

weekly basis. Further, the owner shall be required to show that hauling is being performed at least once a week.

1. The applicant shall provide an adequate water supply system for all animals on the premises.

(27) ***Commercial Recreational Facilities in the B-2 District.***

- a. Applicants for a conditional use permit for a commercial recreational facility (outdoors) must submit detailed development plans with time tables and necessary bonding to ensure performance.

(28) ***Community Living Arrangements Having 9 But Not More Than 15 Persons and in Conformance With All State Requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 Districts.***

- a. A report and license from the Wisconsin Department of Health and Social Services relating to the suitability of the premises for use as a community living arrangement shall accompany the application for a conditional use permit. The loss of any license shall operate as an automatic revocation of the conditional use permit. Permits shall not be transferable to another location or holder without approval of the Village Board.
- b. The applicant for a conditional use permit for a community living arrangement shall state on his/her application the purpose for the community living arrangement, the type of individuals that will reside on the premises, and the plan for supervising and administering to the needs of the residents.
- c. There shall be continuous twenty-four (24) hour a day supervision for the residents in the community living arrangement facility.
- d. There shall be one (1) off-street parking facility for every four (4) residents in the facility.
- e. The owner and supervisors for the facility shall appear before the Plan Commission and Village Board in person.
- f. Noises and disturbances such as loud music which may be heard on adjoining property shall be prohibited after 10:00 p.m.
- g. Unless greater restrictions are set by the State of Wisconsin, there shall be not more than three (3) residents per one hundred twenty (120) square feet of bedroom living area.
- h. The premises shall be located on a public sanitary sewer.
- i. The premises shall be located on a minimum of one (1) acre of land.

(29) ***Community Living Arrangements for 9 or More Persons and Which Are In Conformance With All State Requirements in the R-9, R-10 and R-11 Districts.***

- a. Those requirements set forth for the granting of the conditional use permit for a community living arrangement having nine (9) but not more than fifteen (15) persons and in conformance with all state regulatory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 Districts shall be complied with.

- (30) **Concrete and Asphalt Batch Plants (Private) in the M-1, M-2 and M-3 Districts.**
 - a. Federal and state air quality standards shall be complied with.
 - b. Conditions may be set with respect to hours of operation and ingress and egress to the premises.
 - c. The premises shall be properly secured.
- (31) **Concrete and Asphalt Batch Plants (Temporary) Located on a Parcel in the A-1, A-2, A-3 and A-4 Districts.**
 - a. Federal and state air quality standards shall be complied with.
 - b. Special consideration shall be given to the hours of operation and traffic patterns including ingress and egress.
- (32) **Construction Services Including Building Contractors; Carpentering, Wood Flooring; Concrete Services; Masonry, Stonework, Tile Setting, and Plastering Services; Roofing; Sheet Metal Services; and Septic Tank and Water Well Drilling Services in the B-5 District.**
 - a. All outside storage and work areas that are within three hundred (300) feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six (6) feet; screen plantings may be required around the perimeter of the use where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.
 - b. A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous materials.
 - c. Lighting shall be required for the storage and work areas, provided, however, that the glare from said lighting does not shine on adjoining properties; such lighting shall comply with Village lighting standards (Title 15, Chapter 10).
- (33) **Contractor Storage Yards in the M-2 District.**
 - a. The property shall be fenced with a six (6) foot high solid fence and shall also have a permanent evergreen shrub and tree plantings along said fence. In addition, a landscape plan shall be submitted to the Village for approval.
- (34) **Conversion of a Resort Into a Residential Condominium in the PR-1 District.** A resort located in the PR-1 District may be converted into a residential condominium, provided that:
 - a. All structures shall comply with local building codes.
 - b. The condominium declaration shall be submitted with the conditional use permit application and shall be made part of the permanent review file.
 - c. The applicant shall submit a condominium plat showing how the property will be divided and identifying areas of common ownership. All relevant plat restrictions shall be shown on the face of the plat. Upon approval of the condominium plat,

the condominium plat shall be recorded with the County Register of Deeds and a copy of the plat shall be made part of the permanent review file for the conditional use.

