similar organic matter such as food waste, trees, branches, or stumps. Acceptable fill material shall be capable of being compacted. Up to ten percent (10%) of acceptable fill material may be cobbles (small boulders) or bricks, not more than twelve (12) inches in size in any direction.
- (4) **Completed Application.** An application which meets all of the requirements as set forth in this Section, and which has been submitted to the Village along with the required number of copies and required fee.
- (5) **Fill Material.** Any material of any description which is capable of being deposited on land.
- (6) **Filling; Filling Activities.** Any depositing or stockpiling of any fill material.
- (d) **Prohibitions.**
  - (1) No person shall engage in any activity that involves fill material without a permit, except as provided by this Section.
  - (2) No person shall use in any fill material *anything* other than acceptable fill material as defined in this Section.
- (e) **Permit Required; Exceptions.**
  - (1) A permit shall be required for any activity that involves fill material as defined herein being brought onto a property from an off-site location.
  - (2) A permit is not required for the following fill activities:
    - a. When the total amount of fill material to be brought onto a property is less than fifty (50) cubic yards. A permit is required when the cumulative total amount of fill material brought onto a property over any period of time, starting with the original effective date of this Section, is fifty (50) cubic yards or greater, even though an individual fill activity may involve less than fifty (50) cubic yards of fill.
    - b. When the fill material is to be brought onto a site for a public improvement project which has been duly authorized by the appropriate public agency or agencies. For the purposes of this Section, a public improvement project shall be defined as a project funded with federal, state or municipal monies such as roads, utilities, parks, public buildings, or similar projects.
    - c. The construction of any use which is subject to site plan review in accordance with the requirements of this Zoning Code.
    - d. Ground restoration activities for public utility construction.
- (f) **Application.**
  - (1) An application for a fill permit shall be made by the land owner and shall be filed with the Zoning Administrator who shall provide the application form. The application shall include a fee as determined by Village Board resolution from time to time.

- (2) An application for a fill permit shall contain the following information:
- a. The address and signature of the property owner and the business address of the person who will conduct the filling operation;
  - b. The tax parcel number of the property where the fill activity will take place;
  - c. The nature of the proposed project, the type of fill material to be brought onto the site, an estimate of the number of cubic yards of materials involved, and the depth and composition of proposed fill materials;
  - d. A statement of the manner in which the project work is to be completed, the kind of equipment proposed to be used, and estimated frequency of vehicle trips;
  - e. The proposed route which the applicant proposes to use over the public streets and over private property in transporting fill materials;
  - f. The time within which the project is to be commenced after the granting of the permit and the time when it is to be completed;
  - g. The measures that will be taken by the applicant to control noise, vibration, dust, and traffic, and the measures that will be provided during the project to prevent soil, dust, or other materials from being deposited on adjoining lands or public or private streets or in waterways through erosion by wind or water;
  - h. A description of any traffic control devices, public facilities, or public services which will be required for the proposed operation, and a statement indicating how these will be provided;
  - i. Any measures which the applicant proposes to take to insure public safety, especially the prevention of trespass by children or recreational vehicles on land where filling activities may create a hazardous situation.
  - j. A drawing of the property which shall contain the following information unless waived by the Zoning Administrator:
    1. North arrow;
    2. The dimensions of the lot and acreage;
    3. Dimensions of area to be filled and proposed phasing and method of stabilization for each phase;
    4. The location of all roads bordering or on the property;
    5. The location of all utilities, whether buried, exposed and/or aboveground on the property;
    6. The location of any easements on the property;
    7. Existing drainage patterns on the site;
    8. Natural features, such as significant vegetation, bodies of water, wetlands, and streams on the site as well as within five hundred (500) feet of the site;
    9. The location, size and use of buildings, structures, or other improvements on the land to which the Permit is to apply, as well as any buildings, structures, or other improvements within one hundred (100) feet of the property to which the Permit is to apply;

10. Ingress and egress to the property;
  11. If the estimated fill volume is five hundred (500) cubic yards or more, a drawing of the property at a scale not to exceed one (1) inch equals two hundred (200) feet, showing any driveways or roads within one hundred twenty-five (125) feet of the driveway to the site, and which must illustrate existing and proposed contours at four (4) feet intervals (minimum) on the site and extending one hundred (100) feet beyond the boundaries of the site. Such contours shall be certified by a registered engineer, surveyor, or landscape architect; and
  12. Additional information as the Zoning Administrator may reasonably require to assist in reviewing the application.
- k. The names and addresses of all owners of property within two hundred (200) feet of the property where the fill activity will take place.
- (3) The applicant shall submit two (2) copies of the application if the estimated fill volume is greater than fifty (50) and less than five hundred (500) cubic yards. The applicant shall submit eighteen (18) copies of the application if the estimated fill volume is five hundred (500) cubic yards or more.
  - (4) Requirements and applicability to meet the Village of Bristol's Erosion Control Standards shall remain in effect and shall also be satisfied on sites that meet the requirements of said code.
- (g) **Notice to Neighboring Landowners.** Upon receipt of a completed application, the Zoning Administrator shall by regular mail provide notice of the application to the record address of all owners of property within two hundred (200) feet of the property where the fill activity will take place. The notice shall inform each owner of a right to file comments on the application within two (2) weeks of the date the notice is mailed.
- (h) **Review by Zoning Administrator.** The Zoning Administrator shall approve or disapprove all applications for fill activities involving between fifty (50) and five hundred (500) cubic yards of fill material. The Zoning Administrator may, however, refer any such application to the Plan Commission and Village Board for review and disposition. If, in the opinion of the Zoning Administrator, the proposal described in the application is in compliance with the requirements of this Section, and if the application is for a permit involving less than five hundred (500) cubic yards, a fill permit shall be issued to the applicant. If the applicant or the proposal described therein does not meet the requirements of this Section, the Zoning Administrator shall so notify the applicant in writing, stating the reasons for denial of the permit. Any person or party who is adversely affected by a decision of the Zoning Administrator under this Section may appeal such decision as provided in Article N of this Chapter.
- (i) **Review by Plan Commission and Village Board.** The Zoning Administrator shall review for completeness and compliance with this Section all applications for fill activities involving over five hundred (500) cubic yards of fill material. The Zoning Administrator

shall refer to the Plan Commission for review all completed applications for such fill activities. The Zoning Administrator shall return to the applicant any application that is not a completed application. After review and recommendation by the Plan Commission, the Village Board shall approve, disapprove or conditionally approve all completed applications for fill activities involving over five hundred (500) cubic yards of fill material, and any completed application for less than five hundred (500) cubic yards of fill material referred by the Zoning Administrator for Village Board decision under Subsection (h), pursuant to the procedures set forth below:

- (1) The Zoning Administrator shall place the application on the next appropriate Plan Commission agenda for a public hearing. The Zoning Administrator shall follow the public hearing notification procedures as set forth in Section 13-1-482.
  - (2) The Plan Commission shall hold a public hearing on the application and shall make a recommendation on the application based on the information presented to it.
  - (3) The Plan Commission may recommend to approve, deny, modify, or approve with conditions the application.
  - (4) If the proposed operation is in compliance with the requirements of this Section, the Plan Commission shall recommend the application for approval.
  - (5) The Village Board shall consider the recommendation of the Plan Commission, and if it determines that the proposed operation is in compliance with the requirements of this Section, it shall instruct the Zoning Administrator to issue a fill permit. If the proposed operation fails to meet the requirements of this Section, the Village Board shall deny the permit and instruct the Zoning Administrator to notify the applicant, in writing, of the reasons for denial.
- (j) **Standards for Approval.** The following standards shall serve as the basis for decisions involving fill permits. In making the following determinations, the Zoning Administrator or Plan Commission and Village Board, as the case may be, shall take into account any comments received in response to the notice provided under Subsection (g) above. In order to issue a permit, the Zoning Administrator or Village Board, as the case may be, must find that each of the following standards is met:
- (1) The operation shall not interfere with existing drainage patterns. If the fill does interfere with existing drainage patterns, the applicant shall bear the burden of establishing that the interference does not have a negative impact on adjoining properties or on other properties, streams, or waterways, including, but not limited to, the creation or contribution to landslides, flooding, erosion, increased turbidity, siltation, or other form of pollution to a water course or water body.
  - (2) The operation shall not result in hazardous traffic situations from vehicles entering or leaving the site.
  - (3) The operation will be carried out in a manner that will not be detrimental to nearby persons or property by reason of excessive production of traffic, noise, dust, fumes, or odor.

- (4) The fill material is not hazardous, toxic or otherwise a threat to the public health, safety, and general welfare, and complies with the type of fill permitted by this Section.
- (5) The resulting elevation of the land will be compatible with elevations on adjacent properties.
- (6) The fill will not restrict a floodway or reduce the storage capacity of a floodplain.
- (7) Fill slopes shall not be constructed on natural slopes which are steeper than four (4) horizontal to one (1) vertical (4:1). Any proposed slope that would exceed the 4:1 standard shall require the submittal of a landscaping plan.
- (8) The slopes of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes exceeding five (5) feet in depth shall be no steeper than four (4) horizontal to one (1) vertical (4:1), except where approved retaining walls are engineered and installed. Any proposed slope that would exceed the 4:1 standard shall require the submittal of a landscaping plan.
- (9) When the owner of any parcel shall raise, lower or alter the level or existing grade of a site by a fill or excavation, he/she shall at his/her own expense protect all adjoining property from encroachment by such fill or from danger of collapse due to such excavation either by the erection of an engineered retaining wall or by sloping the sides of such fill or excavation entirely within the confines of the site in a manner approved by the Zoning Administrator or Village Board.
- (10) Cut and fill slopes shall be provided with subsurface and surface drainage as necessary to retain slope stability.
- (11) The faces of slopes shall be prepared and maintained to control erosion. Check dams, riprap, plantings, terraces, diversion ditches, sedimentation ponds, straw bales, erosion control fabrics or other devices or methods shall be employed where necessary to control erosion and provide safety. Devices or procedures for erosion protection shall be initiated or installed before grading operations and shall be maintained in operable condition by the owner.
- (k) **Restrictions Governing Permit Holders.** Every person to whom any permit is granted under this Section shall comply with the following:
  - (1) The topsoil for the area to be filled shall first be removed before any fill is brought onto the site. If stockpiled on site, the topsoil shall be no higher than twelve (12) feet and comply with Subsection (j)(7) herein.
  - (2) All vehicles transporting fill materials from or to a project over public streets in the Village shall follow the truck route approved with the application.
  - (3) The resulting elevation of the land shall be compatible with the surrounding area and the land shall be left in a condition suitable for subsequent development for uses permitted in the zoning district in which the land is zoned.
  - (4) If, at the time the permit is granted, the Zoning Administrator shall determine that any project will present a dangerous condition if left open and unfenced, then such project

shall be enclosed by chain link, wire mesh, or snow fence completely surrounding the portion of the land where the project extends; said fence to be not less than four (4) feet in height and to be complete with gates, such gates to be kept locked when operations are not being carried on. Barbed wire shall not be used as part of any such fence.

- (5) Any fill materials that may be spilled on any public street or public place from any vehicle transporting materials from the project site shall be immediately removed without damage to the public street or public place at the expense of the permit holder.
- (6) Any on-site roads used for the purpose of ingress and egress to the site which are located within three hundred (300) feet of any occupied residential, commercial or industrial establishment must be treated to reduce airborne dust by hand-topping with concrete, asphalt, chemical treatment, or such other means as may be proposed by the applicant and approved by the Zoning Administrator or Village Board at the time a permit is granted.
- (7) The slopes of the banks of the materials dumped, stockpiled, or used as fill shall not exceed four (4) horizontal to one (1) vertical (4:1) and shall be compatible with adjoining grades and land uses. However, the Zoning Administrator or Village Board may, at the time a permit is granted, prescribe more lenient or stricter requirements. Any proposed slope that would exceed the 4:1 standard shall require the submittal of a landscaping plan.
- (8) Filling activities shall not interfere with or change existing surface water drainage so as to be detrimental to nearby properties.
- (9) Any phases of the fill operation are completed, they shall be stabilized by ground cover by the applicant to prevent erosion by wind and water. The Zoning Administrator shall approve the stabilization plan so that continuing fill activities will avoid newly stabilized areas.
- (10) The Plan Commission or Zoning Administrator may require additional performance standards or stricter performance standards than are provided herein where, because of peculiar conditions, such standards are necessary to achieve the purposes of these regulations. In addition, the Village Board may also attach and impose conditions, restrictions, or requirements as it shall determine are necessary to achieve the purposes of these regulations. Violations of any performance standard, condition, restriction, or requirements imposed by the Village Board shall be deemed a violation of these regulations.
- (11) Conditions imposed by the Zoning Administrator or Village Board shall remain unchanged unless a change is mutually agreed to by the applicant and the Zoning Administrator or Village Board in writing.
- (12) An authorized inspection official of the Village of Bristol may, at all reasonable times, enter upon any public or private premises for inspection purposes and may require production of the permit and plans for any and all excavation and topography changes.

No person shall interfere with or refuse to permit access to any such premises to such inspector while in the performance of his/her duties.

- (l) **Project Completion.** In order to insure that fill activities authorized by this Section are carried out to completion, the following procedures shall be followed:
  - (1) Upon completion of a project or expiration of a Fill Permit, the applicant shall contact the Zoning Administrator to arrange for an inspection of the site. If the requirements have not been met, the Zoning Administrator shall notify the applicant in writing of the permit deficiencies and shall pursue permit compliance as authorized by this Section.
  - (2) For those permits approved by the Village Board, the above procedure shall be followed. In addition to this, the applicant shall retain the services of a registered engineer or surveyor to certify that the final elevations of the fill activity comply with those illustrated by this Section.
- (m) **Bond and Insurance.** The Village Board or Zoning Administrator may require as a condition to the granting of a permit that the applicant file or deposit with the Village Clerk-Treasurer performance securities in the form of a performance bond, cash, certified or cashier's check payable to the Village of Bristol, or an irrevocable bank letter of credit, in a form satisfactory to the Village Attorney. The Village Board or Zoning Administrator shall, in establishing the amount of the surety, consider the scale of the operations, the prevailing cost to rehabilitate the property upon default of the operator, court costs, and other reasonable expenses to guarantee that the applicant will fully and faithfully perform all applicable performance standards, conditions, restrictions, and requirements of these regulations. An engineer may be consulted in determining the amount of the surety, and such consultation costs shall be added to the permit fee. The Village Board may also require, as a condition to the granting of any such permit, that the applicant deposit a certificate of an indemnity company licensed to do business in the State of Wisconsin or a letter of credit, in an amount reasonably relevant to the proposed work to be done as specified by the Village Board, insuring the Village of Bristol against any loss or damage to persons or property arising directly or indirectly from the operations of the applicant, or any person acting on his/her behalf, in carrying on any work connected directly or indirectly with the issuance of said permit.
- (n) **Expiration of Permit.** A permit granted under this Section shall be valid for one (1) year, at which time it shall automatically expire. A permit holder may apply to the Zoning Administrator for renewal of a permit upon payment of the renewal fee as set from time to time by the Village of Bristol.
- (o) **Suspension or Revocation of Permit.** Any permit granted under these regulations may be suspended or revoked for failure to comply with any provisions of this Section or with any of the performance standards, conditions, restrictions or requirements attached and imposed as part of the issuance of a permit. The Zoning Administrator or his/her designee may suspend a permit and issue a stop work order if there are grounds to reasonably believe that any provision of this Section or any condition of the permit is being violated.

The Village Board may revoke a permit after a hearing held on ten (10) days' written notice to the permit holder stating the grounds for the revocation, and stating the time and place where such hearing will be held.

## **Sec. 13-1-47 Annexation of Territory.**

- (a) **Definitions.** In this Section, the following definitions shall be applicable unless the context clearly requires otherwise:
- (1) **Assessed Value.** The value for general tax purposes as shown on the tax roll for the year next preceding the filing of any petition for annexation.
  - (2) **Legal Description.** A complete description of land to be annexed without internal references to any other internal references to any other document, and shall be described in one of the following ways:
    - a. By metes and bounds commencing at a monument at the section or quarter section corner or at the end of a boundary line of a recorded private claim or federal reservation in which the annexed land is located and in one of the following ways:
      1. By government lot.
      2. By recorded private claim.
      3. By quarter section, section, township and range.
    - b. If the land is located in a recorded subdivision or in an area subject to a certified survey map, by reference as described in Sections 236.28 or 236.34(3), Wis. Stats.
  - (3) **Owner.** The holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his or her interest.
  - (4) **Petition.** Includes the original petition and any counterpart thereof.
  - (5) **Real Property.** Land and the improvement thereon.
  - (6) **Scale Map.** A map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village, and that includes a graphic scale on the face of the map.
- (b) **Methods of Annexation.** This Section explains annexation procedures by municipalities pursuant to the Wisconsin Statutes. Subject to Section 66.0307, Wis. Stats., territory contiguous to any city or village may be annexed thereto in the following ways:
- (1) **Direct Annexation.** A petition for direct annexation may be filed with the Village Clerk if it has been signed by either of the following:
    - a. A number of qualified elector(s) residing in the territory subject to the proposed annexation equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election, and either of the following:

1. The owners of one-half of the land in area within the territory subject to the proposed annexation.
2. The owners of one-half of the real property in assessed value within the territory subject to the proposed annexation.
- b. If no electors reside in the territory subject to the proposed annexation, by either of the following:
  1. The owners of one-half of the land in area within the territory.
  2. The owners of one-half of the real property in assessed value within the territory.
- (2) **Annexation By Referendum.** A petition for a referendum on the question of annexation may be filed with the city or village clerk signed by a number of qualified electors residing in the territory equal to at least twenty percent (20%) of the votes cast for governor in the territory at the last gubernatorial election, and the owners of at least fifty percent (50%) of the real property either in area or assessed value. The petition shall conform to the requirements of Section 8.40, Wis. Stats.
- (3) **Elector Determination.** Whenever a number of electors cannot be determined on the basis of reported election statistics, the number shall be determined in accordance with the Wisconsin Statutes.
- (c) **Notice.**
  - (1) **Notice Publication.** The annexation shall be initiated by publishing in the territory proposed for annexation a Class I notice, under Ch. 985, Wis. Stats., of intention to circulate an annexation petition. The notice shall contain:
    - a. A statement of intention to circulate an annexation petition.
    - b. A legal description of the territory proposed to be annexed and a copy of a scale map.
    - c. The name of the city or village to which the annexation is proposed.
    - d. The name of the town or towns from which the territory is proposed to be detached.
    - e. The name and post-office address of the person causing the notice to be published who shall be an elector or owner in the area proposed to be annexed.
  - (2) **Service of Notices.** The person who caused the notice to be published shall serve a copy of the notice, within five (5) days after its publication, upon the clerk of each municipality affected, upon the clerk of each school district affected and upon each owner of land in a town if that land will be in a city or village annexation. Such service may be either by personal service or by registered mail with return receipt requested.
- (d) **Petition.**
  - (1) **Petition Contents.** The petition shall state the purpose of the petition, contain a legal description of the territory proposed to be annexed and have attached thereto a scale map. The petition shall also specify the population, as defined in Section 66.0201(2), Wis. Stats., of the territory.

- (2) **Finality of Signatures.** No person who has signed a petition shall be permitted to withdraw his or her name therefrom. No additional signatures shall be added after a petition is filed.
  - (3) **Circulation Timing.** The circulation of the petition shall commence not less than ten (10) days or more than twenty (20) days after the date of publication of the notice of intention to circulate. The annexation petition shall be void unless filed within six (6) months of the date of publication of the notice.
- (e) **Referendum.**
- (1) **Notice.**
    - a. Within sixty (60) days after the filing of the petition, the common council or village board may accept or reject the petition and, if rejected, no further action shall be taken thereon. Acceptance may consist of adoption of an annexation ordinance.
    - b. Failure to reject the petition shall obligate the city or village to pay the cost of any referendum favorable to annexation. If the petition is not rejected, the clerk of the city or village with whom the annexation petition is filed shall give written notice thereof by personal service or registered mail with return receipt requested to the clerk of any town from which territory is proposed to be detached and shall give like notice to any person who files a written request therefore with the clerk. Such notice shall indicate whether the petition is for direct annexation or whether it requests a referendum on the question of annexation.
    - c. If the notice indicates that the petition is for a referendum on the question of annexation, the town clerk shall give notice as provided in Subsection (c) above of a referendum of the electors residing in the area proposed for annexation to be held within thirty (30) days after the date of personal service or mailing of the notice required under this paragraph.
    - d. If the notice indicates that the petition is for direct annexation, no referendum shall be held unless within thirty (30) days after the date of personal service or mailing of the notice required under this paragraph, a petition conforming to the requirements of Section 8.40, Wis. Stats., requesting a referendum is filed with the town clerk signed by at least twenty percent (20%) of the electors residing in the area proposed to be annexed. If such a petition is filed, the clerk shall give notice as provided in Subsection (c) above of a referendum of the electors residing in the area proposed for annexation to be held within thirty (30) days of the receipt of the petition and shall mail a copy of such notice to the clerk of the city or village to which the annexation is proposed.
    - e. Any referendum shall be held at a convenient place within the town to be specified in the notice.
  - (2) **Clerk To Act.** If more than one town is involved, the city or village clerk shall determine as nearly as is practicable which town contains the most electors in the area

- proposed to be annexed and shall indicate in the notice required under Subsection (e)(1) such determination. The clerk of the town so designated shall perform the duties required hereunder and the election shall be conducted in such town, as are other elections and conducted therein.
- (3) **Publication of Notice.** The notice shall be published in a newspaper of general circulation in the area proposed to be annexed on the publication day next preceding the referendum election and one week prior to such publication.
  - (4) **How Conducted.** The referendum shall be conducted by the town election officials but the town board may reduce the number of such officials for that election. The ballots shall contain the words "For Annexation" and "Against Annexation" and shall otherwise conform to the provisions of Section 5.64(2), Wis. Stats. The election shall be conducted, as are other town elections in accordance with Chs. 6 and 7, Wis. Stats., insofar as applicable.
  - (5) **Canvass; Statement To Be Filed.** The election inspectors shall make a statement of the holding of the election showing the whole number of votes cast, and the number cast for and against annexation, attach thereto their affidavit and immediately file it in the office of the town clerk. They shall file a certified statement of the results in the office of the clerk of each other municipality affected.
  - (6) **Costs.** If the referendum is against annexation, the costs of the election shall be borne by the towns involved in the proportion that the number of electors of each town within the territory proposed to be annexed, voting in the referendum, bears to the total number of electors in such territory, voting in the referendum.
  - (7) **Effect.** If the result of the referendum is against annexation, all previous proceedings shall be nullified. If the result of the referendum is annexation, failure of any town official to perform literally any duty required by this Section shall not invalidate the annexation.
- (f) **Qualifications.** Qualifications as to electors and owners shall be determined as of the date of filing any petition, except that all qualified electors residing in the territory proposed for annexation on the day of the conduct of a referendum election shall be entitled to vote therein. Residence and ownership must be bonafide and not acquired for the purpose of defeating or invalidating the annexation proceedings.
- (g) **Annexation Ordinance.**
- (1) **Enactment.** An ordinance for the annexation of the territory describing in the annexation petition may be enacted by a two-thirds vote of the elected member of the governing body not less than twenty (20) days after the publication of the notice of intention to circulate the petition and not later than one hundred twenty (120) days after the date of filing with the city or village clerk of the petition for annexation or of the referendum election if favorable to the annexation. If the annexation is subject to Subsection (k), the governing body shall first review the reasons given by the Wisconsin Department of Administration that the proposed annexation is against the

public interest. Subject to Section 59.692(7), Wis. Stats., such an ordinance may temporarily designate the classification of the annexed area for zoning purposes until the zoning ordinance is amended as prescribed in Section 62.23(7)(d), Wis. Stats. Before introduction of an ordinance containing such temporary classification, the proposed classification shall be referred to and recommended by the Plan Commission. The authority to make such temporary classification shall not be effective when the county ordinance prevails during litigation as provided in Section 59.69(7), Wis. Stats.

- (2) **Effective Date of Annexation.** The annexation shall be effective upon enactment of the annexation ordinance. The board of school directors in any city of first class shall not be required to administer the schools in any territory annexed to any such city until July 1 following such annexation.

(h) **Filing Requirements; Surveys.**

- (1) **Recordings.** The clerk of a city or village which has annexed territory shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall also record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district. Failure to file, record or send shall not invalidate the annexation and the duty to file, record or send shall be a continuing one. The ordinance that is filed, recorded or sent shall describe the annexed territory and the associated population. The information filed with the Secretary of State shall be utilized in making recommendations for adjustments to entitlements under the federal revenue sharing program and distribution of funds under Ch. 79, Wis. Stats. The clerk shall certify annually to the Wisconsin Secretary of State and record with the Register of Deeds a legal description of the total boundaries of the municipality, as those boundaries existed on December 1, unless there has been no change in the twelve (12) months proceeding.
- (2) **State Agency Review.** Within ten (10) days of receipt of the annexation ordinance, certificate and plat, the Secretary of State shall forward two (2) copies of the ordinance, certificate and plat to the Wisconsin Department of Transportation, one (1) copy to the Wisconsin Department of Administration, one (1) copy to the Wisconsin Department of Revenue, one (1) copy to the Wisconsin Department of Public Instruction, one (1) copy to the Wisconsin Department of Safety and Professional Services, one (1) copy to the Wisconsin Department of Natural Resources, and one (1) copy to the Wisconsin Department of Agriculture, Trade and Consumer Protection, and two (2) copies to the clerk of the municipality from which the territory was annexed.
- (3) **Special Survey.** Any city or village may direct a survey of its present boundaries to be made, and when properly attested, the survey and plat may be filed in the Office of the Register of Deeds in the county in which the city or village is located, whereupon the survey and plat shall be prima facie evidence of the facts therein set forth.

- (i) **Validity of Plats.** Where any annexation is declared invalid but prior to such declaration and subsequent to such annexation a plat has been submitted and has been approved as required in Section 236.10(1)(a), Wis. Stats., such plat shall be deemed validly approved despite the invalidity of the annexation.
- (j) **Action Contesting Validity of Annexation.**
  - (1) **Time of Commencement.** An action on any grounds whatsoever, whether denominated procedural or jurisdictional, to contest the validity of an annexation shall be commenced within the time after adoption of the annexation ordinance provided by Section 893.73(2), Wis. Stats.
  - (2) **Preference in Circuit Court.** An action contesting an annexation shall be given preference in circuit court.
- (k) **Review of Annexations.**
  - (1) **Annexations Within Populous Counties.** No annexation proceeding within a county having a population of fifty thousand (50,000) or more shall be valid unless the person causing a notice of annexation is published under Subsection (c) shall within five (5) days of the publication mail a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the Wisconsin Department of Administration (Department). The Department may within twenty (20) days after the receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. No later than ten (10) days after mailing the notice, the Department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed of the reasons the annexation is against the public interest as defined in Subsection (k)(2) below. The annexing municipality shall review the advice before final action is taken.
  - (2) **Definition of Public Interest.** For purposes of this Subsection, "public interest" is determined by the Wisconsin Department of Administration after consideration of the following:
    - a. Whether the government services, including zoning, to be supplied to the territory could clearly be better supplied by the town or some other village or city whose boundaries are contiguous to the territory proposed for annexation which files with the circuit court a certified copy of a resolution adopted by a two-thirds vote of the elected members of the governing body indicating a willingness to annex the territory upon receiving an otherwise valid petition for the annexation of the territory.
    - b. The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.
- (l) **Unanimous Approval Annexations.** If a petition for direct annexation signed by all of the electors residing in the territory and the owner of all of the real property in the territory

is filed with the city or village clerk, and with the town clerk of the town or towns in which the territory is located, together with a scale map and a legal description of the property to be annexed, an annexation ordinance for the annexation of the territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of Subsection (c) above. In such annexations, subject to Subsection (k), the person filing the copy of the scale map and a legal description of the territory to be annexed to the Wisconsin Department of Administration and the governing body shall review the advice of the Department, if any, before enacting the annexation ordinance.

- (m) **Review Requirements.** The provisions of Subsection (l) do not eliminate the necessity for review as required by Subsection (k).
- (n) **Annexation of Town Islands.** Upon its own motion, a city or village by a two-thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the village or city on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory and the name of the town or towns from which the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file six (6) certified copies of the ordinance in the office of the Wisconsin Secretary of State, together with six (6) copies of the scale map. The Secretary of State shall forward two (2) copies of the ordinance and scale map to the Wisconsin Department of Transportation, one (1) copy to the Wisconsin Department of Natural Resources, one (1) copy to the Wisconsin Department of Revenue, and one (1) copy to the Wisconsin Department of Administration. This subsection does not apply if the town island was created only by the annexation of a railroad right-of-way or drainage ditch. This Subsection does not apply to land owned by a town government which has existing town government buildings located thereon. No town island may be annexed under this Subsection if the island consists of over sixty-five (65) acres or contains over one hundred (100) residents. After December 2, 1973, no city or village may, by annexation, create a town island, which is completely surrounded by the city or village.
- (o) **Effective Date of Annexations.** Because the creation of congressional, legislative, supervisory and aldermanic districts of equal population is a matter of statewide concern, any annexation action that affects a tract of land that is the subject of an ordinance enacted or resolution adopted by any city during the period from January 1, 1990 to April 1, 1991, or any later date, expressing an intent to not exercise the city's authority to annex territory before April 1, 1991, or the specified later date, taken by a municipality during the period beginning on April 1 of the year commencing after each federal decennial census of population and ending on June 30 of the year commencing after that census, is effective on July 1 of the year commencing after that census or at such later date as may be specified in the annexation ordinance. This Subsection first applies to annexations effective after March 31, 1991.

- (p) **Annexation of Municipal-Owned Territory.** In addition to other methods provided by law and subject to Sections 59.692(7), 66.0223 and 66.0307, Wis. Stats., territory owned by and lying near but not necessarily contiguous to a village or city may be annexed to a village or city by ordinance enacted by the board of trustees of the village or the common council of the city, provided that in the case of noncontiguous territory the use of the territory by the village or city is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached and shall operate to attach the territory to the village or city upon the filing of six (6) copies of a plat showing the boundaries of the territory attached. Two (2) copies of the ordinance and plat shall be forwarded by the Wisconsin Secretary of State to the Wisconsin Department of Transportation, one (1) copy to the Wisconsin Department of Natural Resources, one (1) copy to Wisconsin Department of Revenue, and one (1) copy to the Wisconsin Department of Public Instruction.

**Sec. 13-1-48 through Sec. 13-1-79      Reserved for Future Use.**

## Article C: Zoning Districts

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### **Sec. 13-1-80 Establishment of Districts.**

- (a) **Zoning Districts Designated.** For the purpose of this Chapter, the Village of Bristol is hereby divided into twenty-eight (28) basic districts and five (5) overlay districts.
- (b) **Basic Districts Established.** The Village of Bristol Zoning Code establishes the following basic zoning districts:
  - (1) A-1 Agricultural Preservation District.
  - (2) A-2 General Agricultural District.
  - (3) A-3 Agricultural Related Manufacturing, Warehousing and Marketing District.
  - (4) A-4 Agricultural Land Holding District.
  - (5) R-1 Rural Residential District.
  - (6) R-2 Suburban Single-Family Residential District.
  - (7) R-3 Urban Single-Family Residential District.
  - (8) R-4 Urban Single-Family Residential District.
  - (9) R-5 Urban Single-Family Residential District.
  - (10) R-6 Urban Single-Family Residential District.
  - (11) R-7 Suburban Two-Family and Three-Family Residential District.
  - (12) R-8 Urban Two-Family Residential District.
  - (13) R-9 Multiple-Family Residential District.
  - (14) R-10 Multiple-Family Residential District.
  - (15) R-11 Multiple-Family Residential District.
  - (16) R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District.
  - (17) B-1 Neighborhood Business District.
  - (18) B-2 Community Business District.
  - (19) B-3 Highway Business District.
  - (20) B-5 Wholesale Trade and Warehousing District.
  - (21) M-1 Limited Manufacturing District.
  - (22) M-2 Heavy Manufacturing District.
  - (23) M-3 Mineral Extraction District.
  - (24) M-4 Sanitary Landfill and Hazardous Waste Disposal District.
  - (25) I-1 Institutional District.
  - (26) PR-1 Park-Recreation District.
  - (27) C-1 Lowland Resource Conservancy District.
  - (28) C-2 Upland Resource Conservancy District.
- (c) **Overlay Districts Established.** The Village of Bristol Zoning Code establishes the following overlay zoning districts:
  - (1) AO Airport Overlay District (Sec. 13-1-130).
  - (2) RC Rural Cluster Development Overlay District (Sec. 13-1-131).

- (3) AE Adult Establishments Overlay District (Sec. 13-1-132).
- (4) HO Historical Overlay District (Sec. 13-1-133).
- (5) FPO Floodplain Overlay District (Sec. 13-1-134).

## **Sec. 13-1-81 Zoning Map; District Boundaries.**

- (a) **Zoning Map Established.** The boundaries of the zoning districts enumerated in Section 13-1-80 above are hereby established as shown on the map entitled *Zoning Map – Village of Bristol, Wisconsin*, as amended, which is adopted and incorporated herein by reference and made a part hereof. The zoning map shall bear upon its face the attestation of the Village President and Village Clerk-Treasurer, and shall be available to the public in the Office of the Village Clerk-Treasurer.
- (b) **Boundary Lines.**
  - (1) The boundaries of basic zoning districts shall be construed to follow corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad rights-of-way; or such lines extended unless otherwise noted on the Zoning Map.
  - (2) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, such lot line shall be construed to be the boundary of the district.
- (c) **Vacation of Streets.** Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village of Bristol subsequent to the effective date of this Chapter shall be placed in the A-4 Agricultural Land Holding District until formally rezoned, unless the annexation ordinance temporarily placed the land in another zoning district.
- (e) **Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
  - (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
  - (2) Boundaries indicated as approximately following platted lot lines shall be construed as following lot lines.
  - (3) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
  - (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

- (5) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
- (6) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

## **Sec. 13-1-82 A-1 Agricultural Preservation District.**

### **(a) Primary Purposes and Characteristics.**

- (1) The Village of Bristol recognizes that the rapid conversion of farm land to urban uses has lead to increasing public concern over such conversion. This concern centers on the perceived loss of the:
  - a. Local agriculture economic base;
  - b. Loss of agricultural land as a valuable natural resource with the attendant loss of the aesthetic and environmental values associated with that resource; and
  - c. Loss of the rural lifestyle, and the attendant high costs of providing urban services as well as resolving potential urban-rural conflicts which arise as a result of urban encroachment into rural areas.
- (2) The A-1 Agricultural Preservation District is intended to maintain, enhance, and preserve agricultural lands historically utilized for crop production and the raising of livestock. The preservation of such agricultural lands is intended to conserve energy, prevent urban sprawl, maintain open space, retain natural systems and natural processes, control public costs, preserve the local economic base, promote local self-sufficiency, preserve the rural lifestyle, and maintain regional, state and national agricultural reserves. The District is further intended to prevent the premature conversion of agricultural land to scattered residential, commercial and industrial uses.
- (3) The A-1 Agricultural Preservation District is intended to meet and comply with the Wisconsin Farmland Preservation Act of 1977 as amended, which calls for the creation of agricultural preservation zoning districts, so as to allow the owners of such lands an opportunity to claim farmland preservation credits permitted pursuant to Section 71.09(11), Wis. Stats.
- (4) It is recognized that it is neither possible or practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this Section shall have the right to file petition with the Zoning Administrator for a

determination as to the similarity of the intended use with the permitted and accessory uses listed below in Subsections (a) and (b).

(b) **Permitted Uses.** The following are permitted use in the A-1 District:

- (1) Beekeeping (apiculture).
- (2) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
- (3) Contract sorting, grading and packaging of fruits and vegetables.
- (4) Corn shelling.
- (5) Dairy farming and general agriculture.
- (6) Essential services.
- (7) One (1) single-family dwelling.
- (8) General farm buildings including agricultural windmills, barns, silos, sheds, and storage bins provided, however, that said structures are located at least one hundred (100) feet away from any off-premise neighboring residential buildings.
- (9) Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a nonconforming use, provided that the remaining lot shall conform to the yard requirements of this District and the lot area and width requirements for a second single-family farm dwelling set forth in Sec. 13-1-177(b)(126).
- (10) Single-family residence on lots of record created prior to the adoption of this Chapter where said existing lot is less than thirty-five (35) acres [see Sec. 13-1-202].
- (11) Floriculture (cultivation of ornamental flowering plants).
- (12) Forest and game management.
- (13) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
- (14) Grazing or pasturing.
- (15) Greenhouses, not including retail sales of plants and flowers.
- (16) Hay baling.
- (17) Livestock raising, except commercial feed lot and fur farms.
- (18) Orchards.
- (19) Paddocks.
- (20) Pea viners.
- (21) Plant nurseries.
- (22) Poultry raising, except commercial egg production and commercial poultry feed lots.
- (23) Raising of grain, grass, mint and seed crops.
- (24) Raising of tree fruits, nuts and berries.
- (25) Riding stables and indoor riding arenas (private).
- (26) Sod farming.
- (27) Threshing services.
- (28) Vegetable raising.
- (29) Viticulture (grape growing).

- (c) **Accessory Uses.** The following are accessory uses in the A-1 District:
- (1) Feed lots (not commercial and only for permitted farm uses).
  - (2) Accessory buildings, such as detached garages, sheds and gazebos (see Sec. 13-1-400).
  - (3) Home occupations and professional home offices, except those allowed as permitted uses in Sec. 13-1-174.
  - (4) Roadside stands [one (1) such stand permitted only for selected farm products produced on the premises and not exceeding 300 square feet in floor area].
  - (5) Storage, curing, drying, churning and packaging of products and crops produced on the land provided, however, such products are not commercially sold as part of a retail business conducted on the land.
  - (6) Swimming pools and spas (see also Sec. 13-1-403).
  - (7) Fences (see also Sec. 13-1-402).
- (d) **Conditional Uses.** The following are conditional uses in the A-1 District [See also Article E of this Chapter]:
- (1) Air strips, landing fields and hangers for personal or agricultural related uses.
  - (2) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (3) Concrete and asphalt batch plants temporarily located on a parcel.
  - (4) Gas and electric utility uses not requiring authorization under Sec. 196.491(3), Wis. Stats.
  - (5) Housing for farm laborers or caretakers.
  - (6) Housing for seasonal or migratory farm workers.
  - (7) Kennels (commercial or noncommercial).
  - (8) A second single-family farm related residential dwelling.
  - (9) Storage of recreational vehicles, boats or snowmobiles.
  - (10) Utility substation.
  - (11) Wind energy conversion systems.
  - (12) Bed and breakfast establishments.
  - (13) Cellular and digital communications facilities.
  - (14) Riding stables and indoor riding arenas (public).
  - (15) Borrow pits (temporary); stockpiling or filling of clean fill materials.
- (e) **Parcel Area and Width.** Farm structures hereafter erected, placed, moved or structurally altered and related farm activities shall provide a contiguous area of not less than thirty-five (35) acres and no farm shall have a frontage of less than six hundred (600) feet in width.
- (f) **Building Type; Separation; Number; Height and Area.**
- (1) No structure or improvement may be built on any land in the A-1 Agricultural Preservation District unless said structure or improvement is consistent with agricultural uses.
  - (2) For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this Chapter may be separated from a larger farm parcel.

- (3) No farm buildings or parts of farm buildings shall exceed one hundred (100) feet in height.
- (4) No residential dwelling, or part thereof, shall exceed thirty-five (35) feet in height.
- (5) A total minimum floor area of a residential dwelling shall be a minimum of one thousand (1,000) square feet with a minimum first floor area of one thousand (1,000) square feet.
- (6) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than five (5) feet horizontal to twelve (12) feet vertical (5:12), and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.

(g) **Yards.**

- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than fifty (50) feet.

(h) **Authorized Sanitary Sewer System.**

- (1) On-site sewage disposal absorption system.
- (2) Public sanitary sewer.

(i) **Rezoning, Conditional Uses, and Enforcement.** Any rezoning of any parcel of land in the A-1 Agricultural Preservation District shall be in accordance with Sec. 91.77, Wis. Stats. Furthermore, the Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of the approval of any conditional use permits in the A-1 District. Enforcement provisions necessary for the proper administration of the Farmland Preservation Act shall be as specified in Ch. 91, Wis. Stats.

*State Law Reference:* Ch. 91, Wis. Stats.

*Cross-Reference:* Title 7, Chapter 12 Large Livestock Operations

## **Sec. 13-1-83 A-2 General Agricultural District.**

(a) **Primary Purposes and Characteristics.**

- (1) The A-2 General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Agricultural Preservation District and which are generally

best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural related farming activity. This District is also intended to provide areas for activities normally associated with rural surroundings, such as rural estate and other existing residential development, such as existing residential development abutting Village roads along which further development may occur as essential services become available.

- (2) It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the principal and accessory uses listed below.
- (b) **Permitted Uses.** In addition to those principal uses permitted in the A-1 Agricultural Preservation District, the following are permitted uses in the A-2 General Agricultural District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Equestrian trails.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
- (c) **Accessory Uses.**
  - (1) Those accessory uses permitted in the A-1 Agricultural Preservation District.
- (d) **Conditional Uses.** The following are conditional uses in the A-2 General Agricultural District [see also Article E of this Chapter]:
  - (1) Air strips, landing fields and hangers for personal or agricultural related uses.
  - (2) Assemblies over five thousand (5,000) or more individuals.
  - (3) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (4) Concrete and asphalt batch plant temporarily located on a parcel.
  - (5) Housing for farm laborers or caretakers.
  - (6) Kennels (commercial and noncommercial).
  - (7) Indoor storage of recreational vehicles, boats and snowmobiles.
  - (8) Utility substations.
  - (9) Bed and breakfast establishments.
  - (10) Wind energy conversion systems.
  - (11) Cellular and digital communications facilities.
  - (12) Borrow pits (temporary); stockpiling or filling of clean fill materials.
  - (13) Riding stables and indoor riding arenas (public).
- (e) **Parcel Area and Width.**
  - (1) Parcels shall have a minimum area of ten (10) acres; and

- (2) All such parcels shall have a minimum frontage of not less than three hundred (300) feet in width [minimum width of two hundred and fifty (250) feet where a street has divided a parcel in half].
- (f) **Building Height and Area.**
  - (1) No farm building or farm related building shall exceed one hundred (100) feet in height.
  - (2) No residential dwelling shall exceed thirty-five (35) feet in height.
  - (3) The total minimum floor area of a residential dwelling shall be one thousand (1,000) square feet with a minimum first floor area of one thousand (1,000) square feet.
  - (4) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than five (5) feet horizontal to twelve feet vertical (5:12), and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state, and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than fifty (50) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) On-site sewage disposal absorption system.
  - (2) Public sanitary sewer.

## **Sec. 13-1-84 A-3 Agricultural Related Manufacturing, Warehousing and Marketing District.**

- (a) **Primary Purposes and Characteristics.**
  - (1) The primary purpose of the A-3 Agricultural Related Manufacturing, Warehousing and Marketing District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial, commercial, marketing and service activities that are dependent upon or closely allied to the agricultural industry. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter [see Sec. 13-1-444].
  - (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of permitted and accessory uses only be illustrative.

Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

(b) **Permitted Uses.** The following are permitted uses in the A-3 Agricultural Related Manufacturing, Warehousing and Marketing District:

- (1) Agricultural warehousing (commercial).
- (2) Seed and grain processing and preparation.
- (3) Blending and preparing of flour.
- (4) Breeding services.
- (5) Canning of fruits, vegetables, preserves, jams and jellies.
- (6) Commercial storage, curing, drying, churning, processing and packaging of agricultural products.
- (7) Contract sorting, grading and packaging services for fruits and vegetables.
- (8) Cornshelling, hay baling and threshing services.
- (9) Drying and dehydrating fruits and vegetables.
- (10) Fluid milk processing.
- (11) Fruit and vegetable pickling, vegetable sauces and seasoning, salad dressing preparation.
- (12) Fur farm.
- (13) Grain elevators and bulk storage of feed grains.
- (14) Grist mill services.
- (15) Milling of rice, vegetable and soybean oil.
- (16) Poultry and small game dressing and packing providing all operations shall be conducted within an enclosed building.
- (17) Poultry hatching services.
- (18) Preparation of cereals.
- (19) Preparation of feeds for animals and fowl.
- (20) Production of chocolate and cocoa.
- (21) Production of condensed and evaporated milk.
- (22) Production of creamery butter.
- (23) Production of flour and other grain mill product.
- (24) Production of frozen fruits, fruit juices, vegetables and other specialties.
- (25) Production of natural and processed cheese.
- (26) Production of wine, brandy and spirits.
- (27) Sales or maintenance of farm implements and related equipment.
- (28) Sugar processing and production.
- (29) Wet milling of corn.

(c) **Accessory Uses.** The following are accessory uses in the A-3 District:

- (1) Agricultural windmills.
- (2) Living quarters for not more than two (2) watchmen or caretakers.

- (d) **Conditional Uses.** The following are conditional uses in the A-3 Agricultural Related Manufacturing, Warehousing and Marketing District [see also Article E of this Chapter]:
- (1) Commercial egg production.
  - (2) Commercial feed lot.
  - (3) Concrete and asphalt batch plants temporarily located on a parcel.
  - (4) Fertilizer production, sales, storage, mixing, and blending.
  - (5) Gasohol (ethanol) and fuel-related alcohol plants.
  - (6) Livestock sales facilities.
  - (7) Malt production.
  - (8) Meat packing, slaughterhouses and production of sausages and other meat products.
  - (9) Processing and packaging of animal bedding materials.
  - (10) Production of animal and marine fats and oils.
  - (11) Production of shortening, table oils, margarine, and other edible fats and oils.
  - (12) Utility substations.
  - (13) Wind energy conversions systems.
  - (14) Cellular and digital communications facilities.
- (e) **Parcel Area and Width.**
- (1) Parcels shall have a minimum area of five (5) acres; and
  - (2) All such parcels shall have a frontage of not less than three hundred (300) feet in width [ minimum width of two hundred and fifty (250) feet where a street had divided a parcel in half].
- (f) **Building Height, Area and Design Standards.**
- (1) No building located in an A-3 District shall exceed one hundred (100) feet in height.
  - (2) No maximum or minimum building areas shall be required in the A-3 District due to the variety of uses within this District and the diverse building demands of each use.
  - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than five (5) feet horizontal to twelve (12) feet vertical (5:12), and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than fifty (50) feet.
- (h) **Authorized Sanitary Sewer System.**
- (1) On-site sewage disposal absorption system.
  - (2) Public sanitary sewer system.

## **Sec. 13-1-85 A-4 Agricultural Land Holding District.**

### **(a) Primary Purposes and Characteristics.**

- (1) The Village of Bristol recognizes that the premature piecemeal conversion of farmland to urban uses has led to increasing public concern over such conversion. This concern centers on the sprawling of urban population, the increasing cost of providing urban services, and the loss of agricultural lands as a valuable natural resource. Therefore, the A-4 Agricultural Land Holding District is intended to maintain and generally preserve for a limited period those lands where urban expansion is proposed to take place on the adopted Village Comprehensive Plan or other local land use plans that refine and detail Village planning. It is intended that the status of all areas placed in this District be reviewed by the Village Board and/or Plan Commission no less frequently than every two (2) years to determine whether, in light of current development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.
- (2) It is recognized that it is neither possible or practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

### **(b) Permitted Uses.** The following are permitted used in the A-4 Agricultural Land Holding District:

- (1) Apiculture (beekeeping).
- (2) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
- (3) Contract sorting, grading and packaging of fruits and vegetables.
- (4) Corn shelling.
- (5) Dairy farming and general agriculture.
- (6) Essential services.
- (7) One (1) farm dwelling.
- (8) General farm buildings including agricultural windmills, barns, silos, sheds and storage bins provided, however, that said structures are located at least one hundred (100) feet away from any off-premise neighboring residential buildings.
- (9) Existing residential dwellings remaining after the consolidation of farms with said dwellings not to be considered a nonconforming use, provided that the remaining lot

shall conform to the yard requirements of this District and the lot area and width requirements for a second single-family farm dwelling as set forth in Sec. 13-1-177(b)(126).

- (10) Single-family residence on lots of record created prior to the adoption of this Chapter where said existing lot is less than thirty-five acres [see Sec. 13-1-202].
  - (11) Floriculture (cultivation of ornamental flowering plants).
  - (12) Forest and game management.
  - (13) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (14) Grazing and pasturing.
  - (15) Greenhouses, not including retail sales of plants and flowers.
  - (16) Hay baling.
  - (17) Livestock raising, except commercial feed lot and fur farms.
  - (18) Orchards.
  - (19) Paddocks.
  - (20) Pea viners.
  - (21) Plant nurseries.
  - (22) Poultry raising, except commercial egg production and commercial poultry feed lots.
  - (23) Raising of grain, grass, mint and seed crops.
  - (24) Raising of tree fruits, nuts and berries.
  - (25) Sod farming.
  - (26) Threshing services.
  - (27) Vegetable raising.
  - (28) Viticulture (grape growing).
- (c) **Accessory Uses.** The following are accessory uses in the A-4 District:
- (1) Feed lot (not commercial and only for permitted farm uses).
  - (2) Accessory buildings, such as detached garages, sheds and gazebos [See Sec. 13-1-400].
  - (3) Home occupations and professional home offices [See Sec. 13-1-174].
  - (4) Roadside stands [one (1) such stand permitted only for selected farm products produced on the premises and not exceeding three hundred (300) square feet in floor area].
  - (5) Storage, curing, drying, churning and packaging of products and crops produced on the land, provided, however, such products are not processed on the land and provided further that such products are not commercially sold as part of a retail business conducted on the land.
  - (6) Swimming pools and spas [see Sec. 13-1-403].
  - (7) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the A-4 Agricultural Land Holding District [see also Article E of this Chapter]:

- (1) Air strips, landing fields and hangers for personal or agricultural related uses.
  - (2) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (3) Concrete and asphalt batch plants temporarily located on a parcel.
  - (4) Gas and electric utility uses not requiring authorization under Sec. 196.491(3), Wis. Stats.
  - (5) Housing for farm laborers or caretakers.
  - (6) Housing for seasonal or migratory farm workers.
  - (7) A second single-family farm-related residential dwelling.
  - (8) Storage of recreational vehicles, boats or snowmobiles.
  - (9) Utility substation.
  - (10) Wind energy conversion systems.
  - (11) Bed and breakfast systems [see Sec. 13-1-173].
  - (12) Cellular and digital communication facilities.
  - (13) Borrow pits (temporary); stockpiling or filling of clean fill materials.
  - (14) Riding stables and indoor arenas (public).
- (e) **Parcel Area and Width.** Farm structures hereafter erected, placed, moved or structurally altered and related farm activities shall provide a contiguous area of not less than thirty-five (35) acres and no farm shall have a frontage of less than six hundred (600) feet in width.
- (f) **Building Type, Separation, Number, Height and Area.**
- (1) No structure or improvement may be built on any land in the A-4 Agricultural Land Holding District unless said structure or improvement is consistent with agricultural uses.
  - (2) For purposes of farm consolidation, farm residences or structures which existed prior to the adoption of this Chapter may be separated from a larger farm parcel.
  - (3) No farm buildings or parts of farm buildings shall exceed one hundred (100) feet in height.
  - (4) No residential dwelling or part thereof shall exceed thirty-five (35) feet in height.
  - (5) A total minimum floor area of a residential dwelling shall be a minimum of one thousand (1,000) square feet with a minimum first floor area of one thousand (1,000) square feet.
  - (6) All residential dwellings shall be attached to a permanent foundation, be properly connected to required utilities, have a building footprint of not less than twenty-four (24) feet in width, have a roof pitch of not less than five (5) feet horizontal to twelve (12) feet vertical (5:12), and an eave extension of at least six (6) inches.
- (g) **Yards.**
- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state, and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.

- (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than fifty (50) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) On-site sewage disposal absorption system.
  - (2) Public sanitary sewer.

## **Sec. 13-1-86 R-1 Rural Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-1 Rural Residential District is intended to provide for single-family residential development, in a predominantly rural setting, at densities not to exceed 0.2 dwelling units per acre.
- (b) **Permitted Uses.** The following are permitted uses in the R-1 Rural Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (4) One (1) single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-1 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [See Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-1 Rural Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons which shall be in conformance with all state statutory requirements.
  - (2) Household stable.
  - (3) Model single-family homes and related temporary real estate sales office located within the model unit.
  - (4) Utility substations.
  - (5) Wind energy conversion systems.
  - (6) Bed and breakfast establishments [see Sec. 13-1-173].
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of five (5) acres.
  - (2) All lots shall have a frontage of not less than two hundred and fifty (250) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to one hundred and twenty-five (125) feet of frontage provided there is at least two hundred and fifty (250) feet of width at the required building setback line.

(f) **Building, Height, Area and Design Standards.**

- (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
- (2) The total minimum floor area of a dwelling shall be one thousand four hundred (1,400) square feet with a minimum first floor area of one thousand (1,000) square feet.
- (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than five (5) feet horizontal by twelve (12) feet vertical (5:12), and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.

(g) **Yards.**

- (1) **Street Yards.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than fifty (50) feet.

(h) **Authorized Sanitary Sewer System.**

- (1) On-site sewage disposal absorption system.
- (2) Public sanitary sewer.

## **Sec. 13-1-87 R-2 Suburban Single-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-2 Suburban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 1.1 dwelling units per net acre, served by on-site soil absorption sanitary sewage systems (septic tanks) and private wells.
- (b) **Permitted Uses.** The following are permitted uses in the R-2 Suburban Single-Family Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (4) One (1) single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-2 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].

- (2) Home occupations and professional home offices [see Sec. 13-1-174].
- (3) Swimming pools and spas [see Sec. 13-1-403].
- (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following uses are conditional uses in the R-2 Suburban Single-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Model single-family home and related temporary real estate sales office located within the model unit.
  - (3) Utility substations.
  - (4) Bed and breakfast establishments [see Sec. 13-1-173].
  - (5) Cluster subdivisions, if served by public sewer [see Sec. 13-1-131].
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum are of eighty thousand (80,000) square feet, with two (2) sites available for septic/mound system placement.
  - (2) All lots shall be not less than one hundred and forty (140) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to seventy (70) feet of frontage provided there is at least one hundred and forty (140) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of the dwelling shall be one thousand two hundred (1,200) square feet with a minimum first floor area of eight hundred (800) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state, or county trunk highways and not less than thirty (30) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.

## **Sec. 13-1-88 R-3 Urban Single-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-3 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 2.2 dwelling units per net acre, served only by public sanitary sewage facilities.

- (b) **Permitted Uses.** The following are permitted uses in the R-3 Urban Single-Family Residential District:
- (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (4) One single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-3 District:
- (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-3 Urban Single-Family Residential District [see also Article E of this Chapter]:
- (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.
  - (3) Utility substation.
  - (4) Bed and breakfast establishments [see Sec. 13-1-172].
  - (5) Cluster subdivisions, if served by public sewer [see Sec. 13-1-131].
- (e) **Lot Area and Width.**
- (1) Lots shall have a minimum area of twenty thousand (20,000) square feet.
  - (2) All lots shall be not less than one hundred (100) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to fifty (50) feet of frontage provided there is at least one hundred (100) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
- (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of a dwelling shall be one thousand two hundred (1,200) square feet with a minimum first floor area of eight hundred (800) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state, and county trunk highways and not less than thirty (30) feet from the right-of-way of all other roads.

- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) Public sanitary sewer.
  - (2) On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this Chapter, provided that Sec. 13-1-443 is fully complied with.

### **Sec. 13-1-89 R-4 Urban Single-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-4 Urban Single-Family Residential District is intended to provide for single-family residential development at densities not exceeding 2.9 dwelling units per net acre served by public sanitary sewage facilities.
- (b) **Permitted Uses.** The following are permitted uses in the R-4 Urban Single-Family Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (4) One (1) single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-4 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-4 Urban Single-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.
  - (3) Utility substations.
  - (4) Bed and breakfast establishments [see Sec. 13-1-172].
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum of fifteen (15,000) square feet.
  - (2) All lots shall be not less than ninety (90) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to forty-five (45) feet of

frontage provided there is at least ninety (90) feet of width at the required building setback line.

(f) **Building Height, Area and Design Standards.**

- (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
- (2) The total minimum floor area of a dwelling shall be one thousand two hundred (1,200) square feet with a minimum first floor area of eight hundred (800) square feet.
- (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.

(g) **Yards.**

- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than thirty (30) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.

(h) **Authorized Sanitary Sewer System.**

- (1) Public sanitary sewer.
- (2) On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this Chapter, provided that Sec. 13-1-443 is fully complied with.

## **Sec. 13-1-90 R-5 Urban Single-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-5 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 4.4 dwelling units per net acre, served by public sanitary sewage facilities.
- (b) **Permitted Uses.** The following are permitted uses in the R-5 Urban Single-Family Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (4) One (1) single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-5 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].

- (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-5 Urban Single-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit.
  - (3) Utility substations.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum of ten thousand (10,000) square feet.
  - (2) All lots shall be not less than seventy-five (75) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to forty (40) feet of frontage provided there is at least seventy-five (75) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of a dwelling shall be one thousand (1,000) square feet with a minimum first floor area of eight hundred (800) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) if the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state or county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) Public sanitary sewer.
  - (2) On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this Chapter, provided that Sec. 13-1-443 is fully complied with.

## **Sec. 13-1-91 R-6 Urban Single-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-6 Urban Single-Family Residential District is intended to accommodate existing single-family development where densities may reach 7.3 dwelling units per net acre in order that residences in these districts shall not be rendered nonconforming uses. The District further provides for new development to fill in voids in existing small lot subdivisions. All R-6 District development should preferably be served by public sanitary sewage systems. Any additional lands or new subdivisions shall be considered for rezoning into this District only if the individual parcels in the aforementioned subdivision are six thousand (6,000) square feet per unit or less and served by public sanitary sewer.
- (b) **Permitted Uses.** The following are permitted uses in the R-6 Urban Single-Family Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and in conformance with all state statutory requirements.
  - (4) One (1) single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-6 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-6 Urban Single-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Utility substations.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of six thousand (6,000) square feet.
  - (2) All lots shall be not less than sixty (60) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to thirty (30) feet of frontage provided there is at least sixty (60) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of a dwelling shall be eight hundred (800) square feet with a minimum first floor area of eight hundred (800) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, to be properly connected to all required utilities, have a building footprint of which the dwelling unit

is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.

(g) **Yards.**

- (1) **Street Yard.** Not less than thirty (30) feet from the right-of-way of all federal, state or county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than eight (8) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.

(h) **Authorized Sanitary Sewer System.**

- (1) On-site sewage disposal absorption system only for lots of record existing at the time of adoption of this Chapter.
- (2) Public sanitary sewer.

## **Sec. 13-1-92 R-6A Urban Single-Family Residential District (Lake).**

- (a) **Primary Purposes and Characteristics.** The R-6A Urban Single-Family Residential District (Lake) is intended to accommodate existing single-family development on lakefront lots in the Village of Bristol where densities may reach 7.3 dwelling units per net acre in order that residences in this District shall not be rendered nonconforming uses. The R-6A District recognizes that lakefront lots were typically developed with small dimensions. No further land divisions of existing lots of record is permitted. All R-6A District development should preferably be served by public sanitary sewage systems.
- (b) **Permitted Uses.** The following are permitted uses in the R-6A Urban Single-Family Residential District (Lake) District:
  - (1) One (1) single-family dwelling.
  - (2) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (3) Essential services.
  - (4) Foster family homes having less than four (4) foster children and in conformance with all state statutory requirements.
- (c) **Accessory Uses.** The following are accessory uses in the R-6A District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences.

- (5) One (1) boathouse on lots abutting navigable water, such boathouse to be incidental to the residential principal structure and located on the same lot. A boathouse shall not be used for human habitation or for a home occupation/professional home office purposes.
- (d) **Conditional Uses.** The following are conditional uses in the R-6A District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Utility substations.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of six thousand (6,000) square feet.
  - (2) All lots shall be not less than fifty (50) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to thirty (30) feet of frontage provided there is at least fifty (50) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of a dwelling shall be eight hundred (800) square feet with a minimum first floor area of eight hundred (800) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, to be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
  - (4) A permitted boathouse shall not exceed five hundred (500) square feet or fifteen (15) feet in height.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than thirty (30) feet from the right-of-way of all federal, state, or county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than fifty (50) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than eight (8) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) On-site sewage disposal absorption system only for lots of record existing at the time of adoption of this Chapter.
  - (2) Public sanitary sewer.

## **Sec. 13-1-93 R-7 Suburban Two-Family and Three-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-7 Suburban Two-Family and Three-Family Residential District is intended to provide for two-family and three-family residential development in areas where public sanitary sewage facilities are not available, and densities do not exceed 1.1 dwelling units per net acre for two-family development and 1.3 dwelling units per net acre for three-family development.
- (b) **Permitted Uses.** The following are permitted uses in the R-7 Suburban Two-Family and Three-Family Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (4) One (1) two-family dwelling or one (1) three-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-7 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-7 Suburban Two-Family and Three-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.
  - (3) Utility substations.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of eighty thousand (80,000) square feet for a two-family dwelling, and a minimum area of one hundred thousand (100,000) square feet for a three-family home.
  - (2) All lots shall be not less than one hundred fifty (150) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to seventy-five (75) feet of frontage provided there is at least one hundred fifty (150) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of a two-family residential structure shall be two thousand (2,000) square feet or one thousand (1,000) square feet per unit. The

minimum first floor area of the structure shall be one thousand five hundred (1,500) square feet.

- (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than twenty (20) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) On-site sewage disposal absorption system.

## **Sec. 13-1-94 R-8 Urban Two-Family Residential District.**

- (a) **Purposes and Characteristics.** The R-8 Urban Two-Family Residential District is intended to provide for two-family residential development at densities not to exceed 4.4 dwelling units per net acre served by public sanitary sewage facilities.
- (b) **Permitted Uses.** The following are permitted uses in the R-8 Urban Two-Family Residential District:
  - (1) Community living arrangements having a capacity of eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (4) One (1) two-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the R-8 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Home occupations and professional home offices [see Sec. 13-1-174].
  - (3) Swimming pools and spas [see Sec. 13-1-403].
  - (4) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-8 Urban Two-Family Residential District [see also Article E of this Chapter]:

- (1) Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements.
  - (2) Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.
  - (3) Utility substations.
- (e) **Lot Area and Width.**
- (1) Lots shall have a minimum area of twenty thousand (20,000) square feet; and
  - (2) All lots shall be not less than one hundred (100) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to fifty (50) of frontage provided there is at least one hundred (100) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
- (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The total minimum floor area of a two-family residential structure shall be two thousand (2,000) square feet or one thousand (1,000) square feet per unit. The minimum first floor area of the structure shall be one thousand five hundred (1,500) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than thirty (30) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
- (1) Public sanitary sewer.

## **Sec. 13-1-95 R-9 Multiple-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-9 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 8.7 dwelling units per net acre, served by public sanitary sewage facilities. All new

structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.

- (b) **Permitted Uses.** The following shall be permitted uses in the R-9 Multiple-Family Residential District:
  - (1) Community living arrangements having a capacity of fifteen (15) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
- (c) **Accessory Uses.** The following are accessory uses in the R-9 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Swimming pools and spas [see Sec. 13-1-403].
  - (3) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-9 Multiple-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements for sixteen (16) or more persons and which are in conformance with all state statutory requirements.
  - (2) Model apartments and model condominiums and related temporary real estate sales office located within the model unit.
  - (3) Multiple family dwellings not to exceed eight (8) units per structure with densities not to exceed 8.7 units per net acre served by public sanitary sewage facilities.
  - (4) Utility substations.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of the larger of ten thousand (10,000) square feet or five thousand (5,000) square feet per unit.
  - (2) All lots shall have a minimum width of one hundred (100) feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to fifty (50) feet of frontage provided there is at least one hundred (100) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The minimum total floor area of a multiple-family residential structure shall be one thousand five hundred (1,500) square feet, and the minimum first floor area of a multiple-family structure shall be one thousand (1,000) square feet. In addition thereto:
    - a. Efficiency or one (1) bedroom apartments shall have a minimum floor area per dwelling unit of five hundred (500) square feet;
    - b. Two-bedroom apartments shall have a minimum floor area per dwelling unit of seven hundred and fifty (750) square feet; and
    - c. Three-bedroom or more apartments shall have a minimum floor area per dwelling unit of one thousand (1,000) square feet.

- (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50% of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) Public sanitary sewer.

## **Sec. 13-1-96 R-10 Multiple-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-10 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 10.8 dwelling units per net acre served by public sanitary sewage facilities. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (b) **Permitted Uses.** The following are permitted uses in the R-10 Multiple-Family Residential District:
  - (1) Community living arrangements having a capacity of fifteen (15) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
- (c) **Accessory Uses.** The following are accessory uses in the R-10 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Swimming pools and spas [see Sec. 13-1-403].
  - (3) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-10 Multiple-Family Residential District [see also Article E of this Chapter]:
  - (1) Community living arrangements for sixteen (16) or more persons and which are in conformance with all state statutory requirements.

- (2) Multiple-family dwellings not to exceed eight (8) units per structure.
- (3) Model apartments and model condominiums and related temporary real estate sales office located within the model unit.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of twelve thousand (12,000) square feet or four thousand (4,000) square feet per unit, whichever is larger; and
  - (2) All lots shall have a minimum width of one hundred and twenty (120) feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to sixty (60) feet of frontage provided there is at least one hundred and twenty (120) feet of width at the required building setback line.
- (f) **Building Height, Area and Design Standards.**
  - (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
  - (2) The minimum total floor area of a multiple-family residential structure shall be two thousand (2,000) square feet, and in addition thereto:
    - a. The minimum floor area per dwelling unit for an efficiency or one (1) bedroom apartment shall be four hundred (400) square feet;
    - b. The minimum floor area per dwelling unit of a two-bedroom apartment shall be six hundred (600) square feet; and
    - c. The minimum floor area per dwelling unit of a three-bedroom or more apartment shall be eight hundred (800) square feet.
  - (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5:12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) Public sanitary sewer.

## **Sec. 13-1-97 R-11 Multiple-Family Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-11 Multiple-Family Residential District is intended to provide for multiple-family residential development, at densities not to exceed 12.4 dwelling units per acre, served by public sanitary sewage facilities. All new structures

and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.

(b) **Permitted Uses.** The following are permitted uses in the R-11 Multiple-Family Residential District:

- (1) Community living arrangements having a capacity of fifteen (15) or fewer persons and which shall be in conformance with all state statutory requirements.
- (2) Essential services.
- (3) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.

(c) **Accessory Uses.** The following are accessory uses in the R-11 District:

- (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
- (2) Swimming pools and spas [see Sec. 13-1-403].
- (3) Fences [see Sec. 13-1-402].

(d) **Conditional Uses.** The following are conditional uses in the R-11 Multiple-Family Residential District [see also Article E of this Chapter]:

- (1) Community living arrangements for sixteen (16) or more persons and which are in conformance with all state statutory requirements.
- (2) Multiple-family dwellings.
- (3) Housing for the elderly.
- (4) Model apartments and model condominiums and related temporary real estate sales office located within the model unit.

(e) **Lot Area and Width.**

- (1) Lots shall have a minimum area of twenty thousand (20,000) square feet or three thousand (3,000) square feet per unit, whichever is larger; and
- (2) Lots shall have a minimum width of one hundred and twenty (120) feet unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to sixty (60) feet of frontage provided there is at least one hundred twenty (120) feet of width at the required building setback line.

(f) **Building Height, Area and Design Standards.**

- (1) No building or parts of a building shall exceed thirty-five (35) feet in height.
- (2) The minimum total floor area of a multiple-family residential structure shall be three thousand (3,000) square feet, and in addition thereto:
  - a. The minimum floor area per dwelling unit for an efficiency or one (1) bedroom apartment shall be three hundred (300) square feet;
  - b. The minimum floor area per dwelling unit of a two-bedroom apartment shall be five hundred (500) square feet; and
  - c. The minimum floor area per dwelling unit for a three-bedroom or more bedroom apartment shall be six hundred (600) square feet.
- (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit

is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than five (5) feet horizontal to twelve (12) feet vertical (5:12), and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.

(g) **Yards.**

- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.

(h) **Authorized Sanitary Sewer System.**

- (1) Public sanitary sewer.

## **Sec. 13-1-98 R-12 Mobile Home/Manufactured Home Park/ Subdivision Residential District.**

- (a) **Primary Purposes and Characteristics.** The R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District is intended to provide for the location of mobile home/manufactured home parks and mobile home/manufactured home subdivisions in the residential setting that is compatible with adjacent land uses. Mobile homes are declared herein to be residential dwellings and entitled to the same protection from incompatible uses as is afforded in other residential districts. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (b) **Permitted Purposes.** The following are permitted uses in the R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District:
  - (1) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and are in conformance with all state statutory requirements.
  - (2) Essential services.
  - (3) One (1) individual mobile home or manufactured home on a lot in a mobile home park or subdivision.
- (c) **Accessory Uses.** The following are accessory uses in the R-12 District:
  - (1) Accessory buildings, such as detached garages, sheds and gazebos [see Sec. 13-1-400].
  - (2) Swimming pools and spas [see Sec. 13-1-403].
  - (3) Fences [see Sec. 13-1-402].
- (d) **Conditional Uses.** The following are conditional uses in the R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District [see also Article E of this Chapter]:

- (1) Mobile home/manufactured home parks/subdivisions.
- (2) Model mobile home/manufactured home and related temporary real estate sales office located within the model unit.
- (3) Utility substations.
- (e) **Lot Area and Width.**
  - (1) Lots in a mobile home/manufactured home park or subdivision shall have a minimum of seven thousand five hundred (7,500) square feet in area.
  - (2) All lots shall be not less than fifty (50) feet in width unless located on a cul-de-sac or curve in which case the lot frontage may be reduced to thirty (30) feet of frontage provided there is at least fifty (50) feet of width at the required building setback line.
- (f) **Building Height and Area.**
  - (1) No building or parts of a building shall exceed fifteen (15) feet in height.
  - (2) The minimum floor area shall be six hundred (600) square feet.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways; and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than ten (10) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) Public sanitary sewer.
  - (2) On-site sewage disposal absorption system on lots of record created prior to adoption or amendment of this Chapter, provided that Sec. 13-1-403 is fully complied with.

## **Sec. 13-1-99 B-1 Neighborhood Business District.**

- (a) **Primary Purposes and Characteristics.**
  - (1) The B-1 Neighborhood Business District is intended to provide for existing and proposed retail establishments that are located within primarily residential areas and intended to serve the convenience needs of the surrounding neighborhood. To ensure that such uses shall have a character, appearance, and operation compatible with the residential areas they serve, the size of such individual establishment shall be limited. All new structures, uses, and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
  - (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative.

Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

- (b) **Permitted Uses.** The following are permitted uses in the B-1 Neighborhood Business District:
- (1) Bakeries.
  - (2) Barber shops and beauty shops.
  - (3) Dime stores and variety (dollar) stores.
  - (4) Drug stores.
  - (5) Dry cleaning and laundry establishments.
  - (6) Flower shops.
  - (7) Grocery stores and convenience stores.
  - (8) Hardware stores.
  - (9) Hobby stores.
  - (10) Insurance offices.
  - (11) Liquor stores.
  - (12) Professional offices.
  - (13) Real estate offices.
  - (14) Restaurants.
  - (15) Shoe repair stores.
- (c) **Accessory Uses.** The following are accessory uses in the B-1 District:
- (1) Garages for the storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking and loading.
  - (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (d) **Conditional Uses.** The following are conditional uses in the B-1 Neighborhood Business District [see also Article E of this Chapter]:
- (1) Flea markets.
  - (2) Gasoline service stations.
  - (3) Taverns.
  - (4) Utility substations.
- (e) **Lot Area and Width.**
- (1) Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of ten thousand (10,000) square feet and a minimum lot frontage of seventy-five (75) feet in width.
  - (2) Individual businesses served by on-site absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum frontage of one hundred and fifty (150) feet in width.

(f) **Building Height and Area.**

- (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
- (2) Buildings which are individual retail stores shall not exceed two thousand five hundred (2,500) square feet in area and customer service establishments or offices shall not exceed one thousand five hundred (1,500) feet in area.

(g) **Yards.**

- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways; and not less than thirty (30) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.

(h) **Authorized Sanitary Sewer Systems.**

- (1) Public sanitary sewer.
- (2) On-site sewage disposal absorption system.
- (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-100 B-2 Community Business District.**

(a) **Primary Purposes and Characteristics.**

- (1) The B-2 Community Business District is intended to provide for the orderly development of business activities, such as retail stores, office buildings and services in the center of the community and settlements throughout the Village of Bristol. These "downtown" areas should be developed in a manner that would contribute to their role as the center of the community. All new structures, uses, and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

(b) **Permitted Uses.** The following are permitted uses in the B-2 Community Business District:

- (1) Antique and collectors stores.
- (2) Appliance stores.