- d. The Village Board shall specify the permitted dwelling sizes, dwelling height, setback, side yards, rear yard, and shore yard of the resort/condominium conversion and shall make such determinations a part of the permanent file.
- e. Additions and modifications to the converted condominium shall conform to the lot area, building bulk, and yard requirements of the R-10 District and shall be considered a new conditional use.

(35) ***Drive-In Theaters in the B-3 District.***

- a. The site shall contain at least ten (10) acres.
- b. The site shall have a direct access to federal, state or county highways.
- c. All structures, viewing areas and seating areas shall be set back at least one hundred (100) feet from any street or boundary line.
- d. All parking areas and access ways shall be adequately lighted, provided, however, that such lighting shall be shielded to prevent glare or reflection onto neighboring properties or public streets.
- e. The following accessory uses may be permitted as incidental to, and limited to, patrons of the principal use:
 - 1. An amusement park and/or children's land.
 - 2. Refreshment stands or booths.
 - 3. Souvenir stands or booths.
- f. Special attention shall be paid to traffic patterns and methods of ingress and egress along with internal roadways.
- g. For any drive-in theater, the viewing area shall be screened in such a manner that it cannot be observed from any public right-of-way. In addition, thereto, off-street space for automobiles of patrons awaiting admission to the theater shall be equal to thirty percent (30%) of the capacity of the viewing area. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way traffic.

(36) ***Dye in the M-2 District.***

- a. Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

(37) ***Earth Movements in Shoreland-Wetland Areas.***

- a. Earth movements in shoreland-wetland areas are governed by the provisions of Title 13, Chapter 2).

(38) ***Electric and Steam Generating Plants in the M-2 District.***

- a. The plan of operation and impact statement shall be submitted to the Plan Commission and Village Board for review.

- b. All necessary state and federal permits shall be filed with the Zoning Administrator.
 - c. The plan for the transportation, storage and disposal of fuels and waste shall be presented to the Village Board and Plan Commission for review, consideration and approval.
 - d. All security measures for the proposed electric and steam generating plants shall be reviewed by the Village Board and Plan Commission so as to ensure proper and complete security measures.
 - e. All federal and state pollution guidelines and the performance standards set forth in this Chapter shall be complied with.
 - f. In the event that said generating plants make use of nuclear fuels, the generating plant shall be located not closer than ten (10) miles to the boundaries of any other city or village; furthermore, no conditional use permit for the construction of a nuclear generating plant shall be issued without the presentation of an evacuation plan for Village residents.
- (39) ***Flea Markets, Where Two (2) or More Wholesalers or Retailers Pay a Consideration to the Property Owner for Use of the Site, in the B-1, B-2, B-3, B-4, M-1 and M-2 Districts.***
- (40) ***Fertilizer Production, Sales, Storage, Mixing and Blending in the A-3 and M-2 Districts.***
- a. The site shall contain at least five (5) acres.
 - b. A plan of operation shall be submitted along with a site plan.
 - c. Storage of fertilizer shall be at least one hundred and fifty (150) feet from any property boundary line.
 - d. There shall be compliance with all federal and state pollution guidelines.
 - e. No storage shall be closer than three hundred (300) feet to any navigable stream.
 - f. All parcels shall be at least one hundred (100) feet away from any residential structure.
 - g. A performance bond insuring compliance with all pollution laws shall be required.
 - h. The facilities shall be properly and securely locked or fenced.
- (41) ***Filling as Authorized by the Wisconsin Department of Natural Resources and United States Army Corps of Engineers to Permit the Establishment of Approved Bulkhead Lines in the FPO Floodplain Overlay District and the Lake Shangrila Floodplain Overlay District.***
- a. Those requirements set forth for the granting of a conditional use permit for bridges and approaches shall be complied with.
- (42) ***Forges in the M-2 District.***
- a. A site plan and plan of operation shall be presented to Village officials.
 - b. A performance bond, irrevocable letter of credit or other acceptable surety shall be required guaranteeing compliance with all federal and state pollution control guidelines.

- c. Open storage of materials shall be enclosed within a solid fence.
- (43) ***Foundries in the M-2 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.
- (44) ***Freight Forwarding Services, Packing and Crating Services; Petroleum Stations and Terminals in the B-5 District.***
 - a. A detailed site plan shall be submitted with the application for a conditional use permit.
 - b. A parking plan shall be submitted for any semi-tractor/trailer storage specifying the number and type of vehicles to be temporarily stored, and the average duration of such storage.
 - c. No loading or unloading of trailers shall be permitted unless expressly permitted by the conditional use permit.
 - d. No outside storage of any product, or of packing and crating materials shall be permitted except as expressly permitted by the conditional use permit, and any permitted outside storage shall be screened if located closer than five hundred (500) feet to any residential, institutional or park district.
 - e. The plan for the storage of any fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Village for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
 - f. All federal and state guidelines shall be complied with.
 - g. All federal, state and local permits shall be filed with the Zoning Administrator.
 - h. Storage of petroleum and other fuels shall not be permitted closer than five hundred (500) feet to any residential, institutional or park district.
- (45) ***Freight Terminals in the M-1 and M-2 Districts.***
 - a. The site shall contain a minimum of at least five (5) acres.
 - b. All vehicle repairs shall be indoors.
 - c. A site plan and plan of operation shall be presented to the Village Board and Plan Commission along with a plan for the storage of fuels and combustible materials.
 - d. Storage of junk parts shall not be permitted on the site.
 - e. Salvaging operations shall not be permitted on the site.
 - f. All transfer of products shall be done at a loading dock facility.
 - g. Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete or asphalt and shall be adequately lit.
 - h. A storm water drainage plan prepared by certified engineers shall be submitted to the Village for approval.
 - i. The site shall be fenced and secured.
 - j. Outdoor lighting shall not be permitted to shine on neighboring property and shall be in compliance with Village lighting standards (Title 15, Chapter 10).

- k. Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- (46) ***Freight Terminals, Yards, and Freight Forwarding Services and Related Equipment Storage and Maintenance Facilities in the M-2 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.
- (47) ***Fuel in the M-2 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for chemicals in the M-2 District shall be complied with.
- (48) ***Fuel Oil, Bottled Gas, and Ice Dealers in the B-5 District.***
 - a. A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.
 - b. The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Village for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
 - c. All federal and state guidelines shall be complied with.
 - d. All federal, state and local permits shall be filed with the Zoning Administrator.
 - e. Storage of fuel oil and bottled gas shall not be permitted closer than five hundred (500) feet to any residential, institutional or park district.
- (49) ***Garbage Incinerators in the M-4 District.***
 - a. A site plan and plan of operation together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment shall be submitted to the Village. No hazardous wastes shall be disposed of in a garbage incinerator.
 - b. The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit or other form of surety acceptable to the Village of not less than Twenty-five Thousand Dollars (\$25,000.00) shall be provided to guarantee payment for the review.
 - c. All federal and/or state licenses/permits shall be presented to the Zoning Administrator.
 - d. A performance bond, letter of credit or other form of surety acceptable to the Village guaranteeing compliance with all federal and state pollution guidelines and the performance standards set forth in this Chapter shall be required.
 - e. There shall be no outside storage of refuse unless it is contained within vermin-proof containers.
 - f. Scrap yard operations shall not be permitted on the premises.
 - g. A security plan shall be presented to the Village Board and Plan Commission for approval.