- (3) Automotive and marine supply stores.
- (4) Bakeries.
- (5) Banks, credit unions and savings and loan associations.
- (6) Bars.
- (7) Barber shops and beauty shops.
- (8) Boat launches.
- (9) Boat and marina supplies.
- (10) Bookstores.
- (11) Bowling alleys.
- (12) Business offices.
- (13) Camera and photographic supply stores.
- (14) Caterers.
- (15) Christmas tree sales.
- (16) Clinics.
- (17) Clothing and apparel stores.
- (18) Clubs.
- (19) Cocktail lounges.
- (20) Commercial recreational facilities (indoor).
- (21) Confectioneries.
- (22) Crockery stores.
- (23) Delicatessens.
- (24) Dental clinics.
- (25) Department stores.
- (26) Drug stores.
- (27) Electrical supplies.
- (28) Essential services.
- (29) Financial institutions.
- (30) Fish markets.
- (31) Florists.
- (32) Fraternal buildings.
- (33) Fruit stores.
- (34) Funeral homes.
- (35) Furniture and carpet stores.
- (36) Furriers and fur apparel.
- (37) Gift stores.
- (38) Grocery stores and convenience stores.
- (39) Hardware stores.
- (40) Heating supply stores.
- (41) Hobby and craft shops.
- (42) Hotels.

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- (43) Jewelry stores.
- (44) Laundry and dry cleaning establishments not employing more than seven (7) persons.
- (45) Limited adult media stores, as provided in Sec. 13-1-132.
- (46) Liquor stores.
- (47) Lodges and clubs.
- (48) Meat markets.
- (49) Medical clinics.
- (50) Motels.
- (51) Music stores.
- (52) Newspaper and magazine stores and pressrooms.
- (53) Nightclubs and dance halls.
- (54) Office buildings.
- (55) Office supply stores.
- (56) Optical stores.
- (57) Packaged beverage stores.
- (58) Paint, glass and wallpaper stores.
- (59) Pawn shops.
- (60) Parking lots.
- (61) Personal service establishments.
- (62) Pet shops.
- (63) Plumbing supplies.
- (64) Printing.
- (65) Professional offices.
- (66) Private clubs.
- (67) Racquet ball and tennis courts (indoor).
- (68) Radio or television broadcast studios.
- (69) Restaurants, including fast food and drive-in restaurants.
- (70) Secondhand stores.
- (71) Self-service laundries and dry cleaning establishments.
- (72) Shoe stores and leather goods stores.
- (73) Signs.
- (74) Soda fountains.
- (75) Sporting goods stores.
- (76) Supermarkets.
- (77) Tailor shops.
- (78) Taverns.
- (79) Theaters.
- (80) Tobacco shops.
- (81) Union halls.
- (82) Upholstery shops.

- (83) Variety stores.
- (84) Vegetable stores.
- (c) **Accessory Uses.** The following are accessory uses in the B-2 District:
  - (1) Garages for storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking and loading areas.
  - (3) Residential quarters for the owner or proprietor, or rental apartments on a non-ground floor level, provided that there shall be a minimum floor area of three hundred (300) square feet for an efficiency or one (1) bedroom apartment, five hundred (500) square feet for a two-bedroom or larger apartment. There shall be no more than two (2) rental apartments per parcel above a B-2 District store or office.
- (d) **Conditional Uses.** The following are conditional uses in the B-2 Community Business District [see also Article E of this Chapter]:
  - (1) Animal hospitals, shelters and kennels and veterinary services.
  - (2) Automotive sales, service and mechanical repairs.
  - (3) Bus depots.
  - (4) Car washes.
  - (5) Commercial recreational facilities.
  - (6) Flea markets.
  - (7) Gasoline service stations.
  - (8) Railroad depots.
  - (9) Utility substations.
  - (10) Restaurants, bars or taverns with outdoor dining, recreation, entertainment (i.e., volleyball, horseshoes, etc.)
- (e) **Lot Area and Width.**
  - (1) Individual businesses served by public sanitary sewage facilities shall provide a minimum lot area of ten thousand (10,000) square feet and a minimum frontage of seventy-five (75) feet in width.
  - (2) Individual businesses served by on-site absorption sewage disposal system, or other approved private means of sewage disposal, shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum frontage of one hundred and fifty (150) feet in width.
- (f) **Building Height.**
  - (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line;
  - (2) No maximum or minimum building area shall be required in the B-2 Community Business District due to the variety of uses within the District and the diverse building demands of each user.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state or county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.

- (2) **Shore Yard.** Not less than seventy-five (75) from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer Systems.**
  - (1) Public sanitary sewer.
  - (2) On-site soil absorption disposal system.
  - (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-101 B-3 Highway Business District.**

- (a) **Primary Purposes and Characteristics.**
  - (1) The B-3 Highway Commercial District is intended to provide for the orderly and attractive grouping and appropriate business location along principal highway routes as defined in this Chapter of those businesses and customer services which are logically related to and dependent upon highway traffic and which are specifically designed to serve the needs of such traffic and businesses which generate a high volume of vehicle traffic with a corresponding demand for large parking areas. The uses intended for this District typically do not rely upon an interchange of customers with each other as do uses in the B-4 District and furthermore tend to locate in strip fashion along the highway thereby impeding traffic flow thereon with numerous access points and therefore requiring review of plans and specifications to regulate highway access and to encourage properly planned site layout and development for such individual businesses. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
  - (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.
- (b) **Permitted Uses.** The following are permitted uses in the B-3 Highway Business District:
  - (1) Any permitted use allowed in the B-1 Neighborhood Business District, B-2 Community Business District, or B-4 Planned Business District.
  - (2) Adult establishments, as provided in Sec. 13-1-132.
  - (3) Bars and taverns (without live entertainment).
  - (4) Building supply stores.

- (5) Commercial indoor recreation such as bowling alleys, skating rinks, athletic clubs, tennis and handball courts, swimming pools.
  - (6) Drive-in establishments providing service to customers without the necessity of entering the building (except drive-in theaters).
  - (7) Furniture/appliance sales and related warehousing.
  - (8) Garden supply stores.
  - (9) Health clubs.
  - (10) Motels and motor lodges.
  - (11) Nightclubs and dance halls.
  - (12) Restaurants, bars and taverns.
  - (13) Utility substations.
- (c) **Accessory Uses.** The following are accessory uses in the B-3 District:
- (1) Garages for the storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking and loading.
  - (3) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
- (d) **Conditional Uses.** The following are conditional uses in the B-3 Highway Business District [see also Article E of this Chapter]:
- (1) Arenas and stadiums.
  - (2) Automotive body repair.
  - (3) Automotive sales, service and repairs including related towing.
  - (4) Bars and taverns (with live entertainment).
  - (5) Car washes.
  - (6) Concrete and asphalt batch plants temporarily located on a parcel.
  - (7) Drive-in theater.
  - (8) Flea markets.
  - (9) Gasoline service stations.
  - (10) Marine sales and service.
  - (11) Mini-warehouses.
  - (12) Recreational vehicle, motor home or similar large size vehicle or equipment sales involving extensive outdoor display and storage.
  - (13) Restaurants, bars or taverns with outdoor dining, entertainment or recreation (i.e., volleyball, horseshoes, etc.)
  - (14) Rummage sales and flea markets (permanent).
  - (15) Truck stops, sales and service.
  - (16) Utility substations.
  - (17) Wind energy conversion systems.
  - (18) Cellular and digital communication facilities.
- (e) **Lot Area and Width.** Individual businesses served by either public sanitary sewage facilities or on-site soil absorption sewage disposal systems or other approved private means

of sewage disposal, shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum lot frontage of one hundred fifty (150) feet in width.

(f) **Building Height and Area.**

- (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roofline.
- (2) No maximum or minimum building area shall be required in the B-3 District due to the variety of uses within the District and the diverse building demands on each user.

(g) **Yards.**

- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.

(h) **Authorized Sanitary Sewer Systems.**

- (1) Public sanitary sewer.
- (2) On-site sewage disposal absorption system.
- (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-102 B-4 Planned Business District.**

(a) **Primary Purpose and Characteristics.**

- (1) The B-4 Planned Business District is intended to provide for the orderly and attractive grouping at appropriate locations of retail stores, shops, offices, and customer service establishments in a "shopping center" or "mall" setting on a single parcel of land and intended to serve the larger community or regional area. The size and location of such districts shall be based upon evidence of justifiable community need, of adequate customer potential, of satisfactory relationship to the circulation system and other related facilities, and of potential contribution to the economic welfare of the community. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

- (b) **Permitted Uses.**
  - (1) Any permitted use allowed in the B-1 Neighborhood Business District, B-2 Community Business District, or B-3 Highway Business District.
- (c) **Accessory Uses.** The following are accessory uses in the B-4 District:
  - (1) Garages for storage of vehicles used in conjunction with the operation of the business.
  - (2) Off-street parking and loading areas.
- (d) **Conditional Uses.** The following are conditional uses in the B-4 Planned Business District [see also Article E of this Chapter]:
  - (1) Flea markets.
  - (2) Gasoline service stations.
  - (3) Utility substations.
  - (4) Wind energy conversion systems.
- (e) **Lot Area and Width.**
  - (1) Groupings of shops and businesses in the B-4 Planned Business District shall provide a minimum area of two (2) acres and a minimum frontage of two hundred (200) feet in width.
  - (2) Individual shops within a grouping shall provide an area sufficient to accommodate the permitted and all accessory structures, off-street parking and loading areas, the disposal of sanitary waste if a public sanitary sewage system is not available and the required yards.
- (f) **Building Height and Area.**
  - (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
  - (2) No maximum or minimum building area shall be required in the B-4 District due to the variety of uses within the District and the diverse building demands of each user.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state or county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not closer than forty-five (45) feet to any other lot line.
  - (4) **Rear Yard.** Not closer than forty-five (45) feet to any other lot line.
- (h) **Authorized Sanitary Sewer System.**
  - (1) Public Sanitary sewer.
  - (2) On-site sewage disposal absorption system.
  - (3) Holding tanks on lots of record created prior to July 1, 1980.

## **Sec. 13-1-103 B-5 Wholesale Trade and Warehousing District.**

- (a) **Primary Purposes and Characteristics.** The B-5 Wholesale Trade and Warehousing District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a wholesale nature, bulk sales, and for the storage of

goods and wares. The size and location of such districts shall be based upon relationships to the total community need and economy. All new structures, uses, and changes or additions to existing structures and uses shall be in accordance with the site plan review requirements of this Chapter.

(b) **Permitted Use.** The following are permitted uses in the B-5 Wholesale Trade and Warehousing District:

- (1) Wholesale and bulk sales, and warehousing of the following products, provided that no outdoor storage is permitted:
  - a. Air conditioning, refrigerated equipment, and related supplies.
  - b. Apparel and accessories.
  - c. Automobile equipment.
  - d. Beer, wine and distilled alcoholic beverages.
  - e. Commercial and industrial machinery, equipment, and supplies.
  - f. Confectionery.
  - g. Dairy products.
  - h. Drugs and druggists sundries.
  - i. Dry goods, piece goods, and notions.
  - j. Electrical appliances, televisions, and radio sets.
  - k. Electronic parts and equipment.
  - l. Equipment and supplies for service establishments.
  - m. Fish and seafood.
  - n. Footwear.
  - o. Fruits and vegetables.
  - p. Furniture and home furnishings.
  - q. Groceries.
  - r. Hardware.
  - s. Household goods.
  - t. Janitorial equipment and supplies.
  - u. Lumber and construction materials.
  - v. Meat and meat products not including slaughtering and outdoor confinement.
  - w. Metals and minerals.
  - x. Paint and varnishes.
  - y. Paper and paper products.
  - z. Plumbing and heating equipment and supplies.
  - aa. Tires and tubes.
  - bb. Tobacco and tobacco products.
  - cc. Transportation equipment and supplies.
  - dd. Wool and mohair.
- (2) Mail order distribution centers.
- (3) Mini-warehouses provided that no perishable products are stored; no flammable or explosive materials are stored; and no sale of merchandise is conducted from the mini-warehouse.

- (4) Printing and publishing houses and related uses.
- (5) Refrigerated warehousing.
- (c) **Accessory Uses.** The following are accessory uses in the B-5 District:
  - (1) Garages for storage of vehicles used in conjunction with the operation of a business.
  - (2) Off-street parking and loading.
  - (3) Office areas customary to the operation of the business.
- (d) **Conditional Uses.** The following are conditional uses in the B-5 Wholesale Trade and Warehousing District [see also Article E of this Chapter]:
  - (1) Animal hospitals, shelters, veterinary services, and kennels accessory to a veterinarian or animal hospital.
  - (2) Automotive sales, service and repairs including related towing.
  - (3) Construction services including building contractors; carpentering; wood flooring; concrete services; landscaping and lawn care services; masonry, stonework, tile setting, and plastering services; roofing and sheet metal services; septic tank installers; and water well drilling services.
  - (4) Freight forwarding services; packing and crating services; and petroleum stations and terminals.
  - (5) Fuel oil, bottled gas, and ice dealers.
  - (6) Gasoline service stations, automobile servicing and repair.
  - (7) Laboratories for testing, research, and experimental purposes.
  - (8) Locker plants.
  - (9) Millwork, lumber yards, saw mills, and planing mills.
  - (10) Mini-warehouses.
  - (11) Water storage tanks and towers, radio and television transmitting and receiving towers, and microwave relay stations.
  - (12) Cellular and digital communication facilities.
- (e) **Lot Area and Width.**
  - (1) Individual wholesale and warehousing establishments served by public sanitary sewer facilities shall provide a minimum lot area of ten thousand (10,000) square feet and a minimum frontage of seventy-five (75) feet in width.
  - (2) Individual wholesale and warehousing establishments served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum frontage of one hundred and fifty (150) feet in width.
- (f) **Building Height and Area.**
  - (1) No building and parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
  - (2) No maximum or minimum building area shall be required in the B-5 District due to the variety of uses within the District and the diverse building demands of each other.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state or county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.

- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not closer than twenty-five (25) feet to any other lot line.
- (4) **Rear Yard.** Not closer than twenty-five (25) feet to any other lot line.

## **Sec. 13-1-104 M-1 Limited Manufacturing District.**

(a) **Primary Purposes and Characteristics.**

- (1) The M-1 Limited Manufacturing District is intended to provide for manufacturing, industrial and related uses of a limited nature in size and for situations where such uses are not located in basic industrial groupings and where their relative proximity to other uses requires more restrictive regulation as to hours of operation, method of manufacturing, traffic patterns, storage of materials and products, shipment of materials and products, etc., so as to better provide for the health, safety and welfare of the public. There shall be strict compliance with the performance standards set forth in Sec. 13-1-320 of this Chapter. All new structures, uses, and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have a right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

(b) **Permitted Uses.** The processing, manufacturing and/or storage of the following, including office buildings, office parks and ancillary uses, shall constitute the permitted uses allowed in the M-1 Limited Manufacturing District:

- (1) Agricultural and general warehousing.
- (2) Apparel, findings and related product.
- (3) Automatic temperature controls.
- (4) Baked goods and bakery products.
- (5) Belts.
- (6) Blank books, loose-leaf binders and devices.
- (7) Blending and preparing flour.
- (8) Books, publishing, printing and binding.
- (9) Boot and shoe cut, stock and findings.
- (10) Bottling and canning soft drinks and carbonated waters.
- (11) Brooms and brushes.

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- (12) Candy and other confectionery products.
  - (13) Canning and curing seafoods.
  - (14) Canning fruits, vegetables, preserves, jams and jellies.
  - (15) Canning specialty foods.
  - (16) Canvass products.
  - (17) Cereal preparations.
  - (18) Cigars and cigarettes.
  - (19) Coffee roasting and coffee products.
  - (20) Commercial storage, curing, drying, churning, processing and packaging of agricultural products.
  - (21) Contract sorting, grading and packaging services for fruits and vegetables.
  - (22) Corn, wet milling.
  - (23) Costume jewelry, costume novelties, buttons, and miscellaneous notions.
  - (24) Curtains and draperies.
  - (25) Dental equipment and supplies.
  - (26) Dress and work gloves.
  - (27) Drying and dehydrating fruits and vegetables.
  - (28) Electrotyping and stereo typing.
  - (29) Engineering, laboratory, and scientific (other than chemical) and research instruments and associated equipment.
  - (30) Envelopes.
  - (31) Fabrics, broad and narrow woven.
  - (32) Feed prepared for animals and fowl.
  - (33) Felt goods.
  - (34) Flavor extracts and flavoring syrups.
  - (35) Flour and other grain mill products.
  - (36) Fluid milk processing.
  - (37) Footwear.
  - (38) Fresh or frozen fruits, fruit juices, vegetables and specialties.
  - (39) Fruit and vegetable pickling, vegetable sauces and seasoning, salad dressing preparation.
  - (40) Fur goods.
  - (41) Grain elevators and bulk storage of feed grains.
  - (42) Greeting cards.
  - (43) Handbags and other personal leather goods.
  - (44) Hats, caps and millinery.
  - (45) Household furniture and furnishings.
  - (46) Ice.
  - (47) Ice cream and frozen desserts.
  - (48) Industrial leather, belting and packing.

- (49) Jeweler's findings and materials.
- (50) Jewelry and precious metals.
- (51) Knit goods.
- (52) Lace goods.
- (53) Lamps and lamp shades.
- (54) Leather and sheeplined clothing.
- (55) Leather gloves and mittens.
- (56) Luggage.
- (57) Macaroni, spaghetti, vermicelli and noodles.
- (58) Malt liquors.
- (59) Manifold business forms.
- (60) Mechanical measuring and controlling instruments.
- (61) Mens, youths and boys furnishings, work clothing and allied garments.
- (62) Milling of rice, vegetables and soybean oil.
- (63) Mortician's supplies.
- (64) Motion picture production.
- (65) Musical instruments and parts.
- (66) Newspapers, publishing and printing.
- (67) Office furniture.
- (68) Office buildings, office parks, and ancillary uses, with or without space for principal or accessory manufacturing, assembly, repair or warehousing uses. Ancillary uses within office buildings or office parks include, but are not limited to: financial services such as banks, credit unions, savings and loan associations, and stock brokers; professional services such as medical, legal and accounting services; personal services such as day care centers, dry cleaners, barbers and beauty shops; fast service printing and communication; food services such as restaurants and delicatessens; and convenience item retail stores.
- (69) Ophthalmic goods.
- (70) Optical instruments and lenses.
- (71) Orthopedic, prosthetic and surgical appliances and supplies.
- (72) Paper, paperboard and cardboard, die cut.
- (73) Paperboard and cardboard.
- (74) Paperboard containers and boxes.
- (75) Paper coating and glazing.
- (76) Partitions, shelving, lockers and office and store fixtures.
- (77) Pens, pencils, and other office and artists supplies.
- (78) Periodicals, publishing and printing.
- (79) Photoengraving and photographic equipment and supplies.
- (80) Pleating, decorative and novelty stitching.
- (81) Poultry and small game dressing and packing providing all operations shall be conducted within an enclosed building.

- (82) Preparation of cereals.
  - (83) Preparation of feeds for animals and fowl.
  - (84) Printing, commercial.
  - (85) Production of chocolate and cocoa.
  - (86) Production of condensed and evaporated milk.
  - (87) Production of creamery butter.
  - (88) Production of flour and other grain mill products.
  - (89) Production of frozen fruits, fruit juices, vegetables and other specialties.
  - (90) Production of natural and processed cheese.
  - (91) Production of wine, brandy and brandy spirits.
  - (92) Raincoats and other waterproof outer garments.
  - (93) Robes and dressing gowns.
  - (94) Sanitary paper products.
  - (95) Sausages and other prepared meat products provided that all activities are conducted within an enclosed building.
  - (96) Seed and grain processing and preparation.
  - (97) Signs and advertising displays.
  - (98) Sugar processing and production.
  - (99) Surgical and medical instruments and apparatus.
  - (100) Tobacco products.
  - (101) Toys, amusement, sporting and athletic goods.
  - (102) Typesetting.
  - (103) Umbrellas, parasols, and canes.
  - (104) Vegetable oil milling.
  - (105) Venetian blinds and shades.
  - (106) Wallpaper.
  - (107) Warehouses, mini.
  - (108) Watches, clocks, clockwork operated devices, and parts.
  - (109) Wet milling of corn.
  - (110) Womens', misses, junior girls and infants furnishings, work and dress clothing and allied garments.
  - (111) Wood scouring, worsted combing and towing to top.
  - (112) Yarns and threads.
- (c) **Accessory Uses.** The following are accessory uses in the M-1 District:
- (1) Garages for storage of vehicles used in conjunction with the operation of the industry.
  - (2) Office, storage, power supply and other uses normally auxiliary to the permitted industrial operations.
  - (3) Off-street parking and loading areas.
- (d) **Conditional Uses.** The following are conditional uses in the M-1 Limited Manufacturing District [see also Article E of this Chapter]:

- (1) Automobile-truck body and engine repair and painting.
- (2) Concrete and asphalt batch plants located on a parcel.
- (3) Flea markets.
- (4) Freight terminals.
- (5) Malt production.
- (6) Millwork, lumber yards, saw mills and planing mills.
- (7) Packing and crating services.
- (8) Petroleum bulk stations and terminals.
- (9) Processing of hardwood dimension, flooring, veneer, and plywood.
- (10) Retail or wholesale sales of manufactured products on premises.
- (11) Utility substations.
- (12) Wind energy conversion systems.
- (13) Cellular and digital communication facilities.

(e) **Lot Area and Width.**

- (1) Individual industries served by public sanitary sewage facilities shall provide a minimum lot area of ten thousand (10,000) square feet and a minimum frontage of seventy-five (75) feet in width.
- (2) Individual industries served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum frontage of one hundred and fifty (150) feet in width.

(f) **Building Height and Area.**

- (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
- (2) No maximum or minimum building area shall be required in the M-1 Limited Manufacturing District due to the variety of uses within this District and the diverse building demands of each use.

(g) **Yards.**

- (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways, and not less than thirty (30) feet from the right-of-way of all other roads.
- (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
- (3) **Side Yard.** Not less than fifteen (15) feet in width on each side of all structures.
- (4) **Rear Yard.** Not less than twenty-five (25) feet.

(h) **Authorized Sanitary Sewer Systems.**

- (1) Public sanitary sewer.
- (2) On-site absorption system.
- (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-105 M-2 Heavy Manufacturing District.**

### **(a) Primary Purposes and Characteristics.**

- (1) The M-2 Heavy Manufacturing District is intended to provide for manufacturing and industrial development of a more general nature than in the M-1 Limited Manufacturing District in those areas where the relationship to surrounding land uses would create fewer problems of compatibility. Such districts should not normally abut directly upon residential districts nor be less than ten (10) acres in area. All uses in the M-2 Heavy Manufacturing District shall comply with the performance standards set forth in Sec. 13-1-320 of this Chapter. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore, it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

### **(b) Permitted Uses.** In addition to those industrial and office use permitted in the M-1 Limited Manufacturing District (together with M-1 District ancillary uses), the processing, manufacturing and/or storage of the following shall constitute permitted uses allowed in the M-2 Heavy Manufacturing District:

- (1) Aircraft and parts.
- (2) Aluminum, primary production.
- (3) Aluminum, rolling, drawing and extruding.
- (4) Asphalt, felts and coating.
- (5) Automobile manufacturing.
- (6) Batteries.
- (7) Bedding.
- (8) Biological products.
- (9) Blast furnaces, steel works, and the rolling of ferrous metals.
- (10) Bleach.
- (11) Bone.
- (12) Bottling of alcoholic beverages.
- (13) Brass works.
- (14) Brick and structural clay tile.
- (15) Candles.
- (16) Canneries.
- (17) Carbon black.

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- (18) Carpeting.
- (19) Celluloid.
- (20) Cement.
- (21) Ceramic floor and wall tile.
- (22) Charcoal.
- (23) Clay refractories.
- (24) Coal-tar.
- (25) Coke.
- (26) Coding, engraving and allied services.
- (27) Cold, rolled steel sheets, strips and burrs.
- (28) Cold storage warehouses, commercial service facility.
- (29) Communication equipment.
- (30) Concrete and concrete products.
- (31) Condensories.
- (32) Construction and prefabrication of wood buildings and structures, mobile homes and construction of wooden containers.
- (33) Construction, mining, and materials handling machinery and equipment.
- (34) Copper, drawing and extruding.
- (35) Copper, primary smelting and refining.
- (36) Cordage.
- (37) Creameries.
- (38) Cutlery, hand tools, and general hardware.
- (39) Dextrin.
- (40) Disinfectant.
- (41) Electrical lighting and wiring equipment.
- (42) Electrical industrial apparatus.
- (43) Electrical transmission and distribution equipment.
- (44) Electro metallurgical products.
- (45) Electronic components and accessories.
- (46) Engines and turbines.
- (47) Excelsior.
- (48) Farm machinery and equipment.
- (49) Feed mills.
- (50) Felt.
- (51) Fire engines.
- (52) Fine earthenware, table and kitchen articles.
- (53) Fish by-products.
- (54) Flat glass.
- (55) Food locker plants.
- (56) Fur dressing and dyeing furs.

- (57) Gelatin.
- (58) Glass manufacturing.
- (59) Glue and gelatin.
- (60) Guns and related equipment.
- (61) Gypsum products.
- (62) Hair products.
- (63) Heating apparatus and plumbing fixtures.
- (64) Household appliances.
- (65) Ice.
- (66) Ink, printing.
- (67) Lime.
- (68) Lime products.
- (69) Linoleum, asphalt-base and other hard surface floor coverings.
- (70) Lithographing.
- (71) Matches.
- (72) Meat (frozen storage).
- (73) Metal cans.
- (74) Metal products, fabricated structural.
- (75) Metal stamping.
- (76) Metal working machinery.
- (77) Motor vehicles and motor vehicle equipment.
- (78) Motorcycles, bicycles and parts.
- (79) Musical and sound equipment.
- (80) Non-ferrous metals, rolling, drawing and extruding.
- (81) Non-ferrous wire, drawing and insulating.
- (82) Office, computing and accounting machines.
- (83) Oil cloth.
- (84) Paper.
- (85) Pea viners.
- (86) Perfume, cosmetics and other toilet preparations.
- (87) Pharmaceutical preparations.
- (88) Plaster of paris.
- (89) Polish.
- (90) Porcelain electrical supplies.
- (91) Potash.
- (92) Pulp.
- (93) Pyroxylin.
- (94) Radio and television receiving sets.
- (95) Railroad equipment.
- (96) Reclaiming rubber, metal, paper and other resources.

- (97) Rope.
- (98) Rubber products.
- (99) Screw machine products and bolts, nuts, screws, rivets and washers.
- (100) Service industry machines.
- (101) Shoddy.
- (102) Shoe and ramp blacking.
- (103) Signaling and fire control equipment.
- (104) Size.
- (105) Soap and detergents.
- (106) Special cleaning, polishing and sanitation preparations.
- (107) Starch.
- (108) Steel wire drawing, and steel rails and spikes.
- (109) Sugar.
- (110) Textiles.
- (111) Tires and innertubes.
- (112) Tool and die making.
- (113) Trade and contractor offices.
- (114) Vitreous china plumbing fixtures, china, earthenware fittings and bathroom fixtures.
- (115) Warehousing.
- (116) Weaving.
- (117) Wire products, fabrication.
- (118) Wood pressing.

(c) **Accessory Uses.** The following are accessory uses in the M-2 District:

- (1) Garages for storage of vehicles used in conjunction with the operation of the industry.
- (2) Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
- (3) Off-street parking and loading areas.
- (4) Retail stores and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities when established in conjunction with the permitted manufacturing or processing facility.
- (5) Wholesale stores.

(d) **Conditional Uses.** In addition to those industrial conditional uses permitted in the M-1 Limited Manufacturing District, the following shall constitute conditional uses in the M-2 Heavy Manufacturing District [see also Article E of this Chapter]:

- (1) Abrasives.
- (2) Animal reduction.
- (3) Bus terminals and related equipment storage and maintenance buildings.
- (4) Chemicals determined to be non-toxic by the U.S. Environmental Protection Agency and the Kenosha County Office of Emergency Services.
- (5) Coal and bone distillation.

- (6) Concrete and asphalt batch plants.
- (7) Contractor storage yards.
- (8) Dye.
- (9) Electrical and steam generating plants.
- (10) Fertilizer production, sales, storage, mixing and blending. Said fertilizers shall be determined to be non-toxic by the Kenosha County Office of Emergency Services.
- (11) Flea markets.
- (12) Forges.
- (13) Foundries.
- (14) Freight terminals, yards and trans shipment depots and related equipment storage and maintenance.
- (15) Fuel.
- (16) Gasohol (ethanol) and fuel-related alcohol plants.
- (17) Insulating materials determined to be non-toxic by the U.S. Environmental Protection Agency and the Kenosha County Office of Emergency Services.
- (18) Laboratories.
- (19) Lacquer, paint, stain.
- (20) Livestock sales facilities.
- (21) Living quarters for watchmen or caretakers.
- (22) Lubricating oils and grease.
- (23) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, flammables, glue, grains, grease, lard, plastic, radioactive materials, shellac, soap, tires, turpentine, vinegar and yeast.
- (24) Meat packing, slaughterhouse and production of sausages and other meat products.
- (25) Motor freight.
- (26) Offal.
- (27) Outside storage and manufacturing.
- (28) Plastic materials and synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products.
- (29) Power and heat generating plants.
- (30) Production of animal and marine fats and oil.
- (31) Production of shortening, table oils, margarine, and other edible fats and oils.
- (32) Railroad terminals and freight yards.
- (33) Refineries.
- (34) Rendering plants.
- (35) Road test facilities.
- (36) Salvage yards.
- (37) Sewage treatment plants.
- (38) Ship and boat building and repair.
- (39) Smelting and refining of all metals and alloys.

- (40) Stockyards.
- (41) Tanneries.
- (42) Utility substations.
- (43) Wind energy conversion systems.
- (44) Cellular and digital communication facilities.
- (45) Towing with outside storage.
- (e) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of forty thousand (40,000) square feet; and
  - (2) All such lots shall have a frontage of not less than one hundred and fifty (150) feet in width.
- (f) **Building Height and Area.**
  - (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
  - (2) No maximum or minimum building area shall be required in the M-2 District due to the variety of uses within this District and the diverse building demands of each use.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer Systems.**
  - (1) Public sanitary sewer.
  - (2) On-site soil absorption disposal system.
  - (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-106 M-3 Mineral Extraction District.**

- (a) **Primary Purposes and Characteristics.** The M-3 Mineral Extraction District is intended to provide for the orderly continuation of existing quarries and related operations and to provide for new operations that provide maximum protection to the natural environment. This District further provides for the restoration of quarries in a manner that will not deteriorate the natural environment of the Village of Bristol and surrounding areas. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (b) **Permitted Uses.** The following are permitted uses in the M-3 Mineral Extraction District:
  - (1) Utilities and substations.

- (c) **Accessory Uses.** The following are accessory uses in the M-3 District:
  - (1) Parking areas and storage garages.
  - (2) Related office facilities and power supplies.
- (d) **Conditional Uses.** The following are conditional uses in the M-3 Mineral Extraction District [see also Article E of this Chapter]:
  - (1) Caretaker's quarters.
  - (2) Concrete and asphalt batch plants.
  - (3) Manufacturing of cement or concrete products.
  - (4) Manufacturing of lime, gypsum or plaster of paris.
  - (5) Quarry or other non-metallic mining operations.
  - (6) Storage of mineral products or machinery.
  - (7) Storage and stockpiling of clean fill.
  - (8) Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil.
  - (9) Wind energy conversion systems.
  - (10) Cellular and digital communication facilities.
- (e) **Lot Area and Width.** Lots in the M-3 Mineral Extraction District shall provide sufficient area for all structures, the extractive industrial operation, off-street parking and loading as required in Article G of this Chapter and all required yards.
- (f) **Building Height and Area.**
  - (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
  - (2) No maximum or minimum building area shall be required in the M-3 Mineral Extraction District due to the variety of uses within the District and the diverse building demands of each use.
- (g) **Yards.**
  - (1) Extractive industrial operations shall be set back a minimum of two hundred (200) feet from the right-of-way of all highways or roads, and all property lines.
  - (2) Utilities, and accessory uses such as offices, parking areas and stockpiles, shall be set back a minimum of one hundred (100) feet from the right-of-way of all highways or roads and all property lines.
- (h) **Authorized Sanitary Sewer Systems.**
  - (1) On-site soil absorption disposal system.
  - (2) Public sanitary sewer system.
  - (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-107 M-4 Sanitary Landfill and Hazardous Waste Disposal District.**

- (a) **Primary Purposes and Characteristics.**
  - (1) The purpose of the M-4 Sanitary Landfill and Hazardous Waste Disposal District is to regulate land uses associated with the handling of materials that may be hazardous or harmful to public health and to the environment. These include micro-organism

cultures, pesticides, biological products, infectious agents, and other toxic and hazardous substances. In order to provide for assurance, accountability, monitoring, and proper review of site operations and conditions involved in the handling of hazardous and potentially hazardous wastes, the M-4 Sanitary Landfill and Hazardous Waste Disposal District is created. This District is also intended to provide for the protection of the public, public safety, public welfare, health and convenience resulting from discharge of hazardous materials into the environment. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.

- (2) It is recognized that it is neither possible or practical to list all of the permitted and accessory uses that are hazardous, in fact, or potentially hazardous. Accordingly, the following list of permitted, accessory, and conditional uses is illustrative only. Any individual aggrieved by the failure to list a particular use may file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity or dissimilarity of any use.
- (b) **Permitted Uses.** The following shall be permitted uses in the M-4 Sanitary Landfill and Hazardous Waste Disposal District:
  - (1) Recycling services public information center.
- (c) **Conditional Uses.** The following are conditional uses in the M-4 Sanitary Landfill and Hazardous Waste Disposal District:
  - (1) Sanitary landfills operated in accordance with the provisions of provisions of NR 500 through NR 551, Wis. Adm. Code, and amendments thereto.
  - (2) Manufacture of substances where EPA-certified priority pollutants such as naphthalene, phenols, and polychlorinated biphenyls (PCBs) may be a byproduct of such operation.
  - (3) Hazardous waste warehousing and transfer stations.
  - (4) Garbage incineration or waste reduction.
  - (5) Medical waste incineration or waste processing.
  - (6) Recycling centers and warehousing of recovered resources.
- (d) **Lot Area and Width.**
  - (1) Lots shall have a minimum area of ten (10) acres; and
  - (2) Lots shall have a frontage of not less than six hundred and sixty (660) feet in width.
- (e) **Building Height.** No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
- (f) **Yards.**
  - (1) **Street Yard.** Not less than two hundred (200) feet from the right-of-way of all federal, state and county highways, and the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than two hundred (200) feet from the ordinary highwater mark of any navigable water.
  - (3) **Side Yard.** Not less than two hundred (200) feet to an adjacent property line.
  - (4) **Rear Yard.** Not less than two hundred (200) feet to an adjacent property line.

(g) **Authorized Sanitary Sewer Systems.**

- (1) Public sanitary sewer.
- (2) On-site soil absorption disposal system.
- (3) Holding tank on lots of record created prior to July 1, 1980.

## **Sec. 13-1-108 I-1 Institutional District.**

(a) **Primary Purposes and Characteristics.**

- (1) The I-1 Institutional District is intended to provide for areas which are under private or public ownership and where the uses in those areas for public purposes or institutional purposes, whether public or private, are anticipated to be permanent. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this Chapter.
- (2) It is recognized that it is possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

(b) **Permitted Uses.** The following are permitted uses in the I-1 Institutional District:

- (1) Churches.
- (2) Hospitals, sanitariums, nursing homes and clinics.
- (3) Libraries, museums and art galleries.
- (4) Private youth development organizations such as YMCA, YWCA, 4-H, Junior Achievement, Boys/Girls Clubs of America, Boys/Girls Scouts, and Campfire Girls.
- (5) Public or private schools, colleges and universities.
- (6) Public administrative offices and public service buildings including fire and police stations, community centers, public emergency shelters.
- (7) Public utility offices.

(c) **Accessory Uses.** The following are accessory uses in the I-1 District:

- (1) Garages for storage of vehicles used in conjunction with the operation of the permitted use.
- (2) Residential quarters for caretakers or clergy.
- (3) Service buildings and facilities normally accessory to the permitted uses.

(d) **Conditional Uses.** The following are conditional uses in the I-1 Institutional District [see also Article E of this Chapter]:

- (1) Airport, heliport pads, aircraft hangers for storage and equipment maintenance; aircraft sales and service.

- (2) Bus terminals.
- (3) Cemeteries.
- (4) Penal, reform, disciplinary and mental institutions.
- (5) Power and heat generating plants.
- (6) Railroad depots.
- (7) School auditoriums, gymnasiums and stadiums.
- (8) Utility substations.
- (9) Water storage tanks and towers and radio and television transmitting and receiving towers, microwave relay stations.
- (10) Wind energy conversion systems.
- (11) Cellular and digital communication facilities.
- (e) **Lot Area and Width.**
  - (1) Institutional uses served by public sanitary sewage facilities shall provide a minimum lot area of ten thousand (10,000) square feet and a minimum lot frontage of seventy-five (75) feet in width; and
  - (2) Institutional uses served by on-site soil absorption sewage disposal systems, or other approved private means of sewage disposal, shall provide a minimum lot area of forty thousand (40,000) square feet and a minimum lot frontage of one hundred and fifty (150) feet in width.
- (f) **Building Height and Area.**
  - (1) No building or parts of a building shall exceed sixty (60) feet in height measured from the mean roof line.
  - (2) No maximum or minimum building area shall be required in the I-1 Institutional District due to the variety of uses within this District and the diverse building demands of each use.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunks highways and not less than thirty (30) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than ten (10) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than twenty-five (25) feet.
- (h) **Authorized Sanitary Sewer Systems.**
  - (1) Public sanitary sewer systems.
  - (2) On-site sewage disposal absorption system.