- h. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- (50) ***Gas and Electric Utility Uses Not Requiring Authorization Under Sec. 196.491, Wis. Stats., in the A-1 and A-4 Districts.***
 - a. All such uses shall be properly fenced and secured for protection against vandalism.
- (51) ***Gasohol (Ethanol) and Fuel-Related Alcohol Plants in the A-1 and M-2 Districts.***
 - a. Those requirements set forth for the granting of a conditional use permit for the manufacture and production of chemicals in the M-2 District shall be complied with.
- (52) ***Gasoline Service Stations in the B-1, B-2, B-3, B-4 and B-5 Districts.***
 - a. A detailed site plan shall be submitted showing all structures and their distances including canopies, pump islands, lightpoles, tower signs, storage tank locations, etc.
 - b. All canopy posts shall be at least thirty (30) feet from any property line. No canopy shall exceed twenty (20) feet in height.
 - c. Canopies shall not be permitted to overhang past the property line.
 - d. All pumps shall be set back at least thirty (30) feet from any property line.
 - e. Gasoline service stations for semi-trailers shall have their ingress and egress located in such a fashion as to give due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- (53) ***Golf Courses in the PR-1 District.***
 - a. A detailed site plan and plan of operation shall be submitted to the Village.
 - b. Adequate sanitary facilities shall be provided.
 - c. A storm drainage plan prepared by certified engineers shall be presented to the Village Board for approval.
 - d. Fairways shall be located in such a fashion as to avoid golf balls being driven outside of the property boundary lines.
 - e. Those courses to be located in primary environmental corridors shall not be granted a conditional use permit unless a conservation plan has been presented to the Village Board and Plan Commission for review and approval.
 - f. The following accessory uses may be permitted:
 - 1. Country club.
 - 2. Restaurant.
 - 3. Pro shop facility.
 - 4. Tennis courts.
 - 5. Ice skating rinks.
 - 6. Swimming pools.
 - g. The site shall contain a minimum of at least eighty (80) acres.

- h. Those golf courses located in floodplain areas shall not be permitted to have structures located thereon.

(54) ***Golf Driving Ranges in the PR-1 District.***

- a. The site shall contain at least ten (10) acres and shall be of such a configuration as to permit a minimum driving distance of three hundred (300) yards from each proposed tee, exclusive of the required buffered area.
- b. A site plan shall be submitted showing the layout of the property with all fairways, roughs, greens, structures, parking, fencing and indigenous materials.
- c. The golf driving range shall maintain a seventy-five (75) foot front yard and a one hundred fifty (150) foot side yard setback. The site shall be buffered by indigenous materials and fencing to minimize the impact upon adjoining properties.
- d. Toilet facilities for use by patrons shall be provided. Such facilities shall be approved by appropriate health authorities.
- e. A minimum of one (1) off-street parking space shall be provided for each driving tee proposed on the site. If other accessory uses are provided, such as a miniature golf course or batting cage, a minimum of one (1) additional parking space shall be provided for each hole of the miniature golf course or for each station in each batting cage, etc.
- f. All parking areas shall be kept in a dust-free condition, such as by oiling or by spraying with calcium chloride.
- g. Accessory use permits shall be limited to a refreshment stand, a maintenance shed, a miniature golf course, batting cage and a pro shop. In consideration of golf driving ranges, additional conditions necessary to minimize the impact upon adjacent land uses may be imposed.
- h. Night lighting shall be provided for all parking areas and no night lighting shall be permitted to shine on adjoining property. Such lighting shall comply with Village outdoor lighting standards (Title 15, Chapter 10).
- i. The hours of operation may be limited by the Village Board.
- j. The driving range shall be situated in such a fashion that the safety of adjoining residences and nearby traffic is safeguarded against stray balls.