## **Sec. 13-1-109 PR-1 Park-Recreational District.**

- (a) **Primary Purposes and Characteristics.**
  - (1) The PR-1 Park-Recreational District is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and adjacent uses. All new structures, uses, and

changes or additions shall be in compliance with the site plan review requirements of this Chapter.

- (2) It is recognized that it is neither possible nor practicable to list all of the permitted and accessory uses that are compatible with those listed below and therefore it is intended that the following list of permitted and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular permitted or accessory use in this Section shall have the right to file a petition with the Zoning Administrator pursuant to Article N of this Chapter for a determination as to the similarity of the intended use with the permitted and accessory uses listed below.

(b) **Permitted Uses.** The following are permitted uses in the PR-1 Park-Recreational District:

- (1) Bicycle trails.
- (2) Boat rental and boat access sites.
- (3) Botanical gardens.
- (4) Cross country ski trails.
- (5) Fairgrounds.
- (6) Historic monuments or sites.
- (7) Hiking and nature trails and walks.
- (8) Hunting and fishing clubs.
- (9) Neighborhood tot lots.
- (10) Outdoor skating rinks.
- (11) Parks and playgrounds.
- (12) Picnicking areas.
- (13) Playfields or athletic fields.
- (14) Ski hills without facilities.
- (15) Sledding, skiing or tobogganing.
- (16) Tennis courts.

(c) **Accessory Uses.** The following shall be accessory uses in the PR-1 District:

- (1) Bathhouses and locker rooms.
- (2) Equipment storage facilities.
- (3) Pavilion and restroom facilities.

(d) **Conditional Uses.** The following are conditional uses in the PR-1 District [see also Article E of this Chapter]:

- (1) Amusement parks, carnivals, circuses, fairgrounds and exposition grounds.
- (2) Archery and firearm ranges (outdoors).
- (3) Arena, stadium, coliseums, auditoriums and gymnasiums.
- (4) Assemblies over five thousand (5,000).
- (5) Beaches and public swimming pools.
- (6) Campgrounds (rental).
- (7) Conversion of a resort into a residential condominium.
- (8) Golf courses.

- (9) Golf driving ranges.
- (10) Marinas and marine sales and services.
- (11) Minibike trails.
- (12) Recreational vehicle (RV) campground or subdivisions.
- (13) Resorts.
- (14) Skeet and trap shooting ranges.
- (15) Ski hills with restaurants and ski shops.
- (16) Snowmobile trails.
- (17) Sportsmen clubs.
- (18) Summer theaters and amphitheaters or band shells.
- (19) Wind energy system.
- (20) Zoological and botanical gardens.
- (21) Cellular and digital communication facilities.
- (e) **Lot Area and Width.** Lots in the PR-1 Park-Recreational District shall provide sufficient area for the principal structure or use and accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not available, and required yards.
- (f) **Building Height and Area.**
  - (1) No building or part of a building shall exceed one hundred (100) feet in height measured from the mean roof line.
  - (2) No maximum or minimum building area shall be required in the PR-1 Park-Recreational District due to the variety of uses within this District and the diverse building demands of each use.
- (g) **Yards.**
  - (1) **Street Yard.** Not less than less than sixty-five (65) feet from the right-of-way of all federal, state or county trunk highways; and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than forty (40) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than forty (40) feet.
- (h) **Authorized Sanitary Sewer Systems.**
  - (1) Public sanitary sewer.
  - (2) On-site sewage disposal absorption system.
  - (3) Holding tank.

## **Sec. 13-1-110 C-1 Lowland Resource Conservancy District.**

- (a) **Primary Purposes and Characteristics.** The C-1 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or manmade

resources and to protect water courses and marshes including the shorelands of navigable waters, and areas that are not naturally drained, or which are subject to periodic flooding, where development would result in hazards to health or safety or would deplete or destroy natural resources or be otherwise incompatible with public welfare.

- (b) **Designation of Lowland Conservancy Areas.** For the purpose of determining which areas are to be located in the C-1 Lowland Resource Conservancy District, the Zoning Administrator, or designee, shall develop district maps reflecting the best data available. The district delineation process shall make use of applicable Wisconsin Wetland Inventory Maps for Kenosha County and the Village of Bristol, and other maps used by the Southeastern Wisconsin Regional Planning Commission in delineating primary environmental corridors.
- (c) **Mapping Disputes in the C-1 District.** Whenever it is alleged that a discrepancy exists between a Lowland Resource Conservancy District delineation and actual field conditions, the Zoning Administrator, or designee, shall resolve the discrepancy in the following manner:
  - (1) The Zoning Administrator shall request that the staff of the Wisconsin Department of Natural Resources make a field inspection of the disputed lot and stake the limits of the Lowland Resource Conservancy District.
  - (2) The Zoning Administrator, or designee, shall notify the property owner of the preliminary results of the field investigation. The property owner shall determine, within thirty (30) days, whether he/she will pursue a final wetland determination on the property.
  - (3) Should the property owner decide to pursue a final wetland determination, he/she shall have a plat of survey prepared by a Wisconsin Registered Land Surveyor. The plat of survey shall show all property lines, structures on the lot or parcel, and the location of the wetland boundary as staked in the field. The plat of survey shall be filed with the Zoning Administrator.
  - (4) The Zoning Administrator shall institute the appropriate action to change the Zoning Map to conform to the plat of survey.
- (d) **Permitted Uses.**
  - (1) The following uses are permitted provided they do not involve filling, flooding, draining, dredging, ditching, tiling, or excavation:
    - a. Hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited by law.
    - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
    - c. The pasturing of livestock.
    - d. The cultivation of agricultural crops.
    - e. The practice of silviculture, including the planting, thinning, and harvesting of timber.

- f. The construction or maintenance of duck blinds.
- (2) The following uses which may involve filling, flooding, draining, dredging, ditching, tiling, and excavating but only to the extent specifically provided below:
  - a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silviculture activities if not corrected.
  - b. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
  - c. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
  - d. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction and maintenance.
  - e. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
  - f. The maintenance, repair, replacement or reconstruction of existing Village or County highways, streets and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (e) **Conditional Uses.** The following are the only conditional uses allowed in the C-1 Lowland Resource Conservancy District [see also Article E of this Chapter]:
  - (1) Roads necessary to conduct silvicultural and agricultural cultivation activities.
  - (2) Nonresidential buildings for wildlife management.
  - (3) Park and recreation areas.
  - (4) Railroad lines.
  - (5) Utilities.
  - (6) Wildlife ponds.
- (f) **Lot Area.** Where a lot or parcel is located partially within a C-1 Lowland Resource Conservancy District and partially within an adjoining use district, that area of the lot or parcel in the C-1 Lowland Resource Conservancy District may not be used to meet the lot area requirement of the adjoining district where public sanitary sewerage facilities are available. Where public sanitary sewerage facilities are not available, the area of the lot or parcel in the C-1 District may be used to meet the lot area requirement provided that at least forty thousand (40,000) square feet if provided outside the C-1 District.
- (g) **Structures.** No structure shall be permitted, except those permitted by conditional use grant, in the C-1 Lowland Resource Conservancy District. Furthermore, no on-site soil absorption sanitary sewage system, holding tank, or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 Lowland Resource Conservancy District.

- (h) **Platting Subdivisions.** When platting new subdivisions, every effort shall be made to contain lands zoned C-1 Lowland Resource Conservancy District in outlots to be owned and controlled by a community or homeowners association.

## **Sec. 13-1-111 C-2 Upland Resource Conservancy District.**

- (a) **Primary Purposes and Characteristics.** The C-2 Upland Resource Conservancy District is intended to preserve, protect, enhance and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Village of Bristol.
- (b) **Permitted Uses.** The following are permitted uses in the C-2 Upland Resource Conservancy District:
- (1) Agricultural uses.
  - (2) Hunting and fishing.
  - (3) Preservation of scenic, historic and scientific areas.
  - (4) Forest and game management.
  - (5) Park and recreation areas.
  - (6) One (1) single-family dwelling.
- (c) **Accessory Uses.** The following are accessory uses in the C-2 District:
- (1) Gardening, tool and storage sheds incidental to the residential use.
  - (2) General farm buildings, including barns, silos, stables, sheds, and storage bins.
  - (3) Home occupations and professional home office [see Sec. 13-1-174].
  - (4) Private garages and carports.
- (d) **Conditional Uses.** The following are conditional uses in the C-2 Upland Resource Conservancy District [see also Article E of this Chapter]:
- (1) Utility substations.
  - (2) Wind energy conversion system.
  - (3) Bed and breakfast establishments [see Sec. 13-1-173].
- (e) **Parcel Area and Width.**
- (1) Parcels shall have a minimum area of five (5) acres.
  - (2) All such parcels have a frontage of not less than three hundred (300) feet in width except on a cul-de-sac or curve in which case the lot frontage may be reduced to one hundred and fifty (150) feet of frontage provided there is at least three hundred (300) feet of width at the required building setback line.
- (f) **Building, Height, Area and Design Standards.**
- (1) No building or part of a building shall exceed sixty (60) feet in height measured from the mean roof line.
  - (2) The total minimum floor area of a dwelling shall be one thousand four hundred (1,400) square feet with a minimum first floor area of one thousand (1,000) square feet.

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- (3) All residential dwellings shall be attached to a permanent foundation, be properly connected to all required utilities, have a building footprint of which the dwelling unit is not less than twenty-four (24) feet in width for at least fifty percent (50%) of the length, have a roof pitch of not less than 5/12, and an eave extension of at least twelve (12) inches, except residences with an architectural style defined as Colonial or Greek Revival.
- (g) **Yards.**
  - (1) **Street Yards.** Not less than sixty-five (65) feet from the right-of-way of all federal, state and county trunk highways and not less than forty (40) feet from the right-of-way of all other roads.
  - (2) **Shore Yard.** Not less than seventy-five (75) feet from the ordinary high water mark of any navigable water.
  - (3) **Side Yard.** Not less than twenty-five (25) feet in width on each side of all structures.
  - (4) **Rear Yard.** Not less than fifty (50) feet.
- (h) **Authorized Sanitary Sewer System.**
  - (1) On-site sewage disposal absorption system.
  - (2) Public sanitary sewer.

**Secs. 13-1-112 through 13-1-119 Reserved for Future Use.**

Article D:      Planned Unit Development (PUD); Airport (AOD),  
Rural Cluster (RC), AE Adult Establishments,  
HO Historical, and FPO Floodplain Overlay Districts

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**Sec. 13-1-120 PUD Planned Unit Development Overlay District – Intent.**

- (a) **Purpose.** The PUD Planned Unit Development Overlay District is intended to:
- (1) Permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses;
  - (2) Provide a safe and efficient system for pedestrian and vehicle traffic;
  - (3) Provide attractive recreation and open spaces as integral parts of the developments;
  - (4) Enable economic design in the location of public and private utilities and community facilities;
  - (5) Ensure adequate standards of construction and planning;
  - (6) 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 as set forth in the underlying basic zoning district; and
  - (7) Accommodate areas of integrated mixed land uses, innovative lot sizes and physical design, and strong commitments to commonly held open space.
- (b) **Overlay District Approach; Application To Existing Use Districts.**
- (1) The PUD Planned Unit Development Overlay District shall operate as an overlay zone and as an alternative to the permitted uses and regulations applicable to designated existing districts. The PUD Planned Unit Development Overlay District is a supplemental zoning classification applied "over" an underlying zoning district or districts to provide an opportunity to develop land in a manner that does not fit the configuration or standards of the underlying districts.
  - (2) The PUD Planned Unit Development Overlay District shall be applicable only to those lands which may hereafter be zoned PUD Planned Unit Development Overlay District by the Village Board, at its discretion. So as to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this Chapter except for with the A-1, A-2, A-3, A-4, R-1, R-2, R-6, R-12, I-1, PR-1, C-1, C-2, FWO, FPO, HO, and AEO Districts, there is hereby created the PUD Planned Unit Development Overlay District.
  - (3) Principal, accessory and conditional uses of underlying zoning requirements for lands overlay zoned as a PUD Planned Unit Development Overlay District shall continue in full force and effect, and shall be solely applicable until such time as the Village Board grants final approval to the PUD under the procedures hereinafter provided in this Article. 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) **Applicability To Parcels With Single Ownership.** The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village of Bristol upon specific petition under Section 13-1-127 of this Chapter 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 Chapter have been met.
- (d) **Conformance With Laws and Regulations.**
  - (1) A PUD Planned Unit Development Overlay District, authorized and approved as herein provided, shall be carried out in conformity with all federal, state, and municipal laws and regulations. However, in the interpretation and application of this Article, the regulations contained in this Article shall be controlling in the event of a conflict between the provisions of this Article and other local zoning or subdivision regulations.
  - (2) A PUD Planned Unit Development Overlay District project shall be consistent in all respects to the expressed intent of this Article and to the intent and spirit of this Zoning Code and its underlying districts; it shall be in conformity with the adopted Village Comprehensive Plan or any component thereof and shall not be contrary to the general welfare and economic prosperity of the community.

## **Sec. 13-1-121 Definitions.**

Definitions specifically pertaining to planned unit development district shall be as found in Section 13-1-560.

## **Sec. 13-1-122 Types of Planned Unit Developments; Permitted Uses.**

- (a) **Types.** This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments as PUD Planned Unit Development Overlay Districts.
- (b) **Permitted Uses.**
  - (1) **Basic Underlying Permitted Uses.** All uses permitted under the basic zoning regulations applicable to the underlying zoning district in which the particular property is located are allowed.
  - (2) **Permitted Accessory Uses.** Any accessory use permitted in the underlying zoning district(s) is permitted in the PUD Planned Unit Development Overlay District

- (3) **Conditional Uses.** Any conditional use permitted in the underlying zoning district(s) may be applied for in the PUD Planned Unit Development Overlay District. The review of conditional uses proposed to be located within the planned unit development would be conducted as part of the overall review of the PUD Planned Unit Development Overlay District application.
- (4) **Schools, Parks, and Recreation Facilities.** The developer in the preparation of his/her PUD proposal shall consult with and receive the approval of the Village as to the reservation of suitable sites for adequate area for future schools, parks, playgrounds, drainageways, and other public uses if so designated on the Comprehensive Plan, Official Map, or component area development plan, if any, or as required by the Village of Bristol.
- (5) **Non-Residential Uses.** Nonresidential uses are limited to those uses specifically approved by the Plan Commission and Village Board are permitted in a PUD Planned Unit Development Overlay District, based, in part, on the following criteria:
  - a. Nonresidential development shall be integrated into the total design of the PUD project.
  - b. The Village, at its option, may require that the areas and types of nonresidential facilities to be allowed in a PUD Planned Unit Development Overlay District project be based on a market analysis. The market analysis shall demonstrate that the amount of land proposed is needed and can realistically be supported by area residents and consumers. For these purposes, such analysis should contain the following determinations:
    - 1. Determination of the expected trade area of the proposed commercial facilities.
    - 2. Determination of the trade area population, present and prospective.
    - 3. Determination of the expected effective buying power in such trade area.
    - 4. Determination of net potential customer buying power for stores in the proposed PUD and, on such basis, the recommended store types and floor area.
  - c. Offices shall be permitted in residential PUD Planned Unit Development Overlay Districts only when use specifically for the marketing of such development or as allowable professional home offices per Section 13-1-174.

## **Sec. 13-1-123 General Design Standards for Planned Unit Developments.**

### **(a) General Considerations.**

- (1) **Adequacy of Design.** Design standards and requirements outlined in this Section shall be utilized by the Village in determining the adequacy of all plans for proposed planned unit developments.

- (2) **Consideration of Comprehensive Plans.** Consideration shall be given to applicable provisions of the Village Comprehensive Plan, Official Map and other adopted plans as they pertain to future school sites, recreation sites, water supply, sewage treatment systems, highway and street alignments, environmental integrity, and other public facilities where appropriate.
- (3) **Parcel Ownership; Consideration of Existing Adjacent Development.**
- Areas designated as PUD Overlay Districts shall be under single or corporate ownership or control at the time of their creation.
  - The development of the proposed PUD shall take into consideration relevant features of adjacent existing development.
- (4) **Unsafe or Hazardous Conditions.** Land with unsafe or hazardous conditions, such as open quarries, unconsolidated fill, floodplains or steep slopes, shall not be developed unless the PUD provides for adequate safeguards which are approved by the Village Board.
- (b) **Location of Structures.** Specific lot size, building location, height, size, floor area, and other such requirements shall be based upon determination by the Village Board, following advisory recommendations from the Plan Commission, as to their appropriateness to the proposed uses and structures as they relate to the total environmental concept of the planned development, consistent with the criteria set forth in this Article, and, as near as practicable, consistent with standards established in applicable existing basic zoning districts and regulations, and with those generally accepted basic standards necessary to insure the protection of the public health, safety and general welfare of that area of the community.
- (c) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD
Residential PUD	10 acres
Commercial PUD	10 acres
Industrial PUD	40 acres
Mixed Compatible Use	5 acres

- (d) **Allowable Residential Densities**
- (1) **General Lot Area, Density, Width and Setback/Yard Requirements.**
- In a PUD Planned Unit Development Overlay District, area and width requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units by more than five percent (5%) that would have been permitted if the planned unit development regulations had not been utilized.
  - Setbacks required by the underlying base use district may be modified in PUD Planned Unit Development Overlay Districts; however, no setback shall be less than twenty-five (25) feet from any street right-of-way.

- c. No principal structures in planned unit developments shall be located closer than thirty (30) feet to another structure.
  - d. Structures in residential PUD Planned Unit Development Overlay Districts shall have a rear yard of not less than twenty-five (25) feet.
- (2) **Residential Permitted Densities Standards; Common Open Space Requirements.** In the case of residential uses, the allowable density shall be based on the following considerations:
- a. That there will result an appropriate relationship between the number of dwelling units and the facilities required and available to service them, such as sewer, water, schools, streets, and other appropriate municipal services.
  - b. That there will be an appropriate provision of common open space to compensate for clustering or other concentration of dwelling units, consistent with the goal of creating a desirable living environment. Except as provided below, no plan for a planned unit development shall be approved unless such plan provides for permanent open space equivalent to twenty-five percent (25%) of the total area in single-family residential planned unit developments, thirty percent (30%) in multi-family residential planned unit developments, and ten percent (10%) in commercial/industrial planned unit developments. Such open space may be in any of the following forms, provided they contribute realistically and specifically to the enhancement of the environmental character of the development for benefit of the residents thereof and the general community:
    - 1. Natural areas such as woods, unique meadows, marshes, lakes, wetlands, streams and ponds, providing either an environmental amenity or serving a useful ecological purpose.
    - 2. Agricultural areas, including prime crop land, pasture, orchards, and tree nurseries, contributing to the preservation of the agricultural land resource or significantly contributing to the environmental character of the area.
    - 3. Recreational areas, such as parks, parkways, greenbelts, playfields, and golf courses.
  - c. That there will result an appropriate relationship between the character of existing developments or likely to result from the zoning of property thereto.
- (e) **Building Height and Area Requirements.**
- (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
  - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (f) **Single Parcel, Lot or Tract.** At the time of filing, the land proposed for a PUD Planned Unit Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract.

## **Sec. 13-1-124 Planned Unit Development Site Design Standards.**

- (a) **Natural Features.** Physical layout and form of all structures shall be designed with regard to the topography and natural features of the site.
- (b) **Visual Aspects.** The overall design shall provide for the appearance of external unity throughout the planned unit development project. Variations of building elevations and materials used therein shall be encouraged insofar as they reinforce rather than hamper the design harmony. Housing and other facilities near the periphery of the planned unit development shall be designed so as to be harmonious with neighboring areas.
- (c) **Landscaping.**
  - (1) **Topographic Features Preservation.** Where natural or existing topographic features contribute to the beauty and utility of a development, consideration shall be given to this preservation. Modifications to topography features should only occur where it contributes to good appearance.
  - (2) **Plant Types.** Plant material shall be selected for interest in its structure, texture, color, and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate prevailing weather and natural conditions.
  - (3) **Plant Guards.** In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards, or other protective devices shall be employed.
- (d) **Street Design Standards.** All streets within a PUD Planned Unit Development Overlay District dedicated to the public shall be so indicated on the General Development Plan and shall be constructed in accordance with Village standards (see Title 14), or as modified under this Subsection. Standards of design and construction of roadways within the PUD may be modified as is deemed appropriate by the Village Board; however, in considering such modifications, the Village Board shall consider the impact on traffic/pedestrian safety, snowplowing, and law enforcement/ firefighting/emergency medical services responses. Right-of-way widths and street pavement widths may be reduced where it is found that the General Development Plan provides for the separation of motorized traffic from bicycle/pedestrian circulation patterns. The use of private roadways and streets is discouraged.
- (e) **Accommodation of Pedestrian Traffic.**
  - (1) **Sidewalks; Walkways.** Sidewalks and/or other walkways and bicycle paths shall be provided where necessary for the safety and convenience of pedestrian and cyclist traffic within project boundaries. Special attention shall be given to connections accommodating pedestrian movement between the dwelling units' common open space, recreation facilities, schools, commercial establishments, and parking facilities.
  - (2) **Design Considerations.** Walkway widths and surface treatment of all walkways shall be designed with regard to their function and the anticipated manner of usage. The natural features of the area traversed in the walkway system and suitable lighting in

scale with the project shall also be considered. Utilization of pedestrian ramps as required by law and necessary to either resolve conflicts with vehicular traffic or facilitate the movement of senior citizens and/or children.

(f) **Parking and Loading.**

- (1) **Required Number of Parking Spaces.** Accessible off-street parking and loading facilities shall be provided as required and specified in Article G of this Chapter.
- (2) **Landscaping of Parking Areas.** Parking areas shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement, and parking areas. In keeping with this purpose, the following design standards shall be followed for projects in a PUD Planned Unit Development Overlay District; in the event of conflict between these standards and those prescribed in Article G, the following standards shall be applicable:
  - a. Parking areas shall be arranged so as to prevent or limit thru traffic to other parking areas.
  - b. The minimum size of each such required landscape area in the off-street parking lot shall not be less than one hundred (100) square feet in area nor not less than nine (9) feet in width or length. Canopy trees shall be provided at the rate of one (1) tree for each fifteen (15) off-street parking spaces (or fraction thereof) within the interior of the off-street parking area. The preservaton of existing canopy trees in the parking area may be included in the calculation of the required minimum landscape area. All required new landscape plant material shall be, at the time of installation, those minimum sizes as set forth in Tables A and B of Article I of this Chapter.
  - c. Parking areas shall be screened from residential structures and streets with hedges, dense plantings, earth berms, changes in grade and/or walls, or a combination thereof, except where parking areas are designed as an integral part of the street.
  - d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping unless otherwise approved by the Plan Commission.
  - e. All off-street loading and unloading areas shall be paved and according to the standards in Sec. 13-1-241, the design thereof approved by the Plan Commission.
  - f. Parking area lighting shall be so arranged as to direct the light away from adjoining residences and shall be of a downward-directed design, and shall comply with Village outdoor lighting standards in Title 15, Chapter 10 of this Code of Ordinances.
  - g. All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion and flooding.

(g) **Common Open Space Standards.**

- (1) **Common Open Space Covenant/Easement.**
  - a. All common open space shall be protected by a "common open space covenant" and "open space easement", approved by the Village Board, following review by the Village Attorney, and sufficient to its maintenance and preservation.

- b. Such common open space covenant or open space easement shall specify:
    1. Ownership of any common open space;
    2. Property rights of owners to such common open space;
    3. Method of maintenance;
    4. Responsibility for maintenance;
    5. Maintenance assessments/obligations and provisions for insurance;
    6. Enforcement of non-payment of assessments/obligations;
    7. Enforcement of negligent maintenance;
    8. An agreement that noncompliance with said covenant enables the Village to assess the property owners of the common open space, to cover the cost of assuming maintenance or improvements;
    9. A warranty that any change in such covenant will not be made without the consent of the Village Board; and
    10. Any other specifications deemed necessary by the Village Board.
  - c. Said covenant shall obligate the stated responsible parties to adequately maintain any common open space and complete any necessary improvements to any common open space.
- (2) **Recording of the Common Open Space Covenant.** Such covenant shall be written so as to run with the land and the covenant shall become part of the deed to each lot or parcel within the development.
- (3) **Enforcement of the Common Open Space Covenant.**
  - a. Noncompliance with the above standards governing common open space empowers the Village, as well as other owners in the development, to enforce the common open space covenant.
  - b. If the Village determines that the responsible party is not in compliance with any provisions of the covenant and is not satisfactorily maintaining the common open space, or has not made the necessary improvements to the common open space, the Village of Bristol may, at its own discretion, intervene to maintain the common open space, or complete the necessary improvements to the common open space, and may specifically assess by special charge the property owners within the development which have a right of enjoyment of the common open space, an amount of money sufficient to cover any costs incurred by the Village.
  - c. Such charges shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefor and, if not paid, such charges shall be placed on the property tax roll as a special assessment or charge.
- (4) **Condominium Open Space.** Any common open space held under condominium ownership shall meet the minimum requirements of Chapter 703, Wis. Stats., governing condominiums, and shall provide a common open space covenant as part of the required condominium declaration.

### **Sec. 13-1-125 General Requirements as to Public Services and Facilities.**

- (a) **Drainage.** The development site shall be provided with adequate drainage facilities for surface and storm waters. All applicable stormwater management requirements shall be fully complied with.
- (b) **Public Road Accessibility.** The site will be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the development.
- (c) **Undue Burden on Public Services.** No undue constraint or burden shall be imposed on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm drainage, and maintenance of public areas by the developments.
- (d) **Public Utilities.** Public water and sewer facilities shall be provided.

### **Sec. 13-1-126 Subsequent Land Division.**

The division of any land or lands within a PUD Planned Unit Development Overlay District for the purpose of change or conveyance of ownership may be accomplished pursuant to the land division/subdivision regulations of the Village of Bristol (Title 14) when such division is contemplated.

### **Sec. 13-1-127 Procedural Requirements—Intent.**

Sections 13-1-120 through 13-1-126 set forth the basic philosophy and intent in providing for PUD Planned Unit Development Overlay Districts, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

### **Sec. 13-1-128 Procedural Requirements for Planned Unit Developments.**

- (a) **General Zoning Procedures.** The procedure for zoning to a PUD Planned Unit Development Overlay District shall be the same as required for any other rezoning application, except that an application for zoning to a PUD Planned Unit Development Overlay District may be considered only in conjunction with a General Development Plan as hereinafter defined and shall be subject to the following additional requirements below.
- (b) **Pre-Application Conference.** Prior to the official submission of the petition for the approval of a PUD Planned Unit Development Overlay District, the applicant (owner or his/her agent) shall meet with the Plan Commission, Village zoning staff and/or appropriate

technical professionals advisory to the Village for a preliminary discussion as to the scope and nature of the proposed development, and to discuss possible alternative approaches to the development of the specific area. At the pre-petition conference, the owner or his/her agent shall present a general lay-out conceptual plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a guideline the requirements set forth in this Article.

- (c) **Petition for Review and Approval; General Development Plan.** Following the pre-application conference, the owner or his/her agent may file a petition with the Zoning Administrator for an amendment to the Village's Zoning Map designating and adding a PUD Planned Unit Development Overlay District, thereby permitting the application of the provisions of this Article to the designated area. Such petition shall be accompanied by a review fee as prescribed by Section 1-3-1, as well as incorporate the following information:
- (1) **General Informational Statement.** A statement which sets forth the relationship of the proposed PUD Planned Unit Development Overlay District to the Village's adopted Comprehensive Plan, Neighborhood Plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD Planned Unit Development Overlay District, including the following information:
    - a. Total area to be included in the PUD Planned Unit Development Overlay District, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and 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 of common open spaces.
    - 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, stormwater management systems and/or maintenance of common open spaces.
    - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land division/subdivision ordinance, 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 and also an outline of any development staging which is planned.
  - (2) **General Development Plan.** The General Development Plan consists of a general concept plan for the entire area covered by the proposed PUD Planned Unit Development Overlay District, and shall be submitted concurrently with the petition for rezoning of the area to a PUD Planned Unit Development Overlay District. In addition to any other site plan or architectural review requirements in this Chapter, the General Development Plan shall provide the following in sufficient detail to make possible an evaluation under the criteria prescribed in Sec. 13-1-129:

- a. A survey and legal description of the boundaries of the subject property included in the proposed PUD and a general location map showing the relationship of the proposed development site to surrounding properties. The boundaries of the proposed planned unit development shall be dimensioned and drawn at a scale no smaller than 1" = 200', identifying the use(s) of all abutting properties. These documents shall be prepared by a land surveyor registered by the State of Wisconsin.
- b. The topography of the site showing contours at an interval of no more than two (2) feet and showing all significant natural terrain features such as wooded areas, marshes, drainageways, and water bodies.
- c. The location of actual and proposed public and private roads, driveways, sidewalks and parking facilities.
- d. The size, arrangement, location and use of any proposed individual building sites and building groups on each individual site, and the type, size and location of all structures. Specifically addressed shall be the proposed density of residential development.
- e. General architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
- f. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways. Specifically addressed shall be the character of recreational and open space areas, including designation of any such areas to be classified as "common open space".
- g. General landscape treatment.
- h. The existing and proposed location of public sanitary sewer and water supply facilities, and a detailed stormwater drainage plans prepared by a professional engineer registered by the State of Wisconsin.
- i. The existing and proposed location of all private utilities or other easements.
- j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
- k. If the development is to be staged, a staging plan.
- l. A plan showing how the entire development can be further subdivided in the future.
- m. Appropriate statistical data relative to the proposed development.
- n. A general outline of intended organizational structure related to property owners' associations, deed restrictions, etc.
- o. A general summary of the total estimated value of the completed development including structures, site improvement costs, landscaping and special features.
- p. The expected date of the commencement of the physical development of the site, which shall include a statement outlining the amount of construction which shall constitute "commencement of the physical development of the site". As a

condition of processing, this date and statement shall be mutually agreed upon by the petitioner and the Village.

- q. A written construction schedule mutually agreed upon by the petitioner and the Village, which details the amount of completed construction which will be equivalent to seventy-five percent (75%) of the projected cost of the development. For purposes of this Article, such figure shall be referred to as the amount of development construction which has been "substantially completed."
- r. A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, if subdivided lands are included in the planned unit development. (Note: The submission of one (1) or more of the above documents and plans, or a portion(s) of any one of the above documents and plans may be waived by the Village when such are not applicable for the review of a particular type of development).
- s. Any other information deemed appropriate and necessary by the Plan Commission, Village Board, Zoning Administrator, Village Administrator or Village zoning officials.

(d) **Referral to Plan Commission; Recommendation.**

- (1) **Plan Commission Review.** Upon submittal to the Zoning Administrator, the petition for a PUD Planned Unit Development Overlay District shall be referred to the Plan Commission for its review and consideration. The Plan Commission shall, within one hundred twenty (120) days after referral, forward the petition to the Village Board with a recommendation that the zoning and related General Development Plan be approved as submitted, approved with modifications, or disapproved. The Plan Commission may add any additional conditions or restrictions which it may deem necessary or appropriate to recommend to promote the spirit and intent of this Zoning Code and the purpose of this Article guiding planned unit developments.
- (2) **Basis for Petition Recommendation.** The Plan Commission, in making its recommendations to the Village Board, shall find:
  - a. That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Article specifically and generally to the intent and spirit of the Zoning Code; is in conformity with any existing or proposed comprehensive plan or plan components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
  - b. That the petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the PUD project within eighteen (18) months following the approval of the petition, and that the development will be carried out according to a reasonable construction schedule satisfactory to the Village.
  - c. That the proposed site is provided with adequate drainage facilities for surface and stormwaters.

- d. That the proposed site is adequately accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
  - e. That no undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and law enforcement protection, street maintenance, and maintenance of public areas by the proposed development.
  - f. That the internal streets and driveways on the site of the proposed development are adequate to serve the proposed development and meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
  - g. That centralized public water and sewer facilities are provided.
  - h. That the entire tract or parcel of land to be included in a Planned Unit Development Overlay District is held under single ownership, or if there is more than one (1) tract, lot or parcel and the legal description defines said PUD as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the PUD Planned Unit Development Overlay District provided that all further divisions are in accordance with the restrictions placed on the particular planned unit development.
- (e) **Public Hearing.** The Plan Commission shall, before making a recommendation on the disposition of the petition, hold a public hearing on the petition for a PUD Planned Unit Development Overlay District in the manner provided in Sections 13-1-164 through 13-1-165 for Conditional Uses. Notice of such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.
- (f) **Village Board Approval.** The Village Board, following a recommendation from the Plan Commission and public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted, or approve the petition subject to any additional conditions, restrictions and/or modifications the Village Board may impose. Approval of the proposed zoning to a PUD Planned Unit Development Overlay District shall constitute approval of the related General Development Plan, which shall be made part of the zoning record as an integral component of the right of use for the area in conformity with such plan.
- (g) **Detailed Implementation Plan; Submittal and Approval.**
- (1) **Submittal Requirement; Timeframe.** Within eighteen (18) months following the approval of the General Development Plan and PUD Planned Unit Development Overlay District, unless the time is extended by the Village Board, a Detailed Implementation Plan for the entire area, or a portion/phase thereof, shall be submitted to the Zoning Administrator.
  - (2) **Contents.** The Detailed Implementation Plan shall include the following:
    - a. A written statement describing the area of the proposed development and its relationship to the General Development Plan, along with a description of any proposed variations.

- b. A plat of survey as required by Chapter 236, Wis. Stats., of the areas of the Detailed Implementation Plan showing all existing utilities and recorded easements.
  - c. The topography of the area of the Detailed Implementation Plan showing contours at an interval of no more than two (2) feet.
  - d. A detailed site development plan showing at a scale no smaller than 1" - 200' the specific designation of proposed land utilization, including the pattern of public and private roads, driveways, walkways, and parking facilities; detailed lot layout, and the arrangements of building groups other than single family residences; the use intended for any non-residential buildings; and the specific treatment of open spaces.
  - e. A proposed grading plan for the area of the Detailed Implementation Plan.
  - f. Specific landscape plans for all common open space, amenities or housing groups other than private single-family lots, including fences, walls, signs and lighting.
  - g. Architectural plans for any non-residential buildings, multi-family structures or building clusters other than conventional single-family homes on individual lots in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.
  - h. Detailed storm drainage, sanitary sewage disposal, and water system plans approved by the Village Engineer.
  - i. Proposed engineering standards for all roads, parking areas, and walkways.
  - j. Agreements, bylaws, covenants, and other documents providing for permanent preservation and maintenance of common open space areas and amenities.
  - k. A schedule and map as to the intended phasing of development if more than one (1) phase is intended.
  - l. Any other information deemed appropriate and necessary by the Village Board, Plan Commission or Village zoning officials.
- (3) **Review and Approval.** Upon submittal, the Zoning Administrator shall refer the Detailed Implementation Plan and related documents to the Plan Commission. The Plan Commission shall, within sixty (60) days of referral, forward its recommendation to the Village Board that the Detailed Implementation Plan be approved as submitted, approved with modifications, or disapproved. The Village Board shall then take whatever action it deems appropriate on such Detailed Implementation Plan. Before plans submitted for a Detailed Implementation Plan will be approved, the developer shall give satisfactory proof that he/she has contracted to install all necessary improvements or file a performance bond, letter of credit or cash deposit, approved as to form by the Village Attorney, that such improvements will be installed within the time required by the Village Board. A Detailed Implementation Plan which is in conformity with an approved General Development Plan shall be entitled to approval, subject only to approval of the details of the Detailed Implementation Plan.

- (4) **Variations.** Consistent with the basic goal of limited flexibility, minor variations may subsequently be permitted in details of the approved plans, subject to approval of the Plan Commission. If, in the opinion of the Plan Commission, any requested variation constitutes a substantial alteration of the original General Development and Detailed Implementation Plans as approved, the matter shall be referred to the Village Board for a hearing and action thereof. The introduction of any new category of use or increase of more than two percent (2%) from the approved density shall automatically constitute a substantial variation.
- (h) **Development Implementation.**
  - (1) **Conformity With Approved Plans.** No specific use or building permit shall be issued for any part of such approved General Development Plan except for an area covered by an approved Detailed Implementation Plan and in conformity with such Plan.
  - (2) **Official Record.** Detailed building and landscape plans, as well as all other commitments and contractual agreements with the Village related to a Detailed Implementation Plan, shall be made a part of the official record and shall be considered supplementary components of the PUD Planned Unit Development Overlay District.
- (i) **Phasing Time Schedule; Extensions.**
  - (1) **Phasing Schedule.** Each Detailed Implementation Plan shall be accompanied by a phasing schedule showing the times within which each phase or segment of the Detailed Implementation Plan will be completed. Approval of any Detailed Implementation Plan by the Village Board shall carry with it approval of the time schedule for completion of each phase or segment thereof, including any changes or amendments required by the Village Board.
  - (2) **Time Extensions.** In the event that any portion of such time schedule is not met, the Village Board, upon written request of the developer for an extension of time, delivered to the Village Board at least twenty-five (25) days prior to the expiration of the completion date for which such extension is requested, may, for good cause shown, extend said completion date for such length of time as the Village Board, at its sole discretion, deems justified by the circumstances. There shall be no limit upon the number of time extensions which may be requested.
  - (3) **Failure to Meet Phasing Schedule.** Upon failure of the developer to satisfactorily meet any phase or segment of the completion or phasing schedule, as determined by the Zoning Administrator or Building Inspector, within thirty (30) days of the expiration date thereof or within thirty (30) days of denial by the Village Board for extension thereof, all permits and approvals shall be void or suspended on other segments of the Detailed Implementation Plan until such time as the developer is able to be in conformance with the completion schedule phasing.
- (j) **Rescinding An Approval.** Failure to comply with the conditions, commitments, guarantees, or the conditions established in the approval of such planned unit development

project shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator or Building Inspector, the developer shall then be required to appear before the Village Board at a public meeting to explain any such failure to comply. The Village Board at such hearing shall determine whether or not the developer shall have failed to comply and if there has been such a failure, may either:

- (1) ***Rescind Its Approval.*** The Village Board may rescind its earlier approval, whereupon such rescision and the cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvements, shall become effective on the 31st day following mailing, by certified mail, to the developer at his/her last known address of a written notice of such rescision; or
  - (2) ***Compliance Extension.*** The Village Board, in the alternative to rescision, may adjourn such hearing for a period not to exceed sixty (60) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Village Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there shall be such compliance. If the developer is not then in substantial compliance or does not establish to the reasonable satisfaction of the Village Board that there will be compliance in the future, the Village Board will proceed in accordance with Subsection (j)(1) above for rescision.
- (k) **Revocation; Abandonment of Plan; Revocation to Basic Zoning Regulations and Uses.**
- (1) ***Revocation Upon Failure to Submit Precise Implementation Plan.*** In the event the developer shall fail to submit a Detailed Implementation Plan as revoked herein, the General Development Plan shall also be deemed revoked.
  - (2) ***Developer Abandonment of Project.*** In the event the developer shall elect to abandon the General Development Plan, after the same is approved and the area zoned to PUD Planned Unit Development Overlay District, the developer shall immediately notify the Village Board, in writing, and, upon receipt of such notice of abandonment, the General Development Plan shall be deemed revoked.
  - (3) ***Reclassification to Basic Underlying Zoning District.*** When recessions occur pursuant to the above, the area involved shall automatically revert to its underlying zoning and its applicable zoning regulations and uses.
- (l) **Major Changes.**
- (1) ***Major Changes Defined.*** Subsequent changes which alter the concept or intent of the planned unit development shall be defined as a "major change" and include, but are not limited to, the following:
    - a. Any change in the boundaries of the PUD District.
    - b. Any change in the permitted use to a less restrictive use.
    - c. Any construction of an accessory building or structure that is greater in dimensions than permitted by Article K.

- d. Any increase in the number of dwelling units over limits allowed by this Article.
  - e. Any change in the lot area or width requirements which were established at the time of approval.
  - f. Any change in the yard requirements which were established at the time of approval.
  - g. Any change in the amount or maintenance responsibility of common open space.
  - h. Any change in street locations or alignment.
  - i. Any change in the drainage plan.
  - j. Any subsequent land division.
  - k. Any change in the final governing agreements, provisions or covenants, agreed upon at the time of approval.
  - l. Any other change which is determined by the Zoning Administrator to constitute a major change.
- (2) **Action on Major Changes.** The Zoning Administrator shall forward any major change to the Village Board for approval. Notice of the proposed change shall be given to all current property owners within the planned unit development area, at the expense of the petitioner, and shall be forwarded to any established association, pursuant to the procedures of the submitted association bylaws. Such major change shall be submitted as a new amendment to the PUD Planned Unit Development Overlay District and association general development plan and detailed implementation plan, and shall follow the procedures in this Article for new applications.
- (m) **Subsequent Land Division.** Any division of land or lands within a PUD Planned Unit Development Overlay District shall be accomplished pursuant to the land divisions regulations contained in Title 14 of the Village of Bristol Code of Ordinances. If such division is contemplated at the time of application for PUD District treatment, a preliminary plat of the lands proposed to be divided should also be filed with the Village at that time.

## **Sec. 13-1-129 Criteria for Approval of the Petition for Planned Unit Development.**

- (a) **General Requirements.** The approval of a project encompassed in a PUD Planned Unit Development Overlay District shall be within the discretion of the Village Board. The Village Board, at its discretion, may determine that consideration of a project as a PUD Planned Unit Development Overlay District is not appropriate, and that conventional consideration and review under the standard requirements of this Zoning Code is appropriate and in the best interests of the Village and its citizens. The Plan Commission, in making a recommendation, and the Village Board, in making a determination approving a petition for a PUD Planned Unit Development Overlay District, shall base determinations on compliance with the following criteria:

- (1) **Compliance With Intent of Zoning Code.** That the proposed development is consistent with the specific requirements of this Article governing planned unit developments and with the spirit and intent of this Zoning Code.
- (2) **Professionally-Prepared Plans.** That the proposed development plan has been prepared with competent professional advice and guidance, and produces significant benefits in terms of improved environmental design sufficient to justify the application of the planned unit development concept instead of conventional zoning regulations.
- (3) **Consideration of Physical Nature of the Site.** That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open space, and careful shaping of terrain to ensure proper drainage and preservation of natural features wherever appropriate.
- (4) **Compatibility With Other Developments.** That the general character and density of use of the planned unit development produces an attractive environment appropriate to the uses proposed and which is compatible with existing developments in the surrounding area and with general community development plans and policies.
- (5) **Municipal Services.** That the development can be provided with appropriate municipal services.
- (6) **Functional Design.** That proposed design standards provide adequately for practical operation and maintenance based on actual functional need in terms of circulation, parking, emergency services, delivery services, snow plowing, and garbage and refuse collection.
- (7) **Provisions for Common Open Space.** That adequate provision has been made to ensure proper maintenance and preservation of "common open space" which has been provided within the development for the recreational and aesthetic enhancement of the development, or to preserve or protect natural environmental or ecological resources. Such provisions may be made by dedication to the public or by retention in private ownership with appropriate covenants. Private ownership may be in common or individual ownership subject to the following:
  - a. The "common open space" shall be protected against future development by conveying to the Village and to each property owner within the planned unit development intended to be benefitted, as part of the conditions for development plan approval, a perpetual "open space easement" or "common open space covenant" running with the land and over such areas restricting them against future building development or use, except as is consistent with the use as designated on the approved plan for recreational or aesthetic purposes, or for the preservation of conservancy, natural environmental or ecologic resources.
  - b. The care and maintenance of such "common open space" shall be ensured by adequate covenants and deed restrictions, approved by the Village Attorney, running to the Village as well as to each property, assuring such maintenance.

Where such maintenance is not carried out to the satisfaction of the Village, the Village shall be empowered and authorized to treat such area as a special service district and to provide the necessary maintenance service and to levy the cost thereof as a special charge on all properties within such service area.

- c. In the case of roadways and other rights-of-way which are not dedicated to the public as part of the conditions for project approval, there shall be granted to the Village such easements over the same as may be necessary to enable the Village to provide suitable and adequate fire protection, sanitary and storm sewer, water, and other required municipal services of the project area.
  - d. Ownership and tax responsibility of private open space areas and rights-of-way shall be established in a manner acceptable to the Village and made part of the condition of the plan.
  - e. Areas established for public use shall be dedicated to the Village on preliminary and final subdivision plats consistent with the approved development plan.
- (8) **Other Factors.** Any other factors which in the discretion of the Village Board are necessary to protect the public health, safety, and welfare of the area of the community.
- (b) **Proposed Construction Schedule.** The Plan Commission and Village Board, in making their respective recommendations and determinations, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD Planned Unit Development Overlay District, commencement of the physical development within one (1) year of approval being deemed reasonable. The petitioners for the proposed PUD Planned Unit Development Overlay District shall indicate when they intend to commence development and that the development will be carried out according to the written construction schedule as outlined in Subsection (c)(2)p-q. The construction schedule shall be a binding legal agreement between the developer and the Village, requiring signatures of the authorized agent of the planned unit development project and of the Village. Failure of the developer to commence the physical development of the planned unit development within the specified time period, or failure of the developer to complete the development as agreed under the construction schedule, empowers the Village to take the necessary actions specified in Section 13-1-129(j)-(k).
- (c) **Residential PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- (1) 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.
  - (2) The total net residential density within the planned unit development will be compatible with the Village Comprehensive Plan, Neighborhood Plan, or components thereof, and shall be compatible with the density of the district wherein located.

- (3) The following table shall be complied with for the following districts in determining the density of a development or site:

<b>Zoning District</b>	<b>Maximum Gross Density (dwelling units per acre)</b>	<b>Average Net Area Per Dwelling Unit (square feet)</b>
R-3	1.8	20,000
R-4	2.4	15,000
R-5	3.6	10,000
R-8	3.6	10,000
R-9	7.3	5,000
R-10	9.1	4,000
R-11	12.1	3,000

- (4) A Residential Planned Unit Development project is limited to development types as hereinafter set forth:
- Cluster developments, attached single family dwellings, townhouses, and condominiums are permitted in the R-4, R-5, and R-8 Districts but shall not exceed two (2) dwelling units per structure.
  - Cluster developments, townhouses, and condominiums are permitted in the R-9 District but shall not exceed four (4) dwelling units per structure.
  - Cluster developments, townhouses and condominiums are permitted in the R-10 District but shall not exceed eight (8) dwelling units per structure.
  - Cluster developments, townhouses, and condominiums are permitted in the R-11 District, in which case the Village Board may set limits on structural size and number of units in each structure.
- (5) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
- (6) Provision has been made for adequate, continuing fire and law enforcement protection.
- (7) The population density and composition of the development will or will not have an adverse effect upon the Village's capacity to provide needed school or other municipal service facilities.

- (8) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.
- (d) **Commercial PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
  - (1) The economic practicality of the proposed development can be justified.
  - (2) The proposed development will be adequately served by off-street parking and truck service facilities in accordance with this Chapter.
  - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and law enforcement protection, street maintenance, water, sanitary sewer and stormwater drainage and maintenance of public areas.
  - (4) The locations of 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 any adverse effect upon the general traffic pattern of the surrounding neighborhood.
  - (5) The architectural design, landscaping, control of lighting/noise, 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 area.
- (e) **Industrial PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
  - (1) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
  - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and law enforcement protection, street maintenance, water sanitary sewer and stormwater drainage and maintenance of public areas.
  - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
  - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:

- (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.
- (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and law enforcement protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

## **Sec. 13-1-130 AO Airport Overlay District.**

(a) **Purpose.**

- (1) **Intent.** It is the intent of the Village Board in creating the AO Airport Overlay District to provide for the possibility of establishing a use district designed to coordinate the planning, development, and regulation of land uses in the vicinity of airports so as to ensure that the uses are mutually compatible with the operation of the airport and that any public investment in an airport is protected and further that public safety, welfare, health and convenience is served. So as to address the problems which are associated with airport development, this District is distinguished by regulations relating to, but not limited to, safety, density, height restrictions and noise levels.
- (2) **Listing of Principal and Accessory Uses.** It is recognized that it is neither possible nor practical to list all of the principal (permitted) and accessory uses that are compatible with those listed below and, therefore, it is intended that the following list of principal and accessory uses only be illustrative. Any individual allegedly aggrieved by a failure to list a principal or accessory use in this Section shall have the right to request that the Zoning Administrator make a determination as to the similarity of the intended/proposed use with the principal and accessory uses listed in this Section.

(b) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **Airport Affected Area.** That area contiguous to the airport property in which mutually compatible land uses would be in the public interest. The total length of an airport affected area may not exceed five (5) times the length of an existing or planned runway, and an airport affected area may not extend beyond the end of the runway by a distance exceeding twice the length of the existing or planned runway. The width of an airport affected area may not exceed one-half (1/2) mile on either side of the center line of the existing or planned runway.
- (2) **Airport Owner.** The Village or other entity which owns an approved airport.

- (3) **Approved Airport.** Any airport or future airport site:
    - a. Which has been approved as an airport site by appropriate state and federal agencies;
    - b. Which is included in the state airport system; and
    - c. To which the fee simple is vested in the airport owner.
  - (4) **Mutually Compatible Uses.** Those uses of land which neither create an airport hazard to the safe operation of aircraft using the airport, nor are in such a location relative to the airport that inhabitants might be unduly endangered or otherwise adversely affected by the unlawful operation of aircraft using the airport.
- (c) **Procedures for Creation of AOD Airport Overlay District.**
- (1) **Petition for Overlay District.** Any airport owner may petition the Village for the purpose of creating an Airport Overlay District pursuant to the procedures in this Chapter.
  - (2) **Airport Affected Area Land Use Plan.**
    - a. Prior to petitioning the Village for the purpose of creating an Airport Overlay District, the airport owner shall prepare for presentation to the Village Board and Plan Commission an airport affected area land use plan. Said plan shall be prepared in such a fashion so as to consider the social, economic, and environmental affects of the airport and airport operations on land in the vicinity of the airport and in the airport affected area and shall make provision for anticipated growth and coordination of planning efforts for other transportation modes for both passengers and freight.
    - b. The airport affected area land use plan shall reflect environmental, developmental and transportation goals for the area and shall be adopted by the airport owner. A copy of the airport affected area land use plan, including maps and accompanying documents, shall be submitted to the Secretary of the Wisconsin Department of Transportation for review prior to submission to the Village.
    - c. The airport affected area land use plan shall catalogue all existing land uses in the vicinity of the airport and in the airport affected area, project future characteristics involving the operation of the airport and the land requirements for said airport, including the number and type of aircraft that will make use of the airport, the hours of operation, and the necessary land acquisitions and easements needed for the safe operation of the airport. In addition, said plan shall delineate all noise zones, the types of uses that are both compatible and incompatible in said noise zones, and long-range estimates of noise impact. Said plan shall furthermore identify existing and future incompatible uses, designate alternative land use plans, and techniques for plan implementation, as well as evaluate the potential effects of these alternative land use plans and regulatory techniques. The best alternative plan and technique shall be recommended.
    - d. Accompanying said plans shall be all necessary noise contour maps and compatibility charts and tables and height restriction maps necessary for the safe operation of the airport facility.

- (d) **Permitted Uses; Noninterference With Navigational Structures.** Upon the creation of an AOD Airport Overlay District, navigational and meteorological structures shall be permitted, and the following principal uses shall be permitted provided they are permitted in the underlying basic use district and that there is no interference with existing or proposed navigational aids:
- (1) Agriculture, forestry, truck farming and other vegetable and plant crop cultivation, and roadside stands for the sale only of products grown on the premises.
  - (2) Arboretum.
  - (3) Automobile storage areas.
  - (4) Botanical gardens.
  - (5) Car rental agencies.
  - (6) Fish and bait hatcheries, and worm farms, including sale at wholesale or retail.
  - (7) Game preserves.
  - (8) Golf courses.
  - (9) Greenhouses.
  - (10) Marinas.
  - (11) Nurseries, landscaping.
  - (12) Parking lots.
  - (13) Picnic areas.
  - (14) Public works and public utility facilities such as water pumping stations, plants and reservoirs, electric transmission lines and substations.
  - (15) Reservoirs.
  - (16) Riding academies, public and private stables.
  - (17) Sod farming.
  - (18) Water-treatment plants.
- (e) **Accessory Uses.** Upon the creation of the AOD Airport Overlay District, only those accessory uses permitted in the underlying district shall be permitted, provided, however, that there is not interference with existing or proposed navigational aids.
- (f) **Overlay District Conditional Uses.** Upon the creation of the AOD Airport Overlay District, only the following conditional uses shall be permitted as either principal/permitted or conditional uses in the underlying zoning district:
- (1) Aviation schools.
  - (2) Banking services.
  - (3) Bottling plants.
  - (4) Building materials, storage yards or buildings, including sales of equipment commonly used by contractors.
  - (5) Cemeteries, columbaria, crematories, and mausoleums, subject to the approval of the Wisconsin Board of Health.
  - (6) Convention centers.
  - (7) Gasoline stations.

- (8) Hotels and motels.
  - (9) Lumber yards, storage and sales.
  - (10) Office buildings.
  - (11) Recreational activities.
  - (12) Restaurants.
  - (13) Service and light industries and related offices and showrooms that manufacture, compound, assemble, process, package, store and distribute goods and materials and are in general dependent upon raw materials refined elsewhere, including chemicals and allied products; food and beverage products; metal and metal products; textiles; bedding and fibers; wood and paper products; glass products; plastic products.
  - (14) Sewage disposal plants.
  - (15) Shopping centers.
  - (16) Stone monument works.
  - (17) Terminals (passenger, freight, taxi, bus).
  - (18) Warehouses and related showrooms and offices.
  - (19) Wholesale distribution centers, including storage buildings, open storage areas, and related offices and showrooms.
- (g) **Special Requirements.** The following special requirements shall apply for all principal, accessory and conditional uses allowed in the AOD Airport Overlay District:
- (1) **Lighting.**
    - a. Except as may be permitted as an airport navigational aid, a pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention-getting device shall be expressly prohibited.
    - b. Flood lights, spot lights, or other lighting device shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.
    - c. Any light which constitutes a "misleading light" within the meaning of TSO-N19 or such other regulations, as may be thereafter duly adopted by the Civil Aeronautics Administration, is expressly prohibited.
  - (2) **Radio and Electronic.**
    - a. Any radio or electronic device shall be permitted only in conjunction with a valid license therefore or other authorization as may be issued by the Federal Communications Commission (FCC).
    - b. Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission (FCC) is expressly prohibited.
  - (3) **Smoke.** Any operation or use which emits smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.
- (h) **Lot Area; Width; Yards; Sanitation Requirements.** Lot area, width, yard and sanitation requirements applicable in the underlying district shall apply in the APO Airport Overlay District.

- (i) **Height.** Except for legal fences and farm crops, no structure shall be constructed, altered, located or permitted to remain after construction, alteration or location and no trees shall be allowed to grow to a height in excess of the height limit indicated on the "Height Restriction Maps" prepared in conjunction with the airport affected area land use plan provided for in this Section.
- (j) **Noise.** No principal, accessory or conditional use shall be permitted on a parcel unless the intended use is compatible with the sound levels expected to be generated on the parcel as shown on the Noise Contour Maps and compatibility charts and tables prepared in conjunction with the airport affected area land use plan provided for in this Section.
- (k) **Amendment of Overlay District Provisions.** Any amendment to the AOD Airport Overlay District shall not be effective until such time as the airport owner has been notified of the proposed amendment and has been given an opportunity to notify the Village Board of any adverse affect created by said amendment.

### **Sec. 13-1-131 RC Rural Cluster Development Overlay District.**

- (a) **Primary Purposes and Characteristics.** The purpose of the RC Rural Cluster Development Overlay District is to preserve rural landscape character, sensitive natural areas, farmland and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Specific objectives are as follows:
  - (1) To maintain and protect rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, shorelands, prairies, ridge tops, steep slopes, and critical species habitat by setting them aside from development. Such areas are contained in primary environmental corridors as identified by the Southeastern Wisconsin Regional Planning Commission and/or Village planners and are of particular significance for conservation.
  - (2) To preserve scenic views and to minimize views of new development from existing streets.
  - (3) To provide for the unified and planned development of clustered, single family, low density residential uses, incorporating large areas of permanently protected common open space.
  - (4) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard district regulations in order to minimize the disturbance of the rural landscape elements, scenic quality, and overall aesthetic value of the landscape.
  - (5) To increase flexibility and efficiency in the siting of services and infrastructure, by reducing street length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.

- (6) To create groups of dwellings with direct visual and physical access to common open space.
  - (7) To permit active and passive recreational use of common open space by residents of developments within this District and by the public, when appropriate.
  - (8) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
  - (9) To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses.
  - (10) To permit various means for owning common open space and for protecting it from development in perpetuity.
  - (11) To create an attitude of stewardship for the land within common open space by requiring a land management plan for the common open space.
  - (12) To implement the objectives of any applicable adopted comprehensive plan or comprehensive plan component.
- (b) **RC Rural Cluster Development Overlay District Designation.** A RC Rural Cluster Development Overlay District designation may be placed on any site in the A-2, R-1, and C-2 Districts meeting the minimum tract size requirements specified in Subsection (g) below.
- (c) **Principal Uses.** The following are permitted principal uses in the RC Rural Cluster Overlay Development District:
- (1) Clustered single family detached dwellings.
  - (2) Single family farmstead dwellings with associated agricultural structures as listed in Subsection (c)(6)f.
  - (3) Community living arrangements having a capacity for eight (8) or fewer persons and which shall be in conformance with all state statutory requirements.
  - (4) Essential services.
  - (5) Foster family homes having less than four (4) foster children and not exceeding eight (8) total occupants and which are in conformance with all state statutory requirements.
  - (6) Common open space for cluster development with uses permitted as follows:
    - a. Conservation of land in its natural state (example: woodland, fallow field, or managed meadow).
    - b. Game farm, fish hatchery, hunting and fishing preserve, wildlife sanctuary, forest preserve, or similar uses designated for the protection and propagation of wildlife.
    - c. Agricultural uses, including the cultivation, harvesting and sale of crops and related farm products, the raising and sale of livestock or fowl, along with associated pasture and barnyards, orchards, nurseries, greenhouses and related horticultural activities.
    - d. Pasture for recreational horses.
    - e. Growing and sale of Christmas trees.

- f. Agricultural structures such as barns, silos, storage sheds, cribs, coops, and stables.
  - g. Interior cluster group open space.
  - h. Passive recreation, including, but not limited to, hiking trails, bicycle or bridal trails, picnic areas, community gardens, and lawn areas.
  - i. Active recreation, including, but not limited to, playing fields, playgrounds and courts.
  - j. Parking areas where necessary to serve active recreation facilities.
  - k. Easements for access, drainage, sewer and water lines, or other public purposes.
  - l. Stormwater management facilities including detention and retention basins.
  - m. Water supply and sewerage systems for individual lots, cluster groups, or the entire development.
  - n. Utility and street rights-of-way except that their land areas shall not count toward the minimum open space requirement.
- (d) **Common Open Space Prohibited Uses.** The following uses and activities are prohibited in common open space areas:
  - (1) Use of motor vehicles except on approved roads, driveways and parking areas. Maintenance, law enforcement, emergency and farm vehicles are exempt from this provision.
  - (2) Cutting of healthy trees, regrading, cutting and filling, topsoil removal, altering, diverting or modifying water courses or water bodies, except in compliance with a land management plan for the tract, conforming to customary standards of forestry, erosion control and engineering.
  - (3) Intensive animal feed lot operations.
- (e) **Permitted Accessory Uses.** The following are permitted accessory uses in the RC Rural Cluster Development Overlay District:
  - (1) Accessory structures such as detached garages, sheds and boathouses.
  - (2) Home occupations and professional home offices.
  - (3) Swimming pools and spas.
  - (4) Fences.
- (f) **Conditional Uses.** The following are conditional uses in the RC Rural Cluster Development Overlay District:
  - (1) Community living arrangements having nine (9) but not more than fifteen (15) persons which shall be in conformance with all state statutory and administrative rule requirements.
  - (2) Model single family homes and related real estate sales office located within the model unit.
  - (3) Utility substations.
  - (4) Wind energy conversion systems.
  - (5) Golf courses.

- (6) Community swimming pools.
- (7) Community center for the use of residents of the cluster development.
- (g) **Density and Dimensional Standards.**
  - (1) For residential dwellings with individual on-site sewage disposal absorption systems:

Development Standard	A-2 District	R-1 District & C-2 District
Minimum tract size	50 acres	25 acres
Maximum density [1]	1 du/10 acres	1 du/5 acres
Minimum lot area [2]	80,000 sq. ft.	40,000 sq. ft.
Minimum lot width [3]	200 feet	150 feet
Street yard	75 feet	50 feet
Shore yard	No less than 75 feet from the ordinary high water mark of any navigable water	Not less than 75 feet from the ordinary high water mark of any navigable water
Side yard [4]	50 feet	25 feet
Rear yard	75 feet	50 feet
Accessory buildings set-back & size regulations	See district section	See district section
Minimum common open space [6]	60 percent	60 percent
Maximum building height (excluding agricultural structures)	35 feet	35 feet
Maximum building coverage (percentage of individual lot)	10 percent	10 percent

- a. Existing dwellings that may or may not be part of a farmstead shall be counted towards the total density. For the purposes of this Subsection, acres refers to gross land area including all lands within the tract, except existing street, railroad,

- and utilities rights-of-way. Only twenty percent (20%) of wetlands and floodplain may be counted toward the calculation of density.
- b. For an existing farmstead on a tract used for cluster development, the minimum lot area shall be five (5) acres or a lot large enough to accommodate all structures within a building envelope created by a one hundred (100) foot setback from all sides of the lot, whichever is larger. For farmsteads with livestock, the setback shall be increased to two hundred (200) feet.
  - c. Lot frontage may be reduced on lots located on a cul-de-sac or curve to one hundred (100) feet of frontage in the A-2 District and eighty (80) feet in the R-1 and C-2 Districts provided there is at least two hundred (200) feet of width at the required setback line in the A-2 District and one hundred and fifty (150) feet in the R-1 and C-2 Districts.
  - d. When dwelling units are not located on individual lots, such as in a condominium development, they shall be separated from one another by a minimum distance of one hundred (100) feet in the A-2 District and fifty (50) feet in the R-1 and C-2 Districts.
  - e. Accessory buildings are not permitted in front yards.
  - f. In the calculation of common open space areas, the following shall be excluded:
    1. Private lot areas.
    2. Public or private street and highway rights-of-way.
    3. Railroad and utility rights-of-way.
    4. Parking areas.
    5. Areas not meeting the requirements of Subsection (j)(9).
- (2) For residential dwellings with public sanitary sewer:

Development Standard	A-2, R-1 & C-2 Districts
Minimum tract size	A-2 District: 50 acres R-1 & C-2 Districts: 25 acres
Maximum density [1]	A-2 District: 1 du/10acres R-1 & C-2 Districts: 1 du/5 acres
Minimum lot area [2]	20,000 square feet
Minimum lot width [3]	100 feet
Street yard	30 feet
Shore yard	Not less than 75 feet from the ordinary high water mark of any navigable water
Side yard [4]	10 feet minimum one side 20 feet both sides
Rear yard	25 feet

Accessory building setback from side & rear lot lines	See district section
Minimum common open space [6]	70 percent
Maximum building height (excluding agricultural structures)	35 feet
Maximum building coverage (percentage of individual lot)	15 percent

- a. Existing dwellings that may or may not be part of a farmstead shall be counted towards the total density. For the purposes of this Subsection, acres refers to gross land area including all lands within the tract, except existing street, railroad, and utilities rights-of-way. Only twenty percent (20%) of wetlands and floodplain may be counted toward the calculation of density.
- b. For an existing farmstead on a tract used for cluster development, the minimum lot area shall be five (5) acres or a lot large enough to accommodate all structures within a building envelope created by a one hundred (100) foot setback from all sides of the lot, whichever is larger.
- c. Lot frontage may be reduced on lots located on a cul-de-sac or curve to fifty (50) feet of frontage provided there is at least one hundred (100) feet of width at the required setback line.
- d. When dwelling units are not located on individual lots, such as in a condominium development, they shall be separated from one another by a minimum distance of sixty (60) feet.
- e. Accessory buildings are not permitted in front yards.
- f. In the calculation of common open space areas, the following shall be excluded:
  1. Private lot areas.
  2. Public or private street and highway rights-of-way.
  3. Railroad and utility rights-of-ways.
  4. Parking areas.
  5. Areas not meeting the requirements of Subsection (j)(9).

(h) **Separation Distances for Cluster Groups.**

- (1) The outer boundaries of all cluster groups shall conform to the following separation distances:

From abutting arterial street proposed rights-of-way or from scenic roads, if defined in the comprehensive plan or comprehensive plan component	100 feet
From all other external street proposed rights-of-way	50 feet
From all tract boundaries	100 feet
From cropland or pasture land	100 feet
From barnyards or buildings housing livestock	300 feet
From other cluster groups	100 feet
From wetland, floodplains or watercourses	35 feet
From active recreation areas, such as courts or playing	100 feet

- (2) All separation areas for cluster groups along streets along existing streets shall be landscaped in accordance with the Village Land Division Code (Title 14) in order to block views of new residential development, preserve scenic views, and to protect rural landscape character.
- (3) The dimensional standards in Subsection (h)(1) above may be reduced as follows:
  - a. The separation distances along existing arterial streets and tract boundaries may be reduced to a minimum of fifty (50) feet if the applicant can demonstrate that existing vegetation, topography or a combination of these form an effective visual screen.
  - b. All other separation distances may be reduced up to fifty percent (50% if the applicant can demonstrate that such reduced setbacks improve the plan's compliance with the cluster group design standards in Subsection (j), the intent of this Chapter, and the objectives of any applicable comprehensive plan or comprehensive plan component.
- (i) **Design Standards for Cluster Groups.**
  - (1) All dwellings shall be grouped in cluster groups, each of which shall contain at least two (2) but not more than twelve (12) units and shall be surrounded by common open space.
  - (2) Cluster groups may contain more than twelve (12) units, and cluster groups may be assembled into larger groupings not separated by common open space, provided that the applicant can demonstrate that such an alternative plan is more appropriate for the tract and will meet both the general intent and design standards of this Chapter.
  - (3) A plat may contain one (1) or more cluster groups.
  - (4) Cluster groups shall be defined by the outer perimeter of contiguous lotted areas or abutting streets, and may contain lots, streets, and interior open space. When the

development does not contain individual lots, as in a condominium, the outer perimeter shall be defined as an area encompassed by a line drawn around the units, no point of which is closer to any unit than one hundred (100) feet.

- (5) The outer boundaries of each cluster group shall meet the separation distances specified in Subsection (h).
- (6) Cluster groups shall be defined and separated by common open space in order to provide direct access to common open space and privacy to individual lot or yard areas. Cluster groups may be separated by streets if the street right-of-way is designed as a boulevard.
- (7) All lots in a cluster group shall take access from interior streets.
- (8) All lots in a cluster group shall abut common open space to the front or rear for a distance of at least fifty (50) feet. Common open space across a street shall qualify for this requirement.
- (9) In locating cluster groups, disturbance to woodlands, hedgerows, and individual mature trees shall be minimized. However, when the objective is to preserve prime agricultural soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than twenty percent (20%) of a single wooded lot is cleared for the construction of a dwelling, driveway, garage, storage building, water well, and onsite soil absorption system.
- (10) Street trees shall be required in cluster groups at a minimum rate of one (1) two inch (2") caliper tree per dwelling unit and shall comply with the tree planting requirements of the Village Land Division Code (Title 14).

(j) **Design Standards for Common Open Space.**

- (1) The location of common open space shall be consistent with the objectives of any applicable comprehensive plan or comprehensive plan component.
- (2) All open space areas shall be part of a larger contiguous and integrated open space system. At least seventy-five percent (75%) of the common open space shall be contiguous to another common open space area. For the purpose of this Subsection, contiguous shall be defined as located within one hundred (100) feet across where access is possible, for example on opposite sides of an internal street.
- (3) Common open space shall, to the greatest extent possible, protect site features identified in the site inventory and analysis as having particular value in the context of preserving rural character, in compliance with the intent of this Chapter. Primary and secondary environmental and isolated natural areas as identified by the Southeastern Wisconsin Regional Planning Commission or the Village are of particular significance for protection.
- (4) Natural resources shall generally be maintained in their natural condition, but may be modified to improve their appearance, or restore their overall condition and natural processes, as recommended by professionals in the area being modified. Permitted modifications may include woodland management, reforestation, meadow

management, wetlands management, stream bank protection, and buffer area landscaping.

- (5) All wetland, floodplain, unique wildlife habitat areas, steep slopes over twelve percent (12%), one hundred percent (100%) of lowland environmental corridor, and at least eighty percent (80%) of upland primary environmental corridors shall be contained in common open space.
- (6) Common boundaries with existing or future open space on adjacent tracts, when shown in an applicable comprehensive plan or comprehensive plan component, shall be established whenever possible.
- (7) To preserve scenic views, ridge tops and hill tops should be contained within common open space whenever possible. Trees shall not be removed from ridge tops or hill tops.
- (8) At least eighty percent (80%) of the area of existing woodlands shall be contained within common areas; twenty percent (20%) of the area of existing woodlands may be used for lot areas and residential development. This limitation may be exceeded under the following conditions:
  - a. The site is primarily wooded and development at permitted density would not be possible without encroaching further on woodlands.
  - b. Any encroachment on woodlands beyond twenty percent (20%) shall be the minimum needed to achieve maximum permitted density.
- (9) No common open space shall be less than ten thousand (10,000) square feet in area, with the exception of landscape islands in cul-de-sac streets, and not less than thirty (30) feet in width at any point. Open space not meeting this standard shall not be counted toward the total required percentage of common open space.
- (10) The boundaries of common open space shall be marked by natural features wherever possible, such as hedgerows, edges of woodlands, streams, or individual large trees. Where no such natural demarcations exist, additional plantings, fences, or other landscape features shall be added to enable residents or the public, if applicable, to distinguish where common open space ends and private lot areas begin. Where structural demarcations, such as fences or fence posts, are used, they shall be the minimum needed to accomplish the objective.
- (11) Trails in common open space that are located within fifty (50) feet of homes in cluster groups shall be identified by plantings, fences, or other landscape features.
- (12) Under no circumstances shall all common open space be isolated in one area of the development. Common open space shall be distributed appropriately throughout the development to properly serve and enhance all dwelling units, cluster groups, and other common facilities.
- (13) Common open space shall include lands located along existing public roadways in order to preserve existing rural landscape character as seen from these roadways, and shall, in no case, contain less than the required buffer, setback area, or separation distance.

- (14) Safe and convenient pedestrian access and access for maintenance purposes shall be provided to common open space areas that are not used for agricultural purposes, in accordance with the following:
- a. At least one (1) access point per cluster group shall be provided, having a width equal to or greater than the minimum width of a lot within the cluster group. This width may be reduced to no less than fifty (50) feet if the applicant can demonstrate that, due to natural site constraints, meeting the lot width requirement would run counter to the objectives of this Chapter.
  - b. Access to common open space used for agriculture may be restricted for public safety and to interference with agricultural operations.
- (k) **Ownership and Maintenance of Common Facilities and Open Space.** The following methods may be used, either singly or in combination, to own common facilities. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this Subsection, and then only when there is no change in the common facilities. Ownership methods shall conform to the following:
- (1) **Homeowners Association.**
    - a. The applicant shall provide to the Village a description of the organization, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities.
    - b. The organization shall be established by the owner or applicant and shall be operating (with financial subsidy by the applicant, if necessary) prior to the sale of any dwelling units in the development.
    - c. Membership in the organization shall be mandatory for all purchasers of dwelling units therein and their successors and assigns.
    - d. The organization shall be responsible for maintenance and insurance of common facilities.
    - e. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities.
    - f. The organization shall have or hire adequate personnel to administer, maintain, and operate common facilities.
    - g. The applicant for any tract proposed to contain common facilities shall arrange with the Village Assessor a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total tax assessment for such common facilities. Real estate taxes shall be paid by the individual unit owner directly to the Village.
    - h. Written notice of the proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities must be given to all members of the organization and to the Village at least forty (40) days prior to such event.
  - (2) **Condominium.** Common facilities shall be controlled through the use of condominium agreements. Such agreements shall be approved by the Village

Attorney and shall be in conformance with Chapter 703, Wis. Stats. All common open space and other common facilities shall be held as "common element" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory.