(55) ***Hazardous Waste Warehousing and Transfer Stations in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.***

- a. A plan of operation shall be submitted to the Village together with an environmental impact safety statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the County Office of Emergency Government. The method of storage and/or transfer of materials shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. Village officials shall also

- be informed in detail as to the potential hazards of the materials to be stored or transported.
- b. The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand Dollars (\$25,000.00) shall be provided to guarantee payment for the review.
 - c. A detailed site plan shall be presented to the Village Board and Plan Commission which shall include, but is not limited to, a security plan showing the location and type of fencing and showing how loading/unloading areas will be protected; a parking plan; a site drainage plan; and a landscaping plan.
 - d. A fire prevention and protection plan shall be presented to Village officials for review and consideration.
 - e. A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what materials will be disposed of, where and by what means they will be disposed, and the potential hazards of material disposal.
 - f. An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Village Board and Plan Commission for review and consideration.
 - g. The transportation and traffic flow plan and the emergency plan shall be reviewed by the County Office of Emergency Services.
 - h. All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
 - i. No hazardous waste storage or transfer facility shall be located closer than two thousand five hundred (2,500) feet from a residential district or use, two thousand five hundred (2,500) feet from a navigable water, or within a floodplain. No hazardous waste storage or transfer facility shall be located closer than five thousand (5,000) feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
 - j. A performance bond, letter of credit or other surety acceptable to the Village shall be required by the Village Board so as to ensure compliance with the conditions imposed by the Village Board. Such surety shall also cover Village monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.
 - k. The Village shall be permitted access to the plant at all times for purposes of inspection of operations and records.
 - l. The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years by the

Village Board after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond or surety.

- m. Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
 - n. The conditional use permit shall not be transferable or assignable without the approval of the Village Board.
- (56) ***Household Stables in the R-1 District and the A-1 and A-2 Districts Where the Parcel is Greater Than Five (5) Acres But Less Than Ten (10) Acres.***
- a. The stable shall be in compliance with the requirements of Sec. 7-1-10 governing horsekeeping.
 - b. No household stable shall be located closer than one hundred (100) feet from any off premise neighboring residential buildings. Manure piles shall be disbursed or removed in accordance with accepted sanitary practice.
 - c. The applicant must show a need for a household stable to be used for animal shelter and related equipment and feed storage, etc.
 - d. No household stable accessory building shall exceed two thousand (2,000) square feet in area. This building is in addition to permitted accessory buildings.
- (57) ***Housing for Farm Laborers or Caretakers in the A-1, A-2 and A-4 Districts.***
- a. A site plan shall be submitted to the Village.
 - b. Not more than one (1) dwelling for farm laborers or caretakers shall be permitted per farm.
 - c. The conditional use permit shall be permitted only so long as the occupants of said dwelling are primarily engaged in farm labor on the farm or management of the farm on which the dwelling is located.
- (58) ***Housing for Seasonal or Migratory Farm Workers in the A-1 and A-4 Districts.***
- a. Those requirements set forth for the granting of the conditional use permit for housing for farm laborers in the A-1 and A-4 Districts shall be complied with.
- (59) ***Housing for the Elderly in the R-11 District.***
- a. A site plan shall be submitted to the Village.
 - b. Not more than twenty (20) units per acre shall be permitted.
 - c. Adequate lighting on walkways, driveways, and parking areas shall be required.
- (60) ***Insulating Materials in the M-2 District.***
- a. Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- (61) ***Kennels (Commercial or Non-Commercial) in the A-1 and A-2 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.
 - d. In no case shall the parcel be less than ten (10) acres in size.
- (62) ***Laboratories in the B-5 and M-2 Districts.***
- a. The site shall contain a minimum of two (2) acres.
 - b. A plan of operation shall be submitted to the Village along with a plan for the storage and disposal of chemicals and other hazardous materials. The Village shall also be informed as to the potential hazards and general areas of experimentation. Furthermore, in the event that those general areas of experimentation are later changed, the Village shall be so informed.
 - c. A fire prevention and protection plan, along with a security plan for the premises shall be presented to the Village Board and Plan Commission for review and consideration.
 - d. A performance bond, irrevocable letter of credit or other form of surety acceptable to the Village so as to ensure compliance with the conditions imposed by the Village Board.
- (63) ***Lacquer, Paint, Stain, Varnish and Allied Products in the M-2 District.***
- a. Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- (64) ***Livestock Sales in the A-3 and M-2 Districts.***
- a. The site shall contain a minimum of five (5) acres.
 - b. A detailed site plan shall be submitted to the Village showing all buildings and distances between said buildings.
 - c. A traffic plan showing ingress and egress for trucks using said facility shall be submitted to the Village.
 - d. A plan of operation including hours of operation shall be submitted to the Village.
 - e. A plan shall be submitted to the Village setting forth proper removal and disposal of all animal waste.
 - f. This facility shall be for the primary purpose of the sale of livestock and livestock shall not be kept in this facility for more than forty-eight (48) hours after delivery.
 - g. All buildings housing livestock shall be five hundred (500) feet from any property boundary line.
 - h. A detailed stormwater drainage plan between all buildings and livestock areas shall be presented to the Village.
- (65) ***Living Quarters for Watchmen and Caretakers in the M-2 District.***
- a. A site plan shall be presented to the Village.
 - b. Not more than one (1) such living quarters shall be permitted per parcel.