- (3) ***Fee Simple Dedication to a Public Agency.*** The Village or other public entity acceptable to the Village by, but shall not be required to, accept any portion of the common facilities, provided that:
  - a. There shall be no cost of acquisition (other than costs incidental to the transfer of ownership, such as title insurance).
  - b. Any facilities so dedicated shall be accessible to the residents of the Village, if the Village so chooses.
  - c. The Village or other public entity shall maintain such facilities.
  - d. The residents of the development shall hold a conservation easement on the land and facilities so dedicated, protecting the common open space from development in perpetuity.
- (4) ***Dedication of Conservation Easements to a Public Agency.*** The Village or other public agency acceptable to the Village may, but shall not be required to, accept easements for public use of any portion of the common facilities, title of which is to remain in private ownership, provided that:
  - a. There shall be no cost of easement acquisition (other than costs incidental to the transfer of ownership, such as title insurance).
  - b. A satisfactory maintenance agreement shall be reached between the owner and the Village.
  - c. Lands under a Village easment may or may not be accessible to the residents of the Village.
- (5) ***Fee Simple Dedication to a Private Conservation Organization.*** An owner may dedicate any portion of the common facilities to a private, not-for-profit conservation organization, provided that:
  - a. The organization is acceptable to the Village and is a bona fide conservation organization.
  - b. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions.
  - c. A maintenance agreement acceptable to the Village is established between the owner and the organization.
- (6) ***Transfer of Easements to a Private Conservation Organization.***
  - a. The organization is acceptable to the Village and is a bona fide conservation organization.
  - b. The conveyance contains provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue to carrying out its functions.

- c. A maintenance agreement acceptable to the Village is established between the owner and the organization.
- (7) **Ownership Retained by the Original Landowner.**
  - a. The Village and the residents of the development shall hold conservation easements on the land protecting it from any further development.
  - b. Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.
- (8) **Other Methods.** Other methods for methods acceptable to the Village Board for securing ownership/maintenance responsibility for common open spaces may be utilized.
- (I) **Maintenance and Operation of Common Facilities.**
  - (1) **Maintenance/Operations Plan.** A plan and narrative for the use, maintenance and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Village Board prior to preliminary plan approval. Such plan shall:
    - a. Define ownership.
    - b. Establish necessary regular and periodic operation and maintenance responsibilities, including mowing schedules, weed control, planting schedules, clearing and cleanup.
    - c. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
    - d. At the discretion of the Village Board, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one (1) year.
  - (2) **Failure to Perform Required Work.** In the event that the organization established to own and/or maintain common facilities, or any successor organization thereto, fails to maintain all or any portion of the aforesaid common facilities in reasonable order and condition in accordance with the development plan and all applicable laws, rules and regulations, the Village may serve written notice upon such organization, and upon the residents and owners of the uses related thereto, setting forth the manner in which the organization has failed to maintain the aforesaid common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Chapter, and specifically this Section, and any permits may be revoked or suspended. The Village may enter the premises and take corrective action.
  - (3) **Costs of Corrective Actions.** The costs of corrective actions by the Village shall be assessed ratably, in accordance with tax assessments, against the properties that have

the right of enjoyment of the common facilities and shall become a lien on said properties. The Village, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the Office of the County Register of Deeds upon the properties affected by such lien.

- (4) **Leasing of Common Open Space Lands.** Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
- a. The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
  - b. The common open space lands to be leased shall be maintained for the purposes set forth in this Section.
  - c. The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.
  - d. The lease, and any transfer of assignment thereof, shall be subject to the approval of the Village Board.
  - e. Lease agreements so entered upon shall be recorded in the Office of the County Register of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Village Board.
- (5) **Conservation.** Common open space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Village Board and duly recorded in the Office of the County Register of Deeds.

## **Sec. 13-1-132 AE Adult Establishments Overlay District.**

(a) **Primary Purposes and Characteristics.**

- (1) It is the intent of the AE Adult Establishments Overlay District to:
- a. Protect the health, safety and morals of the citizens of the Village of Bristol;
  - b. Preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhoods in the Village of Bristol;
  - c. Prevent adverse and deleterious affect contributing to the blight and downgrading of neighborhoods and also mindful of:
    1. The effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment;
    2. The criminal activity and disruption of public peace associated with such establishments; and
    3. The unsanitary and unhealthful conditions associated with such establishments.

- (2) It is the intent of this Section to regulate the location and certain characteristics of such establishments.
  - (3) An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit, if a sensitive land use is located within one thousand (1,000) feet of the adult establishment.
  - (4) By enactment of this zoning district, the Village of Bristol does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment. Because the standards contained in the AE Adult Establishments Overlay District were originally adopted by the Kenosha County Board of Supervisors and this zoning district represents a continuity of such standards following the incorporation of the Village of Bristol, the recitals contained in the Preamble to County Ordinance 45, adopted on March 16, 2004, are adopted and incorporated herein by reference as if fully set forth.
- (b) **Permitted Uses.** The following are permitted uses in the AE Adult Establishments Overlay District:
- (1) Where the underlying zoning is B-3 Highway Business District:
    - a. Limited adult media stores.
    - b. Adult cabarets.
    - c. Adult media stores.
    - d. Adult modeling studios.
    - e. Adult motion picture theaters.
    - f. Adult novelty shops.
- (c) **Prohibited Uses.** The following are prohibited uses in the AE Adult Establishments Overlay District:
- (1) Adult bath houses.
  - (2) Adult body painting studios.
  - (3) Adult massage parlors.
  - (4) Adult motion picture theaters (outdoor).
- (d) **Accessory Uses.** Any accessory use authorized by the underlying zoning district may be an accessory use to an adult establishment under the AE Adult Establishments Overlay District. In no case shall an adult establishment be an accessory use to any permitted use designated by a provision of this Section.
- (e) **Compliance with Underlying District Standards.** Adult establishments shall comply with the standards of the zoning districts in which they are located, including standards relating to lot area and width, building height and area, yard requirements and sanitary sewer systems.
- (f) **General Requirements and Restrictions Governing Adult Establishments.** Except as provided below, all adult establishments shall comply with the following requirements and restrictions:

- (1) Intoxicating beverages shall not be sold or served.
- (2) Parking shall be provided in a lighted area, in conformity with applicable lighting and parking standards provided elsewhere in this Code of Ordinances.
- (3) No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult media, or any live entertainment that is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas", from any sidewalk, public or private right-of-way, or any property other than the lot on which the adult establishment is located.
- (4) Signs advertising adult establishments shall conform to Article H of this Chapter and with the further exception that signs shall not depict the human body or any part thereof, and provided further that there shall be no flashing or traveling lights located outside of the building.
- (5) No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees or independent contractor. This Subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
- (6) Other than limited adult media stores, signs at least one (1) square feet in area stipulating that persons under the age of eighteen (18) are not permitted inside the establishment, shall be posted at all public entrances to the establishment, and persons under the age of eighteen (18) shall not be permitted inside the establishment.
- (7) The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.
- (8) The adult establishment shall clearly post and enforce a no loitering policy.
- (9) The owner and/or operator of the adult establishment shall agree to comply with all federal, state and local laws and ordinances, including obscenity, liquor and cabaret laws. Solicitation for purposes of prostitution shall be strictly prohibited. Conduct in violation of Section 944.21, Wis. Stats., or any provision of the Village of Bristol Code of Ordinances, including the exhibition of "obscene material" and "obscene performances," as those terms are defined in Sec. 944.21(2), Wis. Stats., and the Village of Bristol Code of Ordinances, shall be strictly prohibited.
- (10) No video viewing booth(s) shall be established, operated or used in any adult establishment.
- (11) The hours of operation of adult establishments shall be limited to the same hours of operation for bars and taverns within that community within which the adult establishment is located.

- (12) No residential quarters shall be allowed on a premises with an adult establishment.
- (g) **Location Requirements and Restrictions.**
- (1) No more than one (1) adult establishment may be established on any one (1) parcel.
  - (2) No adult establishment may be established within two thousand (2,000) feet of any other adult establishment.
  - (3) No adult retail establishment may be established within two thousand (2,000) feet of any "sensitive land use."
  - (4) No adult entertainment establishment may be established within two thousand (2,000) feet of any "sensitive land use."
  - (5) All adult entertainment establishments shall be located within three hundred (300) feet of a State Trunk Highway right-of-way (maintained and traveled) as indicated on the map of the official layout of the State Trunk Highway System of Kenosha County, prepared by the State of Wisconsin Department of Transportation in accordance with Sec. 84.02(12), Wis. Stats., and as currently on file with the Kenosha County Clerk and Kenosha County Highway Commissioner and as subsequently amended and shall not be located within two thousand (2,000) feet of the right-of-way of the intersection of another state trunk highway or any federal or county trunk highway, or any other road.
  - (6) For these purposes, distance shall be measured in a straight line from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult establishment to the nearest lot line of the other parcels of property to which these location requirements apply.
  - (7) The location requirements and restrictions specified in Subsection (g)(1)-(6) above do not apply to limited adult media stores.
- (h) **Requirements Applicable to Limited Adult Media Stores Only.** Adult media in a limited adult media store shall be kept in a separate room or section of the shop, which room or section shall:
- (1) Not be open to any person under the age of eighteen (18); and
  - (2) Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching from the floor to at least eight (8) feet high or to the ceiling, whichever is less; and
  - (3) Be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and
  - (4) Have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will not easily gain admission and that the general public will not accidentally enter such room or section, or provide continuous video or window surveillance of the room by store personnel; and
  - (5) Provide signage at the entrance stipulating that persons under the age of eighteen (18) are not permitted inside.
- (i) **Additional Restrictions and Requirements Applicable to Adult Entertainment Establishments.** Adult entertainment establishments shall comply with certain additional restrictions and requirements as set forth below:

- (1) **Unlawful Acts.** It is unlawful for any person to perform or engage in or for any licensee, owner, agent or manager of an adult entertainment establishment to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of an adult entertainment establishment, which:
  - a. Shows his/her genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering.
  - b. Shows the female breast with less than a fully opaque covering of any part of the nipple and areola.
  - c. Shows the human male genitals in a discernibly turgid state, even if fully and opaquely covered.
- (2) **Adult Cabarets.**
  - a. Adult cabarets shall comply with Article I of this Chapter relating to noise.
  - b. All live performers in an adult cabaret shall perform only on a stage elevated no less than twenty-four (24) inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least thirty-six (36) inches from the stage. The stage shall be in a room or other enclosure of no less than six hundred (600) square feet.
- (3) **Adult Modeling Studios.** All models or other live performers in an adult modeling studio shall perform only on a stage elevated no less than twenty-four (24) inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least thirty-six (36) inches from the stage. The stage shall be in a room or other enclosed space of no less than six hundred (600) square feet.
- (4) **Adult Motion Picture Theaters.** Adult motion picture theaters shall show movies only in a room or other enclosed space of no less than six hundred (600) square feet.

## **Sec. 13-1-133 HO Historical Overlay District.**

### **(a) Purposes and Intent.**

- (1) **Findings.** It is hereby the finding of the Board of Supervisors of the Village of Bristol that the protection, enhancement, perpetuation, and use of improvements in areas of special character or special historical interest or value may be required in the public interest. The purpose of the HO Historical Overlay District is to:
  - a. Effect and accomplish the protection, enhancement, and perpetuation of such improvements and areas which represent or reflect elements of the Village of Bristol's cultural, social, economic, political and architectural history.
  - b. Safeguard the Village's historic and cultural heritage, as embodied and reflected in such landmarks and historic districts.
  - c. Stabilize and improve property values.

- d. Foster civic pride and promote education in the beauty, culture, tradition, and noble accomplishments of the past.
  - e. Protect and enhance the Village's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
  - f. Strengthen the economy of the Village of Bristol and region.
- (2) **Implementation Prerequisite.** The HO Historical Overlay District may be implemented only upon creation of a historical preservation commission created under Subsection (d) below.
- (b) **Definitions.** In this Section, the definitions found in Section 13-1-560 shall be applicable, unless the context clearly requires otherwise.
- (c) **Historical Overlay District Designation.** For purposes of this Section, an HO Historical Overlay District designation may be placed on any site which may designated as a "landmark" or "historic area" pursuant to the provisions of this Section.
- (d) **Advisory Historical Preservation Commission.**
- (1) **Composition.** An Advisory Historical Preservation Commission may be created and appointed consisting of seven (7) members. Of the membership, one (1) shall be a registered architect; one (1) shall be a historian qualified in the field of historic preservation; one (1) shall be a licensed real estate broker; one (1) shall be a Village Board member; and three (3) shall serve a term of three (3) years.
  - (2) **Appointment; Terms.** The Village President shall appoint commissioners, subject to confirmation by the Village Board. Of the initial members so appointed, two (2) shall serve a term of one (1) year, two (2) shall serve a term of two (2) years, and three (3) shall serve a term of three (3) years. Thereafter, the term of each member shall be three (3) years.
  - (3) **Alternative Preservation Commission.** In the alternative to the appointment of a separate body under Subsections (d)(1)-(2) above, the Village Board may instead delegate the responsibilities of the Advisory Historical Preservation Commission to the Plan Commission.
- (e) **Duties of Advisory Historical Preservation Commission.**
- (1) **Recommendations.** The Advisory Historical Preservation Commission shall have the responsibility, subject to Subsection (f) below, to recommend to the Village Board the designation of historical overlay districts. Such recommendation shall be made in accordance with the criteria set forth in this Section.
  - (2) **Miscellaneous Responsibilities.** In addition, the Advisory Historical Preservation Commission shall:
    - a. Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under the provisions of this Section in order to encourage historic district property owners to assist in carrying out the intent of this Section.
    - b. Work closely with the State of Wisconsin liaison officer and the Governor's liaison committee for National Register of Historic Places of the United States

National Park Service in attempting to include such properties hereunder designated as historic districts on the Federal Register.

- c. Work for the continuing education of the citizens about the historic heritage of this Village and the historic districts designated under the provisions of this Section.
- d. Receive and solicit funds, as it seems advisable, for the purpose of historic district preservation in the Village of Bristol. Such funds shall be placed in a special Village account for such purpose.

(f) **Procedures.**

(1) ***Designation of Historical Overlay Districts.***

- a. The Advisory Historical Preservation Commission may, after notice and public hearing, recommend the establishment of Historical Overlay Districts, or recommend the recision of such designation, after application of the criteria set forth in this Section. At least ten (10) days prior to such hearing, the Commission shall direct Village staff to notify the owners of record, as listed with the Village Assessor, who are owners of property in whole or in part situated within five hundred (500) feet of the boundaries of the property affected. These owners shall have the right to confer with the Commission prior to final action by the Commission on the designation.
- b. Notice of such hearing shall also be published as a Class 1 notice, per the Wisconsin Statutes. The Commission shall also notify the following:
  1. Village Board.
  2. Zoning Administrator.
  3. Plan Commission.
- c. The Commission shall then conduct such public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena such witnesses and records as it deems necessary.
- d. The Commission may conduct an independent investigation, with prior approval from the Village Board, into the proposed designation or recision.
- e. Within ten (10) days after the close of the public hearing, the Commission may recommend designating the property as an HO Historical Overlay District or recommend recision of such designation.

(2) ***Petition for Historical Overlay District.***

- a. After the recommendation set forth above has been made, the Commission may petition the Village Board and Plan Commission for a rezoning of the subject property or properties from its original zoning classification to an Historical Overlay District or, in the alternative, may petition that property currently located in the Historical Overlay District be rezoned.
- b. Where the property has been rezoned to an HO Historical Overlay District, only those uses permitted in the underlying district shall be permitted. The underlying

district may be changed without additional costs at the same time at the Historical Preservation District is being created.

- c. The procedures in Article M shall be followed in proceeding with the rezoning petition.

(3) ***Historical Overlay District Preservation Plan.***

- a. At the public hearing required above, the Advisory Historical Preservation Commission shall present an Historical Overlay District Preservation Plan prepared for the Historical Preservation Commission by an architect, planner or historian which shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives.
- b. At the public hearing, the Advisory Historical Preservation Commission shall make findings that the proposed area or areas are suitable for designation by the Village Board as "landmark" or "historic areas" and therefore for historic preservation and set forth the reasons for such finding. In addition, the Commission shall adopt the Historical Overlay District preservation Plan without significant change
- c. Guidelines to be considered in the development of an Historical Overlay District Preservation Plan for an historic area are as follows:
  - 1. All new structures shall be constructed to a height visually compatible with the building and environment with which they are visually related.
  - 2. The gross volume of any new structure shall be visually compatible with the buildings and environment with which they are visually related.
  - 3. In the street elevation(s) of a building the proportion between the width and height in the facade(s) should be visually compatible with the building environment with which it is visually related.
  - 4. The proportions and relationships between doors and windows in the street facade(s) should be visually compatible with the buildings and environment with which it is visually related.
  - 5. The rhythm of solids to voids, created by openings in the facade, should be visually compatible with the buildings and environment with which it is visually related.
  - 6. The existing rhythm created by existing building masses and spaces between them should be preserved.
  - 7. The materials used in the final facade(s) should be visually compatible with the buildings and environment with which it is visually related.
  - 8. Colors and patterns used on the facade (especially trim) should be visually compatible with the buildings and environment with which it is visually related.
  - 9. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.

10. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
11. All street facade(s) should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
12. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

(4) ***Village Board Action.***

- a. The action and recommendations of both the Advisory Historical Preservation Commission and Plan Commission (in making its recommendation pursuant to the rezoning process prescribed in Article M) shall be forwarded to the Village Board for a final public hearing and determination.
- b. Once a site or sites have been designated as a landmark or historic area and an HO Historical Overlay District created by the Village Board and the Zoning Map amended and the Historical Preservation Plan adopted, such districts shall be subject to all of the other provisions of this Section specifically and other applicable provisions of the Zoning Code.

(g) **Regulation of Construction, Reconstruction and Exterior Alteration in Historical Districts.**

- (1) ***Building Permit Applications.*** Any application to the Building Inspector for a building permit under Title 15, Chapter 1 involving the exterior of a designated landmark or structure within a designated historical area shall also be filed with the Historical Preservation Commission.
- (2) ***Certificate of Appropriateness.*** No owner or person in charge of a landmark or structure within a designated historical area shall reconstruct or alter all or any part of the exterior of such property or construct any improvement upon such designated property or properties within an Historical Overlay District, or cause or permit any such work to be performed upon such property, unless a Certificate of Appropriateness has first been granted by the Advisory Historical Preservation Commission. Unless such Certificate has been granted by the Commission, the Building Inspector shall not issue a permit for any such work.
- (3) ***Basis for Commission Determination.*** Upon filing of the application with the Advisory Historical Preservation Commission, the Commission shall determine:
  - a. Whether the proposed work would detrimentally change, destroy or adversely affect any exterior architectural feature of the improvement upon which said work is to be done; and
  - b. Whether the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site; and

- c. Whether, in the case of any property located in an historic area, designated pursuant to the terms of Subsection (f)(4) above, the proposed construction, reconstruction or exterior alteration would or would not conform to the objectives and design criteria of the Historical Preservation Plan for said historic area as duly adopted by the Village Board.
- (4) **Commission Action; Timeline.** If the Advisory Historical Preservation Commission finds that guidelines set forth in Subsection (g)(3) have been met, the Commission shall issue the Certificate of Appropriateness. Upon issuance of such Certificate, the building permit shall then be issued by the Building Inspector. The Commission shall make this determination within thirty (30) days of the filing of the application. Should the Commission fail to issue a Certificate due to failure of the proposal to conform to the above guidelines, the applicant may appeal such decision in accordance to the standards in Article N of this Chapter. In addition, if the Commission fails to issue a Certificate of Appropriateness, the Commission shall, at the request of the applicant, cooperate and work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this Chapter.
- (h) **Regulation of Demolition.** No permit to demolish all or part of a landmark, or improvement in an Historical Overlay District, shall be granted by the Building Inspector, except as follows:
  - (1) **Demolition Permits.** Any person in charge of a landmark, or structure in a designated historic area shall not be granted a permit to demolish such property without written approval of the Commission.
  - (2) **Commission Review of Demolition Permit Applications.**
    - a. At such time as such person applies for a permit to demolish such property, such application shall also be filed with the Advisory Historical Preservation Commission. Upon receiving such application, the Commission may refuse to grant such written approval for a period of up to ten (10) months from the time of such application, during which time the Commission and the applicant shall undertake discussions for the purpose of finding a method to save such property. During such period, the applicant and Commission shall cooperate in attempting to avoid demolition of the property.
    - b. At the end of this ten (10) month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the Building Inspector may issue the permit to demolish the property without approval of the Commission. If such mutually agreeable method for saving the subject property is not successful or no such funds to preserve the subject property have been obtained and are available for disbursement within a period two (2) months following the end of such ten (10) month period, the Building Inspector may

issue the permit to demolish the subject property without the approval of the Commission.

c. The razing requirements of Sec. 15-1-8 shall also be complied with.

- (i) **Recognition of Landmarks and Historic Areas.** At such time as a landmark or historic area has been properly designated in accordance with this Section, the Advisory Historical Preservation Commission shall cause to be prepared and erected on such property at Village expense a suitable plaque declaring that such property is a landmark or historic area. Such plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the Commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site, and such other information deemed appropriate by the Commission.

(j) **Sale of Landmarks.**

- (1) **Recision of Designations.** Any party who is listed as the owner of record of a landmark at the time of its designation, and who can demonstrate to the Commission that by virtue of such designation he/she is unable to find a buyer willing to preserve such landmark, even though he/she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for a recision of its designation.

- (2) **Procedural Standards.** Following the filing of such petition with the Advisory Historical Preservation Commission:

- a. The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.
- b. If, at the end of a period not exceeding six (6) months from the date of such petition, no such buyer can be found, and if the owner still desires to obtain such recision, the Commission shall rescind its designation of the subject property.
- c. In the event of such recision, the Commission shall notify the Zoning Administrator, Village Clerk-Treasurer, Village Assessor and the Building Inspector of the same, and shall cause the same to be recorded, at Village expense, with the County Register of Deeds.
- d. Following any such recision, the Commission may not redesignate the subject area as a landmark or historic area for a period of not less than five (5) years following the date of recision.

- (k) **Conformance with Regulations.** Every person in charge of any landmark, or improvement in a historic area shall maintain the same or cause to permit it to be maintained in a condition consistent with the provisions of this Section. The Village Board may appoint the Zoning Administrator or Building Inspector, or any other qualified designee or group of individuals to inspect the premises and to enforce this Section. The duties of such inspection authority shall include periodic inspection at intervals provided

by the Village Board of designated landmarks and historic areas. Such inspections may include physical entry upon the property to ensure that interior alterations or maintenance will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection at reasonable hours, the inspection officer may obtain an inspection warrant of entry pursuant and take any other reasonable measures to further the enforcement of this Section.

- (l) **Maintenance of Landmarks and Historic Areas.** Every person in charge of a improvement in an Historical Overlay District shall keep in good repair all the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair. This provision shall be in addition to all other provisions of law requiring such improvement to be kept in good repair.
- (m) **Conditions Dangerous to Life, Health or Property.** Nothing contained in this Section shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in a historic area for the purpose of remedying emergency conditions determined to be dangerous to life, health, or property. In such cases, no approval from the Commission shall be required.

*Cross-Reference:* Title 15, Chapter 1 Building Code

## **Sec. 13-1-134 FPO Floodplain Overlay District.**

- (a) **Primary Purposes and Characteristics.** The FPO Floodplain Overlay District is hereby created pursuant to the mandates of Section 87.30, Wis. Stats., for the purpose of regulating all floodplains where serious flood damage may occur. The purpose of these regulations is to provide for sound floodplain management in the Village of Bristol so as to:
  - (1) Provide for a floodplain zoning district in the Village of Bristol Zoning Code which reflects the floodplain protections in the Floodplain Zoning Code in Title 13, Chapter 2 of the Village of Bristol Code of Ordinances.
  - (2) Protect life, health and property.
  - (3) Minimize expenditures of public monies for costly flood control projects.
  - (4) Minimize rescue and relief efforts, generally undertaken at the expense of the general public.
  - (5) Minimize business interruptions.
  - (6) Minimize damage to public facilities on the floodplains, such as water mains, sewer lines, streets and bridges.
  - (7) Minimize the occurrence of future flood blight areas on floodplains.
  - (8) Discourage the victimization of unwary land and home buyers.
  - (9) Preserve essentially open space of natural use lands which are unsuitable for intensive development purposes due to poor natural soil conditions and periodic flood inundation.

- (10) Regulate floodplain areas so as to maintain and improve water quality, protect aquatic and wildlife habitat and prohibit the location of structures on soils which are generally not suitable for such use.
- (b) **Definitions.** The definitions found in Sections 13-1-560 and 13-2-91 shall be applicable in this Section. In the event of conflict, the more restrictive definition shall be applicable.
- (c) **Designation of Floodplain Areas.** For the purpose of determining which areas are to be located within the FPO Floodplain Overlay District, the Village of Bristol shall develop Floodplain Zoning Maps pursuant to the Floodplain Zoning Code in Title 13, Chapter 2 reflecting the best available data and which show the areas to be regulated.
- (d) **Permitted Uses.** Any use of land, except structures, that is permitted in the underlying basic use district and the standards of Title 13, Chapter 2 shall be permitted. Examples of such use would be croplands in any agricultural district; required yards in a residential district; or parking and loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two (2) feet or that such areas are not subject to flood velocities greater than two (2) feet or that such areas are not subject to flood velocities greater than two (2) feet per second upon the occurrence of a one hundred (100) year recurrence interval period.
- (e) **Conditional Uses.** The following are conditional uses in the FPO Floodplain Overlay District, in addition to any conditional uses allowed under Title 13, Chapter 2 [see also Article E of this Chapter]:
  - (1) Bridges and approaches.
  - (2) Filling as authorized by the Wisconsin Department of Natural Resources and the United States Army Corp of Engineers to permit the establishment of approved bulkhead lines.
  - (3) Marinas.
  - (4) Municipal water supply and sanitary sewage systems.
  - (5) Navigational structures.
  - (6) Park and recreational areas not including structures.
  - (7) Public water measuring and control facilities done in accordance with the provisions of NR 116.17, Wis. Adm. Code.
  - (8) Utility facilities (except buildings and substations) such as underground water tight conduits, telephone and electric poles, etc., constructed in conformance with NR 116.17, Wis. Adm. Code.
- (f) **Lot Area.** Where a lot or parcel is located partially within a floodplain and partially within an adjoining use district, that area of the lot or parcel in the floodplain may be used to meet the lot area requirements of the adjoining district provided that at least fifty percent (50%) of the minimum lot area requirement is provided outside the floodplain where public sanitary sewerage facilities are available, and at least forty thousand (40,000) square feet is provided outside the floodplain where public sanitary sewer facilities are not available.
- (g) **Dumping, Filling, Excavation and Obstructions Prohibited.** Lands lying within the FPO Floodplain Overlay District shall not be used for dumping of any material or substance

(including manure) or be filled, except as authorized to permit the establishment of approved bulkhead lines or to accommodate bridge approaches or as otherwise allowed under Title 13, Chapter 2. Excavation in the floodplain area shall be prohibited, except that normal earth grading activities as defined in this Code of Ordinances to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.

- (h) **Storage of Materials Prohibited.** Lands lying within the FPO Floodplain Overlay District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, plant, fish, or other aquatic life.
- (i) **Incompatible Uses Prohibited.** Lands lying within the FPO Floodplain Overlay District shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewage system site, holding tank, or the construction of any wells used to obtain water for ultimate human consumption. The restricted confinement or permanent sheltering of animals shall be prohibited.
- (j) **Structures Prohibited; Variances Not Allowed.** Except for navigational structures, public water measuring and control facilities, bridges and utilities, no structures, dwellings, mobile homes or shelters shall be located, moved or placed on lands in the FPO Floodplain Overlay District. This Subsection shall be strictly construed and shall not be subject to variances.
- (k) **Channel Structures.** In addition to the above structures, the erection of all structures in a channel shall require a permit from the State agency having jurisdiction pursuant to Sec. 30.12(2), Wis. Stats. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by the Village pursuant to Sections 30.11 or 30.13, Wis. Stats.
- (l) **Dam Construction.** Dam construction, operation, maintenance and abandonment are uses requiring a public hearing in accordance with Article E of this Chapter. The reviewing body shall then advise the State agency having jurisdiction under Sections 31.05, 31.07, 31.13 and 31.185, Wis. Stats., of its findings prior to the issuance of the required State permit(s).
- (m) **Removal of Trees and Shrubs.** The removal of trees, shrubs and foliage from the FPO Floodplain Overlay District shall be prohibited unless conducted in accordance with this Chapter and with the further provision that such activity is conducted in a manner so as to be consistent with sound floodplain management.
- (n) **Lake Shangrila Floodplain.** The Lake Shangrila Floodplain Zoning Overlay Map designates the area that would flood if the dam were to fail.

*Cross-Reference:* Title 13, Chapter 2 Floodplain Zoning

**Sec. 13-1-135 through Sec. 13-1-159      Reserved for Future Use.**

## Article E: Conditional Uses

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### **Sec. 13-1-160 Statement of Purpose—Conditional Uses.**

(a) **Statement of Purpose.**

- (1) A conditional use is designed to be a flexibility device for addressing situations where a particular use, although not inherently inconsistent with the use classification of a particular district, could create special problems and hazards if allowed to develop and locate as a matter of permitted right in a particular zoning district and therefore is in need of special consideration. The purpose of a conditional use is to provide a reasonable degree of discretion in determining the suitability of certain uses of a special nature, so as to make impractical their predetermination as a principal use in a district. Often the effects of these uses on the surrounding environment cannot be foreseen until a specific site has been proposed.
- (2) The development and execution of this Article is based upon the division of the Village of Bristol into zoning districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses, and are those uses specifically designated as conditional uses by the zoning district or which are classified as a conditional use under the review procedures in this Article. The nature, character or circumstances of these uses are so unique or so dependent upon specific contemporary conditions that predetermination of permissibility by right or the detailing in this Zoning Code of all of the specific standards, regulations or conditions necessary or appropriate to such permissibility is not practical.
- (3) Those conditional uses designated as such in this Zoning Code are deemed to have one (1) or more of the following general characteristics when located in certain zoning districts:
  - a. Inconsistent with or otherwise adverse to adjoining or nearby land or water uses in the absence of certain conditions.
  - b. Hazardous, dangerous or harmful to adjoining or nearby parcels, waters or the environment.
  - c. Noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, water or the environment.

(b) **Intent.**

- (1) It is the intent of the Bristol Village Board to allow designated conditional uses within the areas designated by this Zoning Code in accordance with this Article and only when the conditions imposed thereon are met.
- (2) Any conditions imposed as a basis for granting the conditional use permit shall be binding on all grantees, assignees, heirs, legatees, donees, and trustees of the petitioner. [Note: Conditional use permits terminate upon a change of land ownership and may be re-applied for as prescribed in Section 13-1-170(b)].

(c) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Zoning Code including specific district requirements, such as lot width and area, yards, height, parking and loading, etc. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or significant potential of accidents.

## **Sec. 13-1-161 Authority of the Plan Commission and Village Board; Requirements.**

- (a) **Authority Generally.** The Village Board may authorize the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Village Board, following Plan Commission recommendation, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Village Board action, and the resulting conditional use permit, when, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) **Highway Agency Review.** Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission and/or Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.
- (c) **Conditions Generally.** Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be

recommended by the Plan Commission and required by the Village Board upon their finding that these are necessary to fulfill the purpose and intent of this Chapter.

- (d) **Compliance with Other Zoning Standards.** Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

## **Sec. 13-1-162 Initiation of Conditional Use Permit Request.**

- (a) **Initiation of Application.** Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.
- (b) **Existing Uses.**
- (1) All uses existing at the effective date of this Chapter which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this Chapter, are hereby declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, repair or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.
  - (2) Campgrounds; contractor yards; salvage, wrecking, junk, demolition, and scrap yards; towing services; mineral extraction and related uses; and sanitary landfill uses shall within one hundred and eighty (180) days after the effective date of this Chapter register with the Zoning Administrator and submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps or site plan showing the existing layout, and such other data as may be necessary to enable the Village to create a record establishing the size, layout and operational characteristics of the existing operation. A conditional use permit shall be granted to such existing operations for the extent of the existing operation only. The Zoning Administrator may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit accordingly. Notwithstanding the fact that the aforementioned use may not be permitted within a given district, any addition, extension, or change in the operation of the aforementioned uses may be permitted, provided that such addition, extension or change shall be subject to the conditional use procedures set forth in this Article.
  - (3) Any other use not mentioned above which was a conforming conditional use before adoption or amendment of this Chapter, but is not a permitted conditional use in the

district in which it is now located, shall be considered a legal nonconforming use and shall be subject to the requirements of Article F of this Chapter.

### **Sec. 13-1-163 Application for Conditional Use Permit.**

- (c) **Application Filing Requirements.** An application for a conditional use shall be filed on a form prescribed by the Village of Bristol. Such applications shall be forwarded to the Plan Commission upon receipt by the Zoning Administrator. Prior to the application, the petitioner shall schedule a pre-application conference with Village staff. This conference is intended to inform the petitioner of the purpose and intent of these regulations and the conditional use permit procedure.
- (d) **Required Plans/Information.** The plans/information required for review of all conditional use permit applications shall generally consist of any or all of the following, as determined by the Zoning Administrator:
  - (1) **Site Development Plan.** A site development plan, which shall include and explain:
    - a. Name, address, telephone number(s) and email address of the applicant, owner of the site, architect, profession engineer/attorney, contractor, and authorized agent.
    - b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site.
    - c. Plat of survey and/or site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Zoning Administrator or Village Planner showing all of the information required for a zoning permit.
    - d. Zoning district within which the subject site is located.
    - e. A list of property owners and parties of interest and their addresses consistent with records maintained by the Village Assessor.
    - f. Location, elevation, dimensions, and use of all buildings on the lot, including both existing and proposed structures.
    - g. Location, use and foundation elevations of structures within fifty (50) feet of the subject site.
    - h. Setbacks of all buildings located on the property in question.
    - i. Location and number of existing and proposed parking spaces.
    - j. Vehicular circulation.
    - k. Any proposed outdoor uses.
    - l. Proposed traffic flows, including ingress/egress information.
    - m. For shoreland and wetland conditional uses, also included shall be information that is necessary for Village officials to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause

danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing:

1. Existing and proposed elevations or contours of land..
2. Fill or storage elevation.
3. Basement and first floor elevations of structures.
4. Size, location, and spatial arrangement of all existing and proposed structures on the site.
5. Location and elevation of streets, water supply and sanitary facilities.
6. Aerial photographs and/or photographs showing existing surrounding land uses and vegetation upstream and downstream.
7. Soil types and any other pertinent information required by the Village.

(2) **Grading Plan.** A grading plan, which shall include and address:

- a. Existing contour.
- b. Proposed changes in contour.
- c. Drainage configuration.

(3) **Landscape Plan.** A landscape plan, which shall include and address:

- a. Location of all existing major trees, and which trees are proposed to be removed; unique geographic features shall be noted.
- b. The paving plan for access roads and parking areas.

(4) **Operations Plan for Commercial Uses.** For conditional uses in business, commercial, manufacturing and industrial zoning districts, an operations plan shall be submitted to the Village for review and approval, which shall include and address:

- a. Type of business activity.
- b. Number of employees.
- c. An outdoor lighting plan showing how compliance with Village lighting standards (Title 15, Ch. 10) will be achieved.
- d. For manufacturing, industrial, processing or storage uses, disclosure of any hazardous or flammable materials to be regularly stored on the premises, and related fire prevention and security plans. If applicable, information demonstrating compliance with federal and state licensing and regulatory requirements.
- e. If required by the Village, information on type of surety to be provided to guarantee compliance with conditional use requirements (irrevocable letter of credit, bond, cash deposit).

(e) **Additional Information.** In order to secure information upon which to base its determination, the Zoning Administrator may require the applicant to furnish, in addition to the information required for a building permit, the following information:

- (1) **Contours; Soil Types.** A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover.
- (2) **Location of Buildings; Parking Areas.** Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting.

- (3) **Building and Utilities Plans.** Plans for buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
- (4) **Filling/Grading Plan.** Specifications for areas of proposed filling, grading, lagooning or dredging.
- (5) **Information for Alleviation of Hazards or Nuisances.** Additional information relative to the elimination or alleviation or control of the danger, hazard or nuisance sought to be averted as may be required by the Village, such as, without limitation:
  - a. Ground surface elevations.
  - b. Basement and first floor elevations.
  - c. Utility elevations.
  - d. Detailed landscape plans.
  - e. Plans of operation, hours, parking arrangements and waste disposal.
  - f. Historic and probable future flood water elevations; areas subject to inundation by flood waters; depths of inundation; floodproofing measures.
  - g. Plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its affects on flood flows.
- (6) **Other Information; Fees.**
  - a. The applicant shall provide additional pertinent information deemed necessary by Village officials to determine if the proposed use meets the requirements of this Chapter.
  - b. The applicant shall pay in full any required fee.

### **Sec. 13-1-164 Hearing on Application.**

Upon receipt of the application and the information required by Section 13-1-163, the request for a conditional use permit shall be placed on the agenda of the first possible Plan Commission meeting occurring after a minimum of forty-five (45) days from the date of submission, provided that the information requirements of Section 13-1-163 are complied with. The request shall be considered as being officially submitted when all the information requirements, including the payment of all applicable fees, are complied with. A hearing shall be conducted and a record of the proceedings shall be kept in such a manner and according to such procedures as the Plan Commission shall prescribe from time to time. The Village Board and/or Plan Commission can, on their own motion, apply conditional uses when applications for rezonings come before their bodies or when a proposed use is suitable for conditional use treatment when not named specifically as a delineated conditional use in a zoning district.

## **Sec. 13-1-165 Notice of Hearing on Application.**

### **(a) Publication of Hearing Notice; Notification of Nearby Property Owners.**

- (1) Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice as prescribed by the Wisconsin Statutes at least ten (10) days prior to the public hearing in the official Village newspaper.
- (2) Notice of the time, place and purpose of such public hearing shall also be mailed by certified mail, return receipt requested, to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the last known owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within three hundred (300) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing, except that in the case of livestock facility siting conditional use hearings, such notice shall be sent to owners of property within three hundred (300) feet, per this Subsection.
- (3) After publication and notice, the petitioner may request, in writing submitted a minimum of three business days prior to the noticed hearing date, a one (1) month postponement of the public hearing before the Plan Commission for good cause, provided, however, that notice of the rescheduled hearing shall again be provided pursuant to this Subsection.
- (4) Failure to fully comply with the notice to adjacent property owners shall not, however, invalidate any previous or subsequent action on the application.

### **(b) Additional Notice Requirements for Floodplain/Shoreland or A-1 Parcels.**

- (1) In the event the subject property lies within shoreland zoning jurisdiction, notice of the public hearing and a copy of the application shall also be mailed to the District Office of the Wisconsin Department of Natural Resources, at least ten (10) days before the hearing, in accordance with NR 115.05(6)(h), Wis. Adm. Code.
- (2) In the event the subject property lies within a floodland zoning district, notice of the public hearing and a copy of the application shall also be mailed to the District Office of the Wisconsin Department of Natural Resources, at least ten (10) days before the hearing, in accordance with NR 116.20(2)(c), Wis. Adm. Code.
- (3) In the event the subject property is zoned in the A-1 District, notice of the public hearing and a copy of the application shall also be given to the Wisconsin Department of Agriculture, Trade and Consumer Protection, in accordance with Section 91.75(5), Wis. Stats.

## **Sec. 13-1-166 Standards—Conditional Uses.**

- (a) **General Conditional Use Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission, or approved by the Village Board, unless the following conditions are present:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
  - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (6) That the conditional use shall conform to all applicable regulations of the district in which it is located.
  - (7) That the proposed use does not violate flood plain regulations governing the site.
  - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards; Consistency with Comprehensive Plan.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location is not contrary to the purposes and objectives of the zoning district and the Village of Bristol Comprehensive Plan.
- (c) **Additional Considerations.** In addition, the Plan Commission and Village Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Existing topographic and drainage features and vegetative cover on the site.
  - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (6) The location of the site with respect to existing or future access roads.
  - (7) The need of the proposed use for a shoreland location.
  - (8) Its compatibility with uses on adjacent land.
  - (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

## **Sec. 13-1-167 Denial of Application for Conditional Use Permit.**

When an advisory recommendation of denial of a conditional use application is made by the Plan Commission or an actual denial by the Village Board, the Plan Commission and/or Village Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Plan Commission and/or Village Board has used in determining that each standard was not met. Such findings may be in the form of meeting minutes.

## **Sec. 13-1-168 Conditions and Guarantees Applicable to All Conditional Uses.**

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-166 above. In all cases in which conditional uses are granted, the Plan Commission may recommend and the Village Board shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Where studies or impact statements are required, Village reviewing officials can address problems called to their attention by the imposition of certain conditions aimed at eliminating, controlling or alleviating the problems. Such conditions may include specifications for, without limitation because of specific enumeration:
  - (1) Landscaping and ground cover;
  - (2) Type of construction and architectural design;
  - (3) Construction commencement and completion dates;
  - (4) Stages for development of the conditional use;
  - (5) Period of time for which the conditional use will be permitted;
  - (6) Sureties such as performance bonds or letters of credit;
  - (7) Lighting;
  - (8) Fencing;
  - (9) Operational control;
  - (10) Hours of operation;
  - (11) Traffic circulation;
  - (12) Deed restrictions;
  - (13) Access restrictions;
  - (14) Setbacks and yards;

- (15) Floodproofing;
  - (16) Type of shore cover;
  - (17) Specified sewage disposal and water supply systems;
  - (18) Planting screens;
  - (19) Piers and docks;
  - (20) Increased parking and improved traffic circulation;
  - (21) Future review of the conditional use operation;
  - (22) Environmental or economic impact statements.
  - (23) Plat of survey maps, certified survey maps, easements or street dedications;
  - (24) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In reviewing each application and making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Signage; Evidence of Use.** One (1) sign having an area of not more than four (4) square feet shall be permitted, except that bed and breakfast establishments, shall be governed by Section 13-1-173.
- (d) **Extent of Use.** At no time shall the proposed conditional use utilize more than thirty-five percent (35%) of the gross floor area of the conforming use.
- (e) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
- (f) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (g) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.

## **Sec. 13-1-169 Plan Commission Recommendation; Board Action.**

- (a) **Plan Commission Advisory Recommendation.**
- (1) Following referral of conditional use permit applications, the Plan Commission may recommend that the Village Board authorize the Zoning Administrator to issue a

conditional use permit for conditional uses specified in this Chapter after review and a public hearing, provided such uses are in accordance with the purpose and intent of this Chapter, and, more specifically, the standards for conditional uses established in this Article.

- (2) The Plan Commission shall have forty-five (45) days from the application filing date in which to make and forward to the Village Board findings of fact and recommend such actions or conditions relating to the request as the Commission deems necessary to carry out the intent and purpose of this Chapter.

(b) **Village Board Action.**

- (1) Upon receiving the recommendation of the Plan Commission, the Village Board shall place such recommendation(s) on the agenda for the next subsequent Board regular meeting. Such recommendations, including findings of standards not met as required by Section 13-1-167, shall be entered in and made part of the permanent written record of the Village Board.
- (2) If, upon receiving the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board may differ from the advisory recommendation of the Plan Commission, the Village Board shall, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report explaining the specific reasons for referral. This referral action shall only be permitted one (1) time with each conditional use permit application.
- (3) At the Village Board's discretion, the Board shall have the option to set and hold an additional public hearing at the next regular Village Board meeting. Such hearing shall be noticed and conducted as prescribed in this Chapter in compliance with the requirements of this Chapter and the Wisconsin Statutes. The Village Board shall make, and record in the minutes of the Board or in a separate statement/report, findings of fact and may impose and require any conditions the Village Board considers necessary to protect the public health, safety and welfare when approving and issuing a conditional use permit.

- (c) **Reapplication.** No application for a conditional use permit which has been denied in whole or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds that substantial new evidence or proof of changes that would result in compliance with applicable conditions is included in the resubmitted application.

## **Sec. 13-1-170 Validity of Conditional Use Permit.**

(a) **Timeline for Use to Commence.**

- (1) Where the Village Board has approved or conditionally approved an application for a conditional use permit, such approval shall become null and void within twelve (12)

months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

- (2) Approximately forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation.
- (b) **Termination Upon Change of Ownership; Permit Transfers.** A conditional use permit shall terminate and automatically be revoked when the permitted conditional use activity has a change of ownership. A conditional use permit cannot be transferred without re-approval from the Village of Bristol pursuant to the procedures in this Article.
- (c) **Permit Extension for Cause.** The Village Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

### **Sec. 13-1-171 Complaints Regarding Conditional Uses; Revocation of Permit.**

- (a) **Continuing Jurisdiction.** The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Zoning Code.
- (b) **Complaints.** Upon written complaint by any citizen or Village official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-166 above or a condition of approval or other requirement imposed hereunder.
- (c) **Hearing.** Upon staff confirmation of possible non-compliance, a hearing shall be held following notice as provided in Section 13-1-165 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney.
- (d) **Board Modification of Conditions.** The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-166 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.
- (e) **Revocation.** In the event that no reasonable modification of such conditional use can be made in order to assure that standards (a) and (b) in Section 13-1-166 will be met, the Village Board may revoke the subject conditional use permit and direct the Zoning

Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefore.

### **Sec. 13-1-172 Appeals of Actions on Conditional Use Permit Requests.**

Any action of the Village Board in granting or denying a conditional use permit request may be appealed to the Zoning Board of Appeals by filing a written request for an appeal within ten (10) days after the date of the Village Board's action in granting or denying the conditional use permit. Such request for appeal shall be filed and reviewed pursuant to the procedures in Article N of this Chapter.

### **Sec. 13-1-173 Bed and Breakfast Establishments.**

- (a) **Bed and Breakfast Establishments as Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in certain residential, commercial and agricultural districts pursuant to the requirements of this Section specifically and the other applicable provisions of this Article governing conditional use permit issuance.
- (b) **Definitions.** As used in this Section:
  - (1) **Bed and Breakfast Establishment.** Any place of lodging that:
    - a. Provides four (4) or fewer rooms for rent for more than five (5) consecutive nights;
    - b. Is the owner's personal residence;
    - c. Is occupied by the owner or the owner's agent at the time of room rental; and
    - d. In which the meals served to guests are breakfast and/or dinner.
  - (2) **Agent.** The person designated by the property owner as the person in charge of such establishment and whose identity is filed, in writing, with the Zoning Administrator upon issuance of the conditional use permit, and is updated five (5) days prior to a designated agent, or different agent, taking over responsibilities for the bed and breakfast establishment.
- (c) **Bed and Breakfast Establishment Regulations.**
  - (1) **Location.**
    - a. All bed and breakfast rooms/units shall be located within a principal structure only located in a A-1, A-2, A-4, R-1, R-2, R-3, R-4 and C-2 District. No bedrooms will be permitted to be located in an accessory structure.
    - b. A bed and breakfast establishment may be located in an officially-designated local, state or national historical structure with a living space area of not less than one thousand (1,000) square feet.

- c. A bed and breakfast establishment may be located in an existing single-family dwelling with a living space area of not less than one thousand (1,000) square feet; a new single-family dwelling shall not be constructed for the purpose of establishing a bed and breakfast operation.
- (2) **Number of Rental Units.** A maximum of four (4) bed and breakfast units may be established and rented in a structure.
- (3) **Domicile Requirement.** The bed and breakfast structure shall be the domicile for the establishment's owner or manager.
- (4) **Employee Restriction.** The bed and breakfast establishment shall employ not more than the equivalent of two (2) full-time persons who are not domiciled in the principal structure.
- (5) **Dining and Other Facilities.** Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit. Retail sales of goods shall not occur in a bed and breakfast establishment.
- (6) **Compliance With State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Ch. HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments and to any applicable provisions of Ch. HSS 195, Wis. Adm. Code, relating to hotels, motels and tourist rooming houses.
- (7) **Guest Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their legal names and addresses before being assigned quarters. The complete guest registry shall be maintained and be available for inspection by Village representatives for a minimum period of one (1) year after a guest's registration.
- (8) **Sanitary Code Compliance.** Buildings served by on-site private septic systems shall fully comply with the requirements of the Kenosha County Sanitary Code. Existing on-site soil absorption sewage disposal systems shall be evaluated prior to the issuance of a conditional use permit.
- (d) **Bed and Breakfast Establishment Conditional Use Permit Required.**
  - (1) **Permit Required.** In addition to any permits required by Chapters HSS 195 or 197, Wis. Adm. Code, every bed and breakfast establishment, before commencing business, shall first obtain a conditional use permit from the Village of Bristol.
  - (2) **Application Requirements.** In addition to the standard conditional use permit application requirements prescribed in this Article, applicants for a bed and breakfast conditional use permit shall also file the following information with the Village:
    - a. Site plan showing the location and size of buildings, parking areas and proposed signage.
    - b. Number, surfacing type and size of off-street parking stalls.
    - c. Proposed number, size, design and lighting of signage.
    - d. General description of the proposed operation, including number and configuration of rooms to be let to guests.

- (3) **Display of Permit.** Following issuance by the Village, the conditional use permit shall be conspicuously displayed in the bed and breakfast establishment.
- (e) **Off-Street Parking Requirement.** Conditional use permits for bed and breakfast establishments shall only be issued to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. The design, location and setbacks for such proposed parking areas is subject to approval and possible conditions from the Village Board. Establishments otherwise qualifying under this Section regulating bed and breakfast shall not be subject to other requirements of this Zoning Code with respect to parking.
- (f) **On-site Signs.** Total signage for bed and breakfast establishments shall be limited to one (1) exterior sign not exceeding eight (8) square feet, and may only be lighted in such a manner and nature as to not significantly alter or detract from the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishment shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Termination of Permit.**
  - (1) **Permit Void Upon Sale.** A bed and breakfast establishment conditional use permit shall be void upon the sale or transfer of the property's ownership. The Village Board shall review and may conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use.
  - (2) **Voiding of Permit Upon Violation(s).** A permit issued in accordance with this Section shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, permit conditions imposed pursuant to this Article, or applicable State of Wisconsin regulations as set forth in Chapters HSS 195 or 197, Wis. Adm. Code.

*State Law Reference:* Chs. HSS 195 and HSS 197, Wis. Adm. Code.

## **Sec. 13-1-174 Home Occupations/Professional Home Offices.**

- (a) **Intent.**
  - (1) **Intent.** The intent of this Section is to provide a means to accommodate a small home-based family or professional business home office without the necessity of rezoning from a residential to a commercial district. A home occupation or professional home office exceeding the standards for a permitted home occupation/professional home office use under this Section may possibly be maintained pursuant to Subsection (e) below as a conditional use under this Article.
  - (2) **Cumulative Scope of Activity.** The total number of home occupations or professions conducted within a dwelling unit is not limited, except that the cumulative impact of

all home occupations or professions conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one (1) home occupation.

- (3) **Purpose.** The regulations of this Section dealing with home occupations and professional home offices are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities may be carried on in the home. This Section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.
- (b) **Definitions.** The following definitions are applicable in this Section:
  - (1) **Home Occupation.** A business or trade conducted within a structure primarily zoned or used for a residential purpose, conducted primarily by a resident of the premises. Common features of a residential home occupation (or professional home office) are whether business-related materials or stock-in-trade are stored on the residential premises, vehicles with a business or delivery purpose are regularly parked on or make deliveries at the residence, the home is advertised as a place of business, and/or there is a business deduction taken for tax purposes for the residential premises.
  - (2) **Professional Home Office.** Residences of telemarketers, computer programmers, typists, clergy, architects, engineers, land surveyors, lawyers, artists, teachers, tradesmen, authors, accountants, musicians or other recognized professions used to conduct their professions; also included are professions listed in Subsection (d) below. Tradesmen are limited to maintaining a business office and small convenience shop as part of their residential premises. "Tradesmen" are defined as a person or persons who hold themselves out to the public as offering a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers, and others involved in the building trades.
- (c) **Home Occupations/Professional Home Office Limited Permitted Use; Restrictions.** Except as provided in Subsection (c) below, home occupations and professional home offices are a limited permitted use in all Residential Districts, provided the requirements of the District in which the use is located and the following are complied with:
  - (1) **Location; Size.** The occupation or profession shall be carried on wholly within the enclosed areas of the principal building or an attached garage, but it shall utilize no more than twenty-five percent (25%) of the gross floor area of the dwelling.
  - (2) **Exterior Alterations.** There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
  - (3) **Storage.** No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation/profession shall be visible outside any structure located on the premises. There shall not be outside storage of any kind related to the home occupation/profession. The area in which products, materials and goods are

kept shall be considered to be part of the twenty-five percent (25%) of the gross combined floor area permitted for a home occupation.

- (4) **Nuisances.** No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district. A home occupation shall not be detrimental to the health, safety, welfare, peace and quiet or enjoyment of the surrounding property or neighborhood.
- (5) **Signage.** Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed four (4) square feet.
- (6) **Commercial Vehicles.** The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pickup services such as United Parcel Service, DHL, Federal Express, etc., in the conduct of their normal operations.
- (7) **Off-Site Delivery of Goods.** To the extent that there is any sale of any item related to a home occupation, delivery of that item to the buyer should occur off the premises.
- (8) **Traffic.** No traffic shall be generated by such home occupation/profession in greater volumes than would normally be associated with a residential neighborhood use.
- (9) **Parking.** There shall be no demand for parking beyond that which is typical to the type of residential use for which the parking is accessory to plus:
  - a. In the A-1, A-2, A-3, A-4, R-1, and R-2 Districts only, no more than two (2) additional vehicles including trucks [not to exceed ten thousand (10,000) pounds in weight each including pickup trucks, vans, minivans, and sports utility vehicles] to be parked on the premises. In the A-1, A-2, A-3, and A-4 Districts, the above referenced vehicles are in addition to those farm-related vehicles used in the farming operation of the farm (if any) located on the premises.
  - b. In the R-3, R-4, R-5, R-6, R-7, R-8, and R-12 Districts only, no more than one (1) additional vehicle including trucks [not to exceed ten thousand (10,000) pounds in weight each including pickup trucks, vans, minivans, and sports utility vehicles] to be parked on the premises.
  - c. In the R-1, A-1, A-2, A-3, and A-4 Districts only and in addition to the two (2) vehicles mentioned under Subsection (9)a above, one (1) semi-tractor (no trailers) is allowed with a maximum total weight not to exceed twenty thousand (20,000) pounds and which semi-tractor shall be parked on the premises in the rear yard only.
- (10) **Types of Businesses.** Home occupations are restricted to service-oriented, professional or clerical business or office uses; the manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
- (11) **Equipment Limits.** The types and number of equipment used on the premises may be restricted by the Village Board.

- (12) **Non-Resident Employees.**
- a. No more than one (1) non-resident employee may work on the premises. The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one (1) nonresident assistant or employee employed on the premises at any one time.
  - b. Persons engaged in building trades, similar fields and other activities using their dwelling units or residential premises as an office for business activities carried on off the premises may have more employees than the limitations set forth herein if they are not employed on the premises. The home office location shall not be used as a place for employees/workers to regularly come to receive off-premises work assignments.
- (13) **Hours of Operation.** Home occupations may only operate on the premises between 7:30 a.m. and 9:00 p.m.
- (14) **Retail Sales.** Retail sales on premises shall be prohibited including the retail sales of merchandise, products, supplies or goods not produced or fabricated on the premises, provided that minor incidental retail sales may be made in connection with the permitted home occupation. (Example: a dressmaker would be permitted to sell only clothing produced or fabricated onsite and would not be allowed to purchase stocks of dresses for sale to the general public onsite.) The residence shall not be modified to accommodate retail sales activities (example: addition of a display window) and any retail activity shall be a minor use secondary to the primary occupation).
- (15) **Prohibited Home Occupations.** Mechanical repair for hire (including automobile, boat, recreational vehicle, small engine and body shop repair/work), equipment rental businesses, and businesses that involve the storage of heavy equipment on the premises (such as snow removal, excavating or landscaping businesses) are not permitted as home occupations.
- (16) **Inspections.** Any party maintaining a permitted home occupation or professional home office business under this Section may be subject to a compliance inspection(s) by a Village Building Inspector, Zoning Administrator, law enforcement officer, or health official if there is a reason to suspect that violations or improper activity may exist.
- (d) **Permitted Home Occupations/Professions Described.** Permitted home occupations/professions consistent with Subsection (c) not requiring a conditional use permit include, but are not necessarily limited to, the following examples:
- (1) Artists, sculptors, authors or composers.
  - (2) Home crafts such as model making, and rug weaving.
  - (3) Office facility of a minister, rabbi, or priest.
  - (4) Office facility of an attorney, architect, professional engineer, surveyor, author, interior decorator, photographer, income tax preparer, accountant, landscape architect,

insurance agent or real estate agent, or similar profession which serves several clients onsite per day.

- (5) Private tutoring limited to three (3) pupils at any one time.
  - (6) Musical instruction limited to three (3) pupils at a time; this requirement limiting class size shall not be construed to prohibit occasional exceptions for events such as recitals, demonstrations and other similar gatherings.
  - (7) Dressmaking and millinery work.
  - (8) Computer-oriented support services, such as consulting, clerical services, claims processing, internet-related businesses, etc.
  - (9) Day care of not more than eight (8) nonresident children.
  - (10) Office for sales representative or manufacturer's agent when no retail or wholesale goods transactions occur on the premises.
  - (11) Telemarketing and telephone answering service.
- (e) **Conditional Use Home Occupations/Professional Home Offices.**
- (1) **Conditional Use Permit Requirement.** A home occupation or professional home office exceeding the standards prescribed in Subsection (c) above for a limited permitted home occupation/professional home office use may apply for a standard conditional use permit under Article E of this Chapter. Village approval of an expansion of a home occupation or professional home office as a conditional use is not automatic.
  - (2) **Application Procedures.**
    - a. The Village Board, upon the recommendation of the Plan Commission, may approve home occupations or professional home offices in residential districts which do not meet the standards in Subsection (c) above as conditional uses.
    - b. The procedures for conditional use permits prescribed in this Article shall be followed, and the standards in Sections 13-1-166 and 13-1-168 shall be applicable.
    - c. The Village Board may place conditions on the continuation or expansion of such home occupations/professional home offices, or the Village Board may require the relocation of the business to an area that is appropriately zoned.
    - d. Conditional use permits issued for home occupations/professional home offices under this Subsection are valid for a term of three (3) years. Upon the expiration of such term, the conditional use permit must be reapplied for.
  - (3) **Sale of Property.** Sale, transfer of the property, expansion of the use beyond permitted levels, or other significant changes shall cause the conditional use permit for the home occupation/professional home office to be void. A new owner may apply for a new conditional use permit under the procedures of this Article.
  - (4) **In-Home Day Care.** In-home day care for children exceeding eight (8) non-resident children and community-based residential facilities (adult residential day care) exceeding more than eight (8) residents shall be required to obtain a conditional use permit under the requirements of this Subsection.

- (f) **Home Occupations/Professions Permitted With Conditional Use Permit.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations/professions and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations are permitted only after issuance of a conditional use permit, and such occupations include, but are not necessarily limited to, the following:
- (1) Barber shops, beauty salons or hair stylist.
  - (2) Antique shops.
  - (3) Stables and kennels.
  - (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, acupuncturists, massage therapists, psychiatrists, psychologists, psychotherapists, or optometrists for the general practice of the profession, except for consultation or emergency treatment.
  - (5) Bakeries.
  - (6) Taxidermy shops.
  - (7) Uses that involves primarily catalog sales or order processing and which does not involve volumes of stock or merchandise being distributed at the site may be deemed a home occupation, subject to the provisions hereof, provided that such use meets the intent of all standards set forth herein.
  - (8) Cabinet-making or woodworking for profit (conducted inside a building only).

## **Sec. 13-1-175 Large Livestock Facilities Conditional Uses.**

- (a) **General Applicability.** The procedures in this Section apply to large livestock facilities that require a conditional use under this Chapter and are supplementary to the general conditional use procedures of this Article. The other provisions of this Article regarding the review and granting of conditional use permits shall not be applicable to large livestock facilities conditional uses unless specifically referred to by this Section.
- (b) **Conditional Use Permits for Existing Livestock Facilities.**
- (1) **When Required.** A conditional use permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
    - a. The applicable size threshold for a conditional use permit established for the agricultural Zoning District in Article C where the facility is located.
    - b. The maximum number previously approved or, if no maximum number was previously approved, a number that is twenty percent (20%) greater than the number of animal units kept on the original effective date of this Chapter.
  - (2) **When Permit Is Not Required.**
    - a. A permit is not required for a livestock facility that existed before the original effective date of this Chapter.

- b. A permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval, except as provided in Subsection (b)(1) above. [Note: A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility].
- (c) **Application Procedure.**
  - (1) **Filing Requirements.** A livestock operator filing for a livestock facility conditional use permit shall complete the application and worksheets of the Wisconsin Department of Agriculture, Trade and Consumer Protection prescribed in ATCP 51, Wis. Adm. Code, which are incorporated herein by reference without reproduction in full. The application form and worksheets establish compliance with the standards of ATCP 51, Wis. Adm. Code, and this Chapter. The livestock operator shall file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. If the conditional use permit application is locally approved, one (1) duplicate copy of the conditional use permit application must be filed with the Wisconsin Department of Agriculture, Trade and Consumer Protection, and one (1) duplicate copy marked "approved" shall be given back to the applicant. It is advisable that the applicant also record a duplicate "approved" copy with County Register of Deeds.
  - (2) **Fees.** A nonrefundable application fee as prescribed in Section 1-3-1 shall accompany an application. Processing of the application shall not proceed until such fee is paid.
- (d) **Application Review Procedure.**
  - (1) **Notice of Application Completeness.** Within forty-five (45) days after the Village Clerk-Treasurer, or the Zoning Administrator, receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the Zoning Administrator or Village Clerk-Treasurer shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
  - (2) **Notification of Adjacent Landowners.** Within fourteen (14) days after the Zoning Administrator or Village Clerk-Treasurer notifies an applicant that his/her application is complete, the Zoning Administrator or Village Clerk-Treasurer shall notify adjacent landowners of the application pursuant to the procedures in Section 13-1-165, and this Article, including the public hearing notice requirements below. The Zoning Administrator shall use the approved notice form in ATCP 51, Wis. Adm. Code, and mail a written notice to each property owner situated within three hundred (300) feet

of the boundaries of the applicant's property pursuant to the procedures in Section 13-1-165.

- (3) **Public Hearing.** The Village shall schedule a public hearing on the application/notification pursuant to the requirements of Sections 13-1-164 and 13-1-165 before both the Plan Commission and Village Board meetings, or a joint public hearing may be held.
- (e) **General Standards.** The general standards to be satisfied for issuance of a conditional use permit are as follows:
  - (1) **State Livestock Facility Siting Standards.** The State of Wisconsin livestock facility siting standards prescribed under ATCP, Wis. Adm. Code. These state standards are incorporated herein by reference, without reproducing them in full.
  - (2) **Ordinance Setbacks.** Setbacks authorized by this Chapter by applicable zoning district.
- (f) **Criteria for Issuance of a Permit.**
  - (1) **Compliance With Standards.** A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Section.
  - (2) **Basis for Denial.** A conditional use permit application under this Section may be denied if any of the following apply:
    - a. The application, on its face, fails to meet the standard for approval.
    - b. The Village Board finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Section.
    - c. Other grounds exist authorized by Section 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
  - (3) **Conditions.** No conditions may be imposed on a conditional use permit under this Section other than standards described and provided in this Section.
- (g) **Determination.**
  - (1) **Plan Commission Advisory Recommendation.**
    - a. Following referral of the conditional use permit application under this Section, the Plan Commission may recommend that the Village Board issue a conditional use for livestock uses specified under this Chapter after review and public hearing, provided such uses are in accordance with the purpose and intent of the underlying zoning district, and, more specifically, the standards for such conditional use permits under this Section.
    - b. The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Plan Commission deems necessary to carry out the intent and purpose of this Section.
  - (2) **Village Board Action.**
    - a. Upon receiving the recommendation of the Plan Commission, the Village Board shall place the application and such recommendation(s) on the agenda for a

- subsequent Village Board meeting. The hearing requirements of Subsection (d)(3) shall be followed.
- b. If, following the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board could differ from the advisory recommendation of the Plan Commission, the Village Board may, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report, explaining the specific reason(s) for referral. This referral action shall only be permitted one (1) time with each conditional use permit application under this Section.
  - c. At the Village Board's discretion, the Village Board shall have the option to set and hold a public hearing at the next regular Village Board meeting. Such hearing shall be noticed and conducted as prescribed in Sections 13-1-164 and 13-1-165.
  - d. The Village Board shall issue its decision in writing, which may be the minutes of the Village Board's meeting. The Village Board's decision shall be based on written findings of fact supported by evidence in the record. In the event that a livestock facility conditional use permit application is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved". The duplicate copy must include worksheets, maps and other documents included in the application.
  - e. The Village Board shall grant, deny or conditionally approve a livestock facility conditional use permit application within ninety (90) days after the notice of a complete application is provided as required under Subsection (d) above.
  - f. The Village Board may extend this time for good cause, including any of the following:
    - 1. The Village Board needs additional information to act on the application.
    - 2. The applicant materially modifies the application or agrees to an extension.
  - g. The Village Board shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Village Board will act on the application.
- (h) **Notice To The State.** As required by ATCP 51.36, Wis. Adm. Code, within thirty (30) days of the Village Board's decision on the application, the Village Clerk-Treasurer shall:
- (1) **Notice of Decision.** The Village Clerk-Treasurer shall give the Wisconsin Department of Agriculture, Trade and Consumer Protection written notice of the Village Board's decision.
  - (2) **Filing Of Final Application/Worksheets.** The Village Clerk-Treasurer shall file with the Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") a copy of the final application granted or denied, if the Village has

granted or denied an application under this Section. Such copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.

- (3) **Approval Withdrawal.** If the Village has withdrawn a local animal livestock facility conditional use permit approval under this Section, the Village Clerk-Treasurer shall file with the Department a copy of the Village final notice or order withdrawing the local approval.
- (i) **Permit Expiration.** A conditional use permit under this Section remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under such permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Village Board may treat a conditional use permit under this Section as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after issuance of the permit:
  - (1) **Animal Populating Requirement.** Begin populating the new or expanded livestock facility; and
  - (2) **Construction Requirement.** Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the conditional use permit application.
- (j) **Permit Modifications.** The operator may make reasonable changes that maintain compliance with the standards in this Section, and the Village Board shall not withhold authorization for those changes.
- (k) **Compliance Monitoring.** The Village of Bristol shall monitor compliance with this Section as follows:
  - (1) **Inspections.** Upon notice to the livestock facility owner request the right of the Zoning Administrator or designee to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
  - (2) **Inspection Refusal.** If the livestock facility owner refuses the Zoning Administrator or designee the right to view the permitted facility, the Zoning Administrator or designee may request the assistance of law enforcement authorities to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Section 66.0119, Wis. Stats.
  - (3) **Noncompliance; Time to Correct.** If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Administrator or designee shall issue a written notice to the livestock facility owner stating the conditions of noncompliance and directing that compliance of the commitments of the approved application and be complied with in a reasonable amount of time stated in the written notice.
  - (4) **Failure to Correct.** If noncompliance of the conditional use permit conditions as described in the written notice given by the Zoning Administrator continue past the

stated reasonable time to comply, the Zoning Administrator may take further action as provided in this Section and Zoning Code, including, but not limited to, issuance of a citation or seeking of injunctive relief.

- (5) **Compliance Disputes; Hearing.** If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing, such request to be in writing to the Village Clerk-Treasurer within ten (10) days of receipt of the notice of noncompliance. Upon receipt of such written hearing request, the Village Board shall schedule a hearing within ten (10) days to determine if the conditions of the permit have been complied with or whether noncompliance of the commitments of the approved application and local approval exists.

(l) **Terms of the Permit; Violations.**

- (1) **Compliance With Permit Standards.** A livestock facilities conditional use permit, and the privileges granted by such a permit under this Section, is conditioned on the livestock operator's compliance with the standards in this Section, and with the commitments made in the application for a permit.
- (2) **Violations; Penalties.**
- a. The Village of Bristol is authorized to suspend a livestock facilities conditional use permit or seek other redress in this Section and Zoning Code for noncompliance, including, but not limited to, penalties under Section 13-1-445 of this Chapter and permit revocation or suspension, forfeiture and/or injunctive relief. In considering permit suspension or revocation, the Village Board shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.
  - b. In addition to any penalties herein, the cost of abatement of any public nuisance on the permitted facility by the Village may be collected under this Section or Section 823.06, Wis. Stats., against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Section 66.0627, Wis. Stats., unless paid earlier.

(m) **Transferability.**

- (1) **Permit To Run With Land.** A livestock facilities conditional use permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, provided the new operator does not violate the terms of the Village approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.
- (2) **Requirements Upon Change of Ownership.** Upon a change of ownership of the livestock facility, the new owner of the facility shall file information with the Village Clerk-Treasurer providing pertinent information, including, but not limited to, such information as the name and address of the new owner and date of transfer of ownership.

(n) **Appeals.**

- (1) **Appeals Under This Chapter.** Appeals to this Section shall be taken pursuant to Article N of this Chapter.
- (2) **Appeals To State Livestock Facility Siting Board.**
  - a. In addition to other appeal rights provided by law and this Chapter, Section 93.90(5), Wis. Stats., provides that any aggrieved person may request review by the Livestock Facility Siting Review Board of any decision by the Village in connection with a permit application.
  - b. An aggrieved person may challenge the decision on the grounds that the Village incorrectly applied the standards under this Section or violated Section 93.30, Wis. Stats.
  - c. An "aggrieved person" under this Section as defined in Section 93.90(5), Wis. Stats., means a person who applied to a political subdivision, i.e. Village, for approval of a livestock siting or expansion, a person who lives within two (2) miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within two (2) miles of a livestock facility that is proposed to be sited or expanded.
  - d. Any appeal to the State Livestock Facility Siting Review Board brought under this Subsection shall be requested within thirty (30) days of the Village Board approval or disapproval or within thirty (30) days after the decision on appeal before the Zoning Board of Appeals.

**Sec. 13-1-176 Nonmetallic Mining or Quarrying Conditional Uses.**

- (a) **Purpose.** Quarrying and other nonmetallic mining operations are conditional uses in the M-3 District.
- (b) **Application.**
  - (1) **Basic Required Application Information.** An application for quarrying and/or other nonmetallic mining shall include:
    - a. The name, address, telephone number. The name, address, email address and telephone number of the operator, and the name, address and contact information of the owner of the site, if the operator is not the owner.
    - b. A copy of the operator's deed to the site, contract to purchase the site, or lease authorizing the operator to conduct quarry or other nonmetallic mining operations on the site. The expiration date of any lease shall be clearly indicated thereon.
    - c. A legal description of the proposed quarry or other nonmetallic mining site and the total number of acres involved.
    - d. A list of all other quarry or nonmetallic mining permits or licenses held by the operator, including the name, address, and telephone number of each permitting or licensing entity.

- e. A general location map of the site.
- (2) **Survey Requirements.** The application shall include twenty (20) copies of a survey, drawn to a scale of not less than one (1") inch equals two hundred (200') feet, which shall include the following:
  - a. The boundaries of the quarry or other nonmetallic mining site.
  - b. Topography of the site and all lands within two hundred (200) feet thereof, at intervals no larger than two (2) feet.
  - c. Location and names of all streams, lakes, ponds, roads, railroads, utility lines, and pipelines on or immediately adjacent to the site.
  - d. Location of all structures.
  - e. Boundaries and elevations of previous excavations on the site.
  - f. Location and description of mining site boundary stakes and permanent reference point.
- (3) **Zoning Information.** The application shall include information regarding the zoning of the site and of all properties within five hundred (500) feet of the boundaries of the site.
- (4) **Photographs.** The application shall include photographs (8" x 10") of the site and its surroundings, including photographs of all potentially sensitive or important aspects of the site or neighboring properties, and, if available, an aerial photograph of the site and its surroundings [usually available from the Southeastern Wisconsin Regional Planning Commission (SEWRPC)].
- (5) **Operations Plan.** The conditional use permit application shall include an operations plan, in which all horizontal and vertical measurements are referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the nature of the operations, the methods and procedures to be used in mining the site and in processing and otherwise dealing with the mined materials, the methods and procedures to be used in eliminating or minimizing adverse impacts or effects of the proposed operations, and a proposed timetable for completion of the operations and of the various stages of the operations, and which shall contain, without limitation, the following:
  - a. Type and total volume of desirable material to be extracted, and the estimated annual volume to be extracted, and the estimated annual volume to be extracted, identifying the assumptions on which such estimate is based; the type and volume of waste material to be stripped or extracted.
  - b. Type of mining, processing, and transportation equipment to be used.
  - c. Timetable for the commencement, and to the extent practical, duration, and cessation of the mining operations, and, if seasonable operations are intended, the months during which operations will be conducted.
  - d. Anticipated hours and days of operation, specifying differences between various aspects of the operations, if applicable.

- e. Market area to be served by the operation.
- f. Means of transporting mined materials from the site and the primary travel routes to be used.
- g. Whether haul trucks will be owned by the operator or others.
- h. Boring descriptions to the total depth of the proposed operation, describing each formation in terms of thickness and other relevant characteristics, sufficient borings shall be conducted to describe the type and quality of material to be extracted, to calculate the amount of desirable material to be mined and the amount of waste material to be disposed of, and to demonstrate that an adequate supply of desirable material is located at the site to justify the adverse impacts of the operation. Borings shall be referenced to a permanent reference point.
- i. A detailed description and explanation of all methods used to control and monitor noise.
- j. A detailed description and explanation of all methods used to control and monitor dust and mud tracking.
- k. A detailed description and explanation of all methods used to control and monitor ground vibrations.
- l. A detailed description and explanation of all methods used to control and monitor airblast.
- m. A detailed description and explanation of how the operator proposes to screen the operations from surrounding properties, streets and highways, including, without limitation, detailed plans for any proposed berming or landscaping.
- n. A detailed description and explanation of how water will be collected, treated, and disposed of on the site, and of all methods used to avoid a drawdown of groundwater that will affect nearby wells and of all methods used to monitor the effects of the operation on the groundwater table.
- o. A detailed statement of the following:
  - 1. The beneficial aspects of the proposed operation.
  - 2. The potential adverse impacts of the operation on humans residing or working in the vicinity of the operation which cannot be totally eliminated by proposed control measures.
  - 3. The potential adverse environmental impacts of the operation which cannot be totally avoided by proposed control measures.
  - 4. The potential adverse economic impacts of the operation on neighboring property owners and the Village which cannot be totally avoided by the proposed control measures.
- p. A detailed, step-by-step description and explanation of all aspects of the operations.
- q. A detailed site plan, drawn to scale, showing:
  - 1. The boundaries of the site.

2. The proposed boundary of the area to be mined.
  3. The proposed location of permanent mining area markers.
  4. The final elevation of the area to be mined.
  5. The locations and dimensions of proposed berms, haul roads, crushing, washing or other processing facilities, conveyors, stockpiles, loading areas, scales or other sales facilities, circulation routes, parking, offices, explosives storage facilities, and all other structures or specific operations areas.
- r. With respect to any proposed blasting operations, the application shall include a detailed description and explanation of the proposed blasting methodology, including, without limitation, drilling procedures, how burden and depth of holes are measured, benching, initiation system, type and sequencing of delays, explosives used and a full description of a typical proposed production shot, including the height of the face, number of holes, size of holes, burden, spacing, and maximum pounds of explosives per delay.
  - s. If explosives are to be used in the operation, a detailed plan for the storage, handling and use of such explosives. Any such proposed procedures shall comply with all federal, state and local regulations.
  - t. Map or diagram and narrative describing in detail the sequential stages of mining (including any shifts in the location of activities or facilities) or, if no stages are planned, a detailed description of how the operator plans to proceed with the mining operation. The map or diagram shall show the location of all phase boundary stakes.
  - u. A detailed plan showing and describing in detail erosion control measures to be used during and in connection with each aspect of the operation. Such plan shall describe, without limitation, how disturbed surfaces such as stripped areas, haul roads, berms, waste pits, stored topsoil and stockpiles will be dealt with to prevent erosion, sedimentation, fugitive dust and pollution of surface and groundwater, and how the operator proposes to minimize the area of erodible surfaces exposed at any one time. In addition to any conditional use permit requirements, temporary stabilization measures may be ordered by the Village Board, or its designee, to correct situations which are resulting in or are likely to result in erosion, sedimentation, fugitive dust or water pollution that is detrimental to adjoining properties or to the public health, safety, and welfare. Such temporary stabilization measures may include, without limitation, silt fencing, bale check dams, sod strips, riprap, hard surfacing with concrete or blacktop, slope reduction, seeding or sodding, erosion mat placement, mulching, and settling basin construction.
  - v. A plan describing and explaining in detail the handling of all water on the site, including, without limitation, the following:
    1. Existing and proposed drainage on the site, showing contours at two (2) foot intervals.

2. The location and dimensions of all settling, retention or detention ponds, together with calculations demonstrating that such ponds are of adequate design to eliminate downstream sedimentation, erosion, or water pollution.
  3. The estimated volume of water to be pumped out of the operations area, together with the assumptions, observations, and calculations on which such estimate is based.
- w. A scale map of survey delineating all bodies of navigable water, all floodplains, all shoreland or shorelands-wetlands zoning areas, all wetlands, and all primary environmental corridor areas on the site.
  - x. A detailed map or diagram and description of the location, type, height, and installation of proposed fencing.
  - y. If customers of the operator will collect product at the site, a detailed description of how the operator will deal with haul trucks that arrive at the site before the site is open in the morning.
  - z. A detailed description of any highway modifications or improvements that are required or desirable to accommodate the anticipated truck traffic, including, for example, acceleration or turning lanes, traffic signals or reinforced pavement, the estimated cost of such improvements, and of any other required modifications of public infrastructure, and whether the operator proposes to pay for such modifications.
  - aa. A detailed traffic study demonstrating that the anticipated truck traffic can be safely accommodated on the proposed routes of travel.
  - bb. A detailed description and explanation of the methods by which the operator proposes to determine whether the operation has damaged or diminished the value of nearby properties, including, for example, periodic evaluation of structures, wells and market value, and whether the operator is willing to reimburse persons for such losses.
  - cc. If there are active wells within one thousand (1,000) feet of the quarry site, a hydrogeological study to determine whether and to what extent the operation is likely to draw down the groundwater table to an extent that wells will or may be impaired.
  - dd. A listing of all federal, state or village permits or approvals, which are required in connection with any aspect of the proposed operation.
  - ee. A detailed description of all structures or areas of archeological or historic interest on the site, and a detailed explanation of how the operation will affect such structures or areas.
  - ff. A detailed description of, explanation of the function of, and architectural renderings of all proposed structures.
  - gg. Any other information or materials required to demonstrate that the proposed operation will result in no significant loss, harm or damage to neighboring

property owners, to the Village or to the public health, safety, and welfare, nor any serious risk of any such loss, harm or damage.

- (6) **Reclamation Plan.** The conditional use permit application shall submit a reclamation plan, in which all horizontal and vertical measurements shall be referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the proposed reclamation of the site, the methods and procedures to be used for reclamation and a timetable for completion of various stages of the reclamation, and which shall contain, without limitation, the following:
- a. A detailed description of the topsoil stripping and separation process, the location of topsoil storage, and the methods of stabilization and conservation that will be used during storage.
  - b. A detailed reclamation site plan and description of the site when fully reclaimed, showing topography at two (2) foot intervals, drainage patterns, landscaping, structures, any water impoundments or lakes, and the proposed end use(s). To the extent that restoration will take place in stages, or incrementally, provide such site plan and description for each appropriate stage.
  - c. The estimated elevation of the water's surface in any lake or impoundment, referenced to a permanent reference point, and a detailed explanation for the basis of such estimate.
  - d. Detailed landscaping plans, showing the location, species, species and size of the trees, shrubs and other vegetation to be planted or seeded, and the approximate timeframe or such planting or seeding.
  - e. Detailed cross-section diagrams, drawn to scale, showing at appropriate illustrative locations [which should be indicated on the reclamation site plan(s)] the reclaimed topographic features, including, without limitation, elevations slopes, high wall reductions, benching, terracing, and other stabilization and utilitarian features.
  - f. Detailed topsoil application, seeding and/or sodding plan, describing the location, methods and thickness of topsoil application, seed types, seeding rates, and mulching netting and/or other techniques used to accomplish soil and slope stabilization.
  - g. Detailed plan for the disposal of all structures, roads, and other facilities not incorporated into the final reclamation plan.
  - h. Estimated cost of reclamation, by phase, with accompanying supportive estimates and calculations, and the proposed form of any security documents.
  - i. A detailed description of how potentially dangerous conditions will be rendered safe and useful, e.g., by reducing sheer high walls to provide for access to the water, shallow areas suitable for swimming and fish propagation, climb-out areas, etc.

- j. To the extent practicable, a timetable for the commencement, duration, and cessation of reclamation activities, by stage.
  - k. Any other information or materials required to demonstrate that the proposed reclamation will result in a safe, useful, and aesthetically pleasing site.
- (7) **Additional Information.** The Village Board, Plan Commission and/or Zoning Administrator may require the submittal of such additional information or materials as may be necessary or desirable to determine the nature and extent of the operations, the potential adverse impacts of such operations on neighboring property owners and the Village in general, the appropriate methods to eliminate or mitigate potential adverse impacts and the appropriateness and effectiveness of the proposed reclamation.
- (8) **Waiver of Application Requirements.**
- a. The Village Board may waive any specified information required to be submitted with the application for a permit if it is satisfied that such information is not relevant or is unnecessary to a full and effective evaluation of the proposed operation and reclamation, or if the cost of producing certain information is unreasonable in comparison to the usefulness of the information in the evaluation process.
  - b. The Zoning Administrator may preliminarily waive any application requirements on the same grounds, but such a preliminary waiver may be reversed by the Village Board. In determining whether to waive application requirements, the Village Board and the Zoning Administrator shall take into account, without limitation, the nature and extent of the proposed operations, the surrounding existing and anticipated land uses, and whether and to what extent the operation pre-existed the effective date of this Chapter. It shall be the obligation of the applicant to request in writing any such waiver. Such request shall set forth the justification for such waiver.
- (c) **Public Hearing Requirements for Nonmetallic Mining Permit Applications.**
- (1) **Plan Commission Referral.** Notwithstanding the public hearing requirements of Sec. 13-1-164, the Zoning Administrator shall, upon receipt of a complete permit application, refer the application to the Plan Commission for its consideration and the Plan Commission shall schedule a public hearing on the application.
  - (2) **Scheduling.** The hearing shall be scheduled not earlier than sixty (60) days nor more than ninety (90) days after receipt of the application to provide time for Village staff to review the application, but the Plan Commission, for good cause, may order a modification of this requirement.
  - (3) **Hearing Notice.** Notice of the public hearing shall be published as a Class II notice in a newspaper of general circulation in the Village. In addition, notice of the public hearing shall be mailed to the operator, the owner of the site, and to the last known address of all owners of real property located within three hundred (300) feet of the

boundaries of the site. This requirement of actual notice to persons other than the operator is precatory, and the failure to mail or receive such notice shall not invalidate any action taken by the Plan Commission or Village Board.

- (4) **Input at Hearing.** At the hearing, the Plan Commission shall hear and receive information or recommendations presented by the Village staff and/or its consultants, information presented by the applicant or the applicant's authorized agents/consultants, and information presented by members of the public.
  - (5) **Applicant's Right to Rebuttal.** The applicant shall be given an opportunity to respond to any adverse information or recommendation.
  - (6) **Continuation of Hearing.** If the Plan Commission determines that additional time or information is required, the public hearing may be continued from time to time at the direction of the Commission.
- (d) **Plan Commission Recommendation; Village Board Determination.**
- (1) **Plan Commission Recommendation.** After the public hearing, the Plan Commission shall make a recommendation to the Village Board regarding the nonmetallic mining conditional use permit application, giving reasons for the record for its recommendation.
  - (2) **Additional Public Hearing.** While not required, the Village Board may, at its option, hold another public hearing on the application following the procedures of Subsection (b)(9) above.
  - (3) **Board Meeting Agenda.** The conditional use permit application shall be placed on a meeting agenda for the Village Board.
  - (4) **Permit Conditions; Official Record.** In making its determination, the Village Board shall condition any conditional use granted upon compliance with specified operational and reclamation requirements, including the minimum requirements of this Section and the requirements of all other applicable state and village regulations, except as such Village requirements may be appropriately modified by the Plan Commission. Such requirements are, without limitation, applicable federal, state and local statutes, ordinances, rules, regulations, and permits relating to blasting, mining, land use, highway access, air pollution, water pollution, contamination of the ground, solid waste disposal, navigable waters, groundwater, wetlands, floodplains, shorelands, and other environmental matters. The Plan Commission may recommend, and the Village Board may impose, requirements which are in addition to, or more stringent than, the minimum requirements of this Section.
  - (5) **Permit Determination Factors.** No application shall be granted unless the Village Board finds that the approved operations, as conditioned, will result in no significant loss, harm, or damage to neighboring property owners, to the Village, or to the public health, safety or welfare, nor serious risk of any such loss, harm or damage, and that the approved reclamation will result in a safe, useful, and aesthetically pleasing site.
  - (6) **Items Not Approved to be Specified.** In granting a conditional use permit, the Village Board shall specify all aspects of the proposed plan of operations and plan of reclamation which are not approved.

- (7) **Pre-Existing Operations.** In deciding upon an application regarding an operation that pre-existed the effective date of this Chapter, and was active on the effective date of this Chapter, the Village Board shall take into account the nature, extent, circumstances, and past performance of the operation and may modify the requirements of this Section to the extent necessary to ensure that the permit requirements are reasonable under the particular circumstances.
- (e) **Terms of Permit.** Conditional use permits for nonmetallic mining shall be granted for an initial term of two (2) years. Thereafter, permits may be renewed by the Village Board for terms of two (2) years. Any conditional use permit issued pursuant to this Section shall automatically terminate upon the abandonment of the quarry or other nonmetallic mining operations.
- (f) **Permit Renewal.**
- (1) **Renewal Timelines.** Applications for the renewal of a permit shall be filed with the Zoning Administrator or his/her designee not later than ninety (90) days prior to the expiration date. Any information or materials required for an initial permit application shall be supplied with the application for renewal to the extent that such information or materials were not submitted with the prior application or to the extent that the previously supplied information or materials are out of date or no longer accurate and complete.
- (2) **Automatic Permit Extensions.** Such application shall be processed in the same manner as an initial permit application. In the event that a timely renewal application is not decided by the expiration date of the permit, the conditional use permit shall be deemed extended to the date of the Village Board's decision.
- (g) **Amendment of Permit.** In the event that the operator desires to make any material modification in the permitted operation or reclamation, the operator shall file with the Zoning Administrator an application for an amendment to the conditional use permit. Such application shall describe in detail the proposed modification, explain the effects of the proposed modification, supplement and update the information and materials submitted with the prior application and make such certification required for renewal applications. Such an application shall be processed in the same manner as an initial permit application.
- (h) **Review and Monitoring Fees.** The applicant shall pay a fee equal to the cost of any administrative, legal, engineering, or other consultant work which may be undertaken by the Village in the review of the quarrying or nonmetallic mining permit application. Such fee may include the cost of any monitoring activity set forth as a condition of the permit issued.
- (i) **Security.**
- (1) **Security Required as Performance Guarantee.** As a condition of any conditional use permit issued pursuant to this Section, the Village Board shall require, and the operator shall promptly deposit with the Village, an irrevocable letter of credit, cash, bond or other security acceptable to the Village in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing

condition, in accordance with the approved restoration plan, to the extent of the mining operations if the operations were abandoned during the term of the conditional use permit.

- (2) **Approval of Security Instrument.** Any security instrument shall be in a form satisfactory to the Village Attorney and shall be issued by an entity satisfactory to the Village Attorney. Any cash deposited with the Village shall be deposited in a segregated interest bearing account and shall be used only for the required restoration. Any security shall be promptly released or returned to the operator, with any accrued interest, at the completion of the approved reclamation to the satisfaction of the Village Board. The termination, expiration, or modification of a security instrument, in the absence of a renewal or replacement thereof or the making of other arrangements satisfactory to the Village Board after review by the Village Attorney, shall be grounds for suspension of the operator's permit.
- (j) **Transfer of Permit.** Conditional use permits issued under this Section may be transferred only with the prior written approval of the Village Board. Such approval shall not be unreasonably withheld, but the Village Board shall not approve any transfer in the absence of satisfactory arrangements regarding security and the prompt correction of any prior failure to comply with permit requirements.
- (k) **Minimum Standards for All Operations.** The following are minimum standards for all nonmetallic mining and quarrying operations commenced after the effective date of this Section, and to the extent reasonable, for all pre-existing operations thereafter:
  - (1) **Excavation Setbacks.** The minimum setback of any excavation shall be two hundred (200) feet from any street right-of-way or property line. When the operations adjoin residentially developed land or residentially zoned land, the Village Board shall carefully consider whether greater setbacks are required.
  - (2) **Other Required Setbacks.** The minimum setback of any building, structure, storage area, parking area, or stockpile shall be one hundred (100) feet from any street right-of-way or property line.
  - (3) **Access Roads.** Access ways and roads shall be maintained in a dust-free condition by spraying with calcium chloride or other means that will not contaminate surface or ground water.
  - (4) **Operations Standards.** All operations shall be conducted in a safe manner, particularly with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extracting operation shall be conducted in a manner so as to lower the water table of surrounding properties.
  - (5) **Reclamation Standards.**
    - a. No reclamation plan shall be approved unless it will result in a safe, useful, and aesthetically pleasing site.
    - b. No reclaimed slope shall exceed a four-to-one ratio of horizontal distance to vertical distance; provide, however, that this requirement shall not apply to rock

faces, and further provided that the Village Board, for good cause shown, may modify this requirement.

- c. After completion of operations, and in accordance with the approved rehabilitation map/plan, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six (6) inches, excluding areas underwater, and shall be seeded with grass or other ground cover to prevent erosion.

## **Sec. 13-1-177 Specific Standards for Designated Conditional Uses.**

### **(a) Additional Reasonable Conditions.**

- (1) **Generally.** In addition to the specific conditions required herein, additional reasonable conditions or requirements which bear a direct relationship to the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be eliminated, alleviated or controlled such as, without limitation: environmental, economic or social impact statements; storm drainage plans; landscaping; architectural design; type of construction; floodproofing; ground cover; anchoring or structures; construction commencement and completion dates; sureties, letters of credit, performance bonds; waivers; lighting; fencing; location, size and number of signs; planting screens; operational control and hours of operation; improved traffic circulation; deed restrictions; highway access restrictions; increased yards or parking requirements; plat of survey maps; certified survey maps; easement or street dedications; increased building areas; increased water supply; essential services and utilities; sanitary and sewage requirements; installation of pollution abatement; security and/or safety systems; higher performance standards; stages for development of the conditional use; future review of the conditional use operation; conditions surrounding termination of the conditional use permit; period of time for which the conditional use permit will be permitted. Such additional conditions may be required by the Village Board, upon the recommendation of the Plan Commission, if deemed necessary to fulfill the purpose and intent of this Chapter and to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency sought to be averted.
- (2) **Impact Studies.** Where studies or impact statements are required by the Village, the Village Board and Plan Commission can address problems called to their attention by the imposition of certain conditions aimed at eliminating, alleviating or controlling the problems.

- (b) **Specific Conditional Uses and Related Standards.** The following are deemed by the Bristol Village Board to be hazardous, dangerous, harmful, noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, waters or the environment or

inconsistent with or otherwise adverse to adjoining or nearby land or water uses, and therefore should be required to meet certain additional standards, regulations, and conditions hereinafter set forth and/or standards and conditions imposed by the Village Board, upon the recommendation of the Plan Commission, in accordance with this Article so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency prior to being permitted in the particular district wherein said use is a conditional use:

(1) ***Abrasives and Asbestos in the M-2 District.***

- a. There shall be adequate containment and disposal of waste and by-products used in the manufacturing of abrasives and asbestos.
- b. All applicable federal and state regulations shall be fully complied with.
- c. There shall be sufficient safeguards to ensure against pollution and contamination of surrounding areas and to further ensure against health hazards.
- d. The Zoning Administrator and designees shall be permitted access to the property and buildings located thereon at any time upon request to determine compliance with the required standards of the conditional use permit.

(2) ***Airstrips, Landing Fields and Hangers for Personal or Agricultural Uses in the A-1, A-2 and A-4 Districts; Airports, Heliport Pads, Aircraft Hangers for Storage and Equipment Maintenance and Aircraft Sales/Maintenance in the I-1 District.***

- a. The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Administration (FAA) and the Wisconsin Department of Transportation (WisDOT) and any other federal or state agency retaining jurisdiction over such airstrips and landing fields in accordance with their rules and regulations. In no case shall the parcel be less than thirty-five (35) acres in size.
- b. Any building, hanger or other structure shall be at least one hundred (100) feet from any street or boundary line.
- c. Any proposed runway or landing strips shall be situated so that the approach zones are free of any flight obstructions, such as towers, chimneys, other tall structures or natural obstructions outside of the airport site.
- d. There shall be sufficient distance between the end of each usable landing strip to satisfy the requirements of the aforementioned agencies, and no landing strip shall be within two hundred (200) feet of any property line. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- e. Airstrips and landing fields in the A-1, A-2 and A-4 Districts are intended only for the use of the property owner and/or emergency landings. No commercial operations shall be permitted with the exception of crop dusting.
- f. Storage of any combustible fuels shall be in accord with any state and federal regulations and due consideration shall be given so as to ensure safe storage of such fuels.

- g. Special consideration shall be given to the installation of equipment normally associated with the use of airplanes such as: proper ground markings and lighting, wind direction signals, fire fighting extinguishers, radio communications equipment, and tie-down spaces.
  - h. No more than two (2) airplanes shall be housed on the premises except for the case of airports in the I-1 District.
  - i. No conditional use permit shall be given unless all necessary federal and state permits have been placed on file with the Zoning Administrator.
- (3) ***Airport Overlay Conditional Uses.***
- a. Those conditional uses permitted in the Airport Overlay District shall comply with those requirements set forth for the granting of a conditional use permit for said use in the underlying district. In the event that the conditional use listed for the District is not permitted as a conditional use in the underlying district, such conditions may be set as will provide for the health, safety and welfare of the general public.
- (4) ***Amusement Parks, Carnivals, Circuses, Fairgrounds and Exposition Grounds in the PR-1 District.***
- a. The site shall contain at least twenty (20) acres and shall have direct access to federal, state or county highways.
  - b. All yards shall be at least fifty (50) feet each.
  - c. Adequate vacant area must be available on the site to provide lighted parking space sufficient to handle all anticipated crowds with proper ingress and egress to public roads. A traffic-flow plan shall be required.
  - d. Accessory uses consistent with the operation of the grounds shall be permitted to the extent that they do not constitute a general retail sales outlet.
  - e. In the event that the anticipated attendance is in excess of five thousand (5,000) individuals or in the event that overnight camping of one hundred (100) or more individuals is anticipated and permitted, there shall be compliance with the standards and requirements set forth in the Village's Regulation of Large Assemblies of Persons Ordinance (Title 7, Chapter 4).
  - f. In the event that the circus, farm or show animals are to be brought onto the site, adequate provision shall be made for their proper confinement and for the proper disposal of animal waste.
  - g. Proper sanitary facilities must be provided to handle all anticipated crowds.
  - h. Time limits, performance bonds and sureties may be required as a condition for the issuance of such permit. In addition, any requirements reasonably related to the general safety and welfare of those in attendance at such activities may also be required.
  - i. Increased performance standards relating to noise and hours of operation may be required.

- j. A site plan shall be provided showing the location of all buildings, parking areas, housing of animals and amusement rides, etc.
- (5) ***Animal Hospitals, Shelters and Kennels and Veterinary Services in the B-2 and B-3 Districts.***
- a. All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.
  - b. Adequate provisions shall be made for the proper disposal of animal waste.
  - c. Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.
- (6) ***Animal Reduction in the M-2 District.***
- a. The site shall contain at least five (5) acres and have an average lot width of at least three hundred (300) feet.
  - b. The site shall have direct access to a federal, state or county trunk highway.
  - c. Buildings, structures and storage areas shall be located in conformance with the yard requirements of the zone in which they are located, except that no buildings, structures or storage areas shall be located within one hundred (100) feet of any district boundary line. However, any setback from a railroad right-of-way need not exceed five (5) feet.
  - d. A bond, letter of credit, or other form of surety may be required so as to ensure compliance with performance standards set forth in this Chapter.
  - e. An application for a conditional use permit for an animal reduction plant shall be accompanied by a report setting forth the proposed operation of the plant and also indicating the method of collection, handling, disposal, and storage of all waste and by-products and, in addition thereto, a report may be required from an appropriate health authority indicating the appropriateness of the site selection and the proposed plant operation as it may affect the public health.
  - f. Prior to the commencement of the operation, copies of any licenses or permits from all appropriate federal, state and/or county agencies shall be submitted to the Zoning Administrator.
  - g. Periodic evaluations may be required so as to determine compliance with the provisions of this Chapter and the permit granted pursuant to it.
- (7) ***Archery and Firearm Ranges (Outdoors) in the PR-1 District.***
- a. All shooting shall be in the direction of targets and all targets shall be at least five hundred (500) feet from any property line.
  - b. Berms shall be five (5) feet in height above the highest point of the target and shall be a minimum of ten (10) feet in depth so as to absorb stray shot.
  - c. In granting a conditional use permit for archery and firearm ranges, the Plan Commission and Village Board shall further evaluate the potential hazards to adjacent uses, the topography and ground cover, and noise to be generated by

such activity and establish reasonable and necessary standards for eliminating or minimizing potential hazards and noise.

- d. Firing shall not be permitted directly toward or over any navigable waters, public or private roads or drives, nor toward any buildings or structures or toward any population concentration within two thousand (2,000) feet of the range site; this distance may be reduced with new ranges if it can be demonstrated to the Village that proper baffles will be in place to stop projectiles.
  - e. There shall be a defined firing line and firing direction, adequate target back stops in addition to the berms aforementioned and a defined target area.
  - f. Ranges shall be clearly identified by signs not less than four (4) square feet in gross area located at intervals not less than twenty-five (25) yards around the perimeter. New ranges or expansion of existing ranges require issuance of a building permit.
  - g. Provisions for first aid may be required.
- (8) ***Arenas and Stadiums in the B-3 District.***
- a. At least one (1) off-street parking space shall be provided for every three (3) seats located within the arena or stadium.
  - b. The site shall have direct access to federal, state or county highways.
  - c. An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the arena or stadium.
- (9) ***Arenas, Stadiums, Auditoriums and Gymnasiums in the PR-1 District.***
- a. Those requirements set forth for the granting of a conditional use permit for arenas and stadiums in the B-3 District shall be met for arenas, stadiums, colosseums, auditoriums, and gymnasiums located in the PR-1 District.
- (10) ***Assemblies Over 5,000 in the A-2 and PR-1 Districts.***
- a. Standards set forth in the Village Regulation of Large Assemblies of Persons Ordinance (Title 7, Chapter 4) shall be met.
- (11) ***Auto-Truck Body and Engine Repair and Painting in the M-1 and M-2 Districts.***
- a. All outside storage of vehicles shall be properly screened, fenced and secured. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
  - b. The premises shall not be used for storage of wrecked and/or dismantled vehicles.
- (12) ***Automotive Body Repair in the B-3 District.***
- a. Those requirements set forth for the granting of a conditional use permit for auto-truck body and engine repair and painting in the M-1 and M-2 District shall be met.
- (13) ***Automotive Sales, Service and Repairs in the B-2, B-3, and B-5 Districts.***
- a. All servicing and repair work shall be within an enclosed structure. Repair materials, new, used or junk parts shall not be stored outside unless the storage area has a solid fence enclosure. Junk materials shall be removed at least once

- a month to avoid unsightliness of the site. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
- b. No cars shall be parked within the vision triangle and all parking lots shall meet all yard requirements.
  - c. Lights shall not be beamed directly onto adjoining property and shall comply with Village lighting standards (Title 15, Chapter 10).
- (14) ***Beaches and Public Swimming Pools in the PR-1 District.***
- a. Standards such as those required in Section 13-1-404 may be required.
  - b. Provisions for lifeguards shall be required.
- (15) ***Borrow Pits (Temporary); Stockpiling or Filling of Clean Fill Materials in the A-1, A-2 and A-4 Districts.***
- a. A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed area to be filled or excavated, the location and dimensions of proposed stockpiles, circulation routes and parking, and any other specific operations areas.
  - b. A detailed stormwater management and erosion control plan prepared according to best management practices by a Wisconsin registered civil engineer.
  - c. A restoration plan showing topography at two (2) foot intervals, drainage patterns, and proposed end use(s).
  - d. An irrevocable letter of credit, cash, bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition shall be required.
  - e. Stockpiling or filling in wetlands and floodplain areas is prohibited.
  - f. Fill material shall consist of clean fill only, not to include concrete, asphalt or construction debris.
- (16) ***Bridges and Approaches in the FP Floodway Overlay District.***
- a. Conditional use permits for bridges and approaches shall not be granted unless the applicant shall show that such use or improvement shall not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage by 0.01 foot or more unless easements or other appropriate legal measures, as may be approved by the Wisconsin Administrative Code, have been taken and approved, and will not retard the movement of flood waters. When permitted such structures shall be floodproofed and shall be constructed so as not to catch or collect debris nor be damaged by flood waters. Certification of the structure shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional Wisconsin engineer that the structure is consistent with the flood velocities, forces, depths and other factors associated with the one hundred (100) year recurrence interval flood.
  - b. The conditional use permit shall not be granted unless there is assurance of compliance with the provisions of the floodplain zoning ordinance, the purpose

of the floodplain zoning ordinance, the purpose and objective of floodplain management, as enumerated in NR 116.01, Wis. Adm. Code, and local comprehensive plans in other land use controls.

(17) ***Bus Depots in the B-2 District.***

- a. Sufficient space for off-street parking shall be required.

(18) ***Bus Terminals in the I-1 District and Bus Terminals and Related Equipment Storage and Maintenance Buildings in the M-2 District.***

- a. All maintenance and repair work shall be done within an enclosed structure.
- b. Storage of fuels and other combustible materials and products shall be adequately safeguarded and located in such a fashion as to minimize hazards inherent in the storage of such materials.

(19) ***Campgrounds (Rental) in the PR-1 District.***

- a. Each campsite shall be plainly marked.
- b. The maximum number of campsites shall be twelve (12) per gross acre.
- c. The minimum size of a recreational vehicle rental park or campground shall be five (5) acres.
- d. The minimum dimensions of a campsite shall be thirty (30) feet wide by fifty (50) feet long.
- e. Each campsite shall be separated from other campsites by a yard not less than fifteen (15) feet wide.
- f. There shall be two (2) automobile parking spaces for a campsite.
- g. No campsite shall be located closer than seventy-five (75) feet from a public highway or road right-of-way, nor closer than forty (40) feet from any other property boundary. All camping units shall be located no closer than twenty (20) feet to any internal private service road. All service roads shall be free of parked vehicles.
- h. All campgrounds shall conform to the requirements of HSS 178, Wis. Adm. Code, which shall apply until amended and then shall apply as amended.
- i. Each campground shall be completely enclosed, except for permitted entrances and exits by either:
  1. A temporary planting of fast growing material capable of reaching a height of ten (10) feet or more; and
  2. A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years, they will have formed a dense screen, such permanent planting shall be grown or maintained to a height of not less than ten (10) feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.
- j. Each trailer camp, campground, or camping resort shall have a service building similar to that required by HSS 177, Wis. Adm. Code.

- k. Any recreational vehicle rental park or campground may have one (1) commercial facility per development, such as a small convenience store, restaurant or snack bar, etc., located within the complex when designed for use by the occupants only. Under no circumstances may this facility be located on a public road and used for general street trade and no advertising of the facility shall cater to the general public.
  - l. No trailer or camping unit shall be located on one (1) site for a period of more than six (6) weeks or an extension thereof not to exceed fifteen (15) days. No trailer shall be stored in a trailer park, camping ground or camping resort and in no event shall any structures on the camp site or camping trailers be used as permanent living quarters.
  - m. Periodic inspections by appropriate health authorities may be required as a condition for the granting of a conditional use permit for the campground.
- (20) ***Car Washes in the B-2 and B-3 Districts.***
- a. Car washes shall be located on a public sanitary sewer and on a federal, state or county highway.
  - b. A traffic flow pattern shall be submitted to the Village.
- (21) ***Cellular and Digital Communication Facilities in the A-1, A-2, A-3, A-4, B-3, B-5, M-1, M-2, M-3, M-4, C-2, I-1, and PR-1 Districts.***
- a. The developer shall prepare a plan showing the number and potential location of all antenna sites needed in the Village to complete the communication network. Propagation maps showing the existing and proposed signal of the carrier or service provider within the Village and within six (6) miles of the Village's jurisdictional boundaries. Propagation maps shall include areas served through roaming agreements with other service providers if applicable:
    - 1. All antennas shall be constructed on existing structures, such as, but not limited to, water towers, public buildings, existing utility towers, farm silos, barns, or other communication towers; or
    - 2. The applicant must demonstrate that the proposed antenna cannot be accompanied on an existing tower or facility due to one of the following reasons:
      - i. The planned equipment would cause radio frequency interference with other existing towers and facilities, considering the existing and planned use for those facilities.
      - ii. The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented.
      - iii. Existing towers or facilities do not have space on which proposed equipment can be placed so it can function effectively.
      - iv. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or facility or to adopt an existing tower or facility for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

- v. The applicant demonstrates that there are other limiting factors that render existing towers and facilities unsuitable.
  - b. In the event that the Village Board, Plan Commission or Zoning Administrator determines that it is necessary to consult with a third party in considering the factors listed above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. If it is determined by the consultant that such antennas cannot be co-located on existing structures, freestanding tower structures may be permitted, but such structures shall be designed to support the proposed antennas and three (3) additional sets of communication antennas. The applicant shall agree, in writing, to make the structure available for co-location by other companies for communication equipment at a reasonable return. Height and visibility issues shall be incorporated as part of the review.
  - c. The developer shall provide a site plan, including all existing and proposed structures, an access and parking plan, a landscaping and drainage plan, and building plans for all proposed structures as well as photographic simulations of the proposed facility from points of interest as identified by the Zoning Administrator. A photographic simulation shall not be smaller than eight (8") inches by ten (10") inches.
  - d. All new communication towers and accompanying service buildings shall be a minimum of two hundred (200) feet from any property line and/or residential district.
  - e. All communication towers shall be of a monopole design and shall be constructed of non-reflective material of uniform color.
  - f. The telecommunications company shall remove all antennas, tower structures, equipment shelters and/or other communication facilities from the site within forty-five (45) days after the termination of use.
  - g. All applicable federal, state and local rules regarding the environmental effects of radio frequency and other telecommunications emissions shall be complied with.
  - h. The telecommunication facility, including the antenna or antenna structure shall not interfere with radio and television reception based upon Federal Communication Commission (FCC) regulations.
  - i. The proposed antenna and/or communication tower shall not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport or airstrip.
- (22) **Cemeteries in the I-1 District.**
- a. The site proposed for a cemetery shall not interfere with the development of a system of collector and arterial streets in the vicinity. In addition, the site shall have direct access to a public roadway.
  - b. Any new cemetery shall be located on a site containing at least twenty (20) acres.

- c. All burial buildings and crematoriums shall meet the yard requirements of the I-1 District. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.
  - d. All graves or burial lots shall be set back at least thirty (30) feet from any street bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each.
  - e. Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by an existing conditional use permit must comply with the requirements of this Subsection.
  - f. Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.
  - g. Nothing in these provisions, however, shall prohibit the issuance of a conditional use permit for a pet cemetery.
- (23) ***Chemicals in the M-2 District.***
- a. A detailed site, operation, fire protection, security, waste disposal, storage, pollution control, storm drainage, and traffic flow plan shall be presented to the Zoning Administrator.
  - b. Performance bonds shall be required to ensure compliance with the terms of the conditional use permit.
  - c. Village officials shall be advised of the potential of any health hazards that may accompany the manufacture or production of chemicals.
- (24) ***Coal and Bone Distillation in the M-2 District.***
- a. A performance bond, letter of credit or other surety shall be required to ensure compliance with the performance standards set forth in this Chapter.
- (25) ***Commercial Egg Production in the A-3 District.*** For all new and expanding commercial egg production facilities, the following requirements shall be complied with:
- a. The site shall contain a minimum of fifty (50) acres.
  - b. There shall be submitted a detailed site plan showing all building locations and distances and the capacity of each building.
  - c. There shall be submitted to the Village Board and Plan Commission for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures.
  - d. There shall be submitted details of all types of equipment used in handling process of manure.
  - e. There shall be provided a plan for odor control, such as ozinators, etc.
  - f. There shall be provided a detailed day-to-day management plan for total operation.

- g. There shall be provided a vermin, rat, and insect control plan for all facilities on the premises.
  - h. All buildings housing chickens shall be located at least five hundred (500) feet from any property boundary line.
  - i. There shall be provided a detailed storm water drainage plan between all buildings and feedlots.
  - j. There shall be provided a sealed vermin-proof container for all dead chickens and, further, the owner and operator shall present Village officials with proof that the operator has contracted with a licensed renderer to haul all dead chickens off premises on a weekly basis. Further, the owner shall be required to show that hauling is being performed at least once a week.
  - k. Certain large poultry operations, due to size, may be subject to the requirements of Sec. 13-1-175 governing large livestock facilities, which shall govern such operations in such situations.
- (26) **Commercial Feedlot in the A-3 District.** For all new expanding commercial feedlot facilities, the following requirements shall be complied with:
- a. Certain livestock feedlot operations, due to size, may be subject to the requirements of Sec. 13-1-175 governing large livestock facilities, which shall govern such operations in such situations.
  - b. The site shall contain a minimum of fifty (50) acres.
  - c. The applicant shall submit a detailed site plan showing all distances between building locations and feedlot areas and the capacity of each building and feedlot.
  - d. The applicant shall submit to the Plan Commission and Village Board for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures.
  - e. The applicant shall detail all types of equipment used in the handling process of manure.
  - f. The applicant shall provide a plan for odor control, such as ozinators, etc., if located inside a building.
  - g. The applicant shall provide a detailed day-to-day management plan for total operation.
  - h. The applicant shall provide a vermin, rat, and insect control plan for all facilities on the premises.
  - i. All buildings and feedlots shall be located at least five hundred (500) feet from any property boundary line.
  - j. The applicant shall provide a detailed stormwater drainage plan between all buildings and feedlot areas.
  - k. The applicant shall present Village officials with proof that the operator has contracted with a licensed renderer to haul all carcasses off the premise on a