- c. Said living quarters shall not exceed one thousand (1,000) square feet.
- d. Said conditional use permit terminates at such time as the aforementioned quarters are no longer used as living quarters for watchmen or caretakers.
- (66) ***Locker Plants in the B-5 District.***
 - a. A detailed site plan and plan of operation shall be presented to the Village.
 - b. No meat packing or processing shall be permitted.
- (67) ***Lubricating Oils and Greases in the M-2 District.***
 - a. The requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- (68) ***Malt Production in the A-3, M-1 and M-2 Districts.***
 - a. A site plan and plan of operation shall be presented to the Village.
 - b. Increased performance standards relating to odors may be required by the Village.
- (69) ***Manufacturing of Cement or Concrete Products in the M-3 District.***
 - a. The site shall not be closer than three hundred (300) feet to any navigable water.
 - b. The following plans shall be submitted to the Village: site plan, traffic flow plan, security plan, plan of operation, and environmental protection plan.
 - c. Increased performance standards may be required by the Village Board along with a performance bond to ensure compliance with the conditions set forth by the Village Board for the issuance of a conditional use permit.
- (70) ***Manufacturing of Lime, Gypsum or Plaster of Paris in the M-3 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.
- (71) ***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 in the M-2 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.
 - b. A report shall be filed with the Village indicating the type of materials to be manufactured, processed or stored on the site and the potential hazards and dangers incurred in the manufacturing, processing and storage of said materials.
- (72) ***Manufacture of Substances Where EPA Certified Priority Pollutants Such as Naphthalene, Phenols, and Polychlorinated Biphenyls (PCB's) May be a By-Product of Such Operation in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.***
 - a. A plan of operation shall be submitted to the Village together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the County

Office of Emergency Government. Any storage of products manufactured shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Village Board and Plan Commission shall also be informed as to the potential hazards of the materials to be stored or transported.

- b. The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand Dollars (\$25,000.00) shall be provided to guarantee payment for the review.
- c. A detailed site plan shall be presented to the Village which shall include, but is not limited to, a security plan showing the location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.
- d. A fire prevention and fire protection plan shall be presented to the Village Board and Plan Commission for review and consideration.
- e. A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what manufacturing wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of manufacturing waste disposal.
- f. An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Village Board and Plan Commission for review and consideration.
- g. The transportation and traffic flow plan and the emergency plan shall be reviewed by the County Office of Emergency Services.
- h. All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- i. No carcinogen manufacturing operation shall be located closer than two thousand five hundred (2,500) feet from a residential district or use, two thousand five hundred (2,500) feet from a navigable body of water, or within a floodplain. No carcinogen manufacturing operation shall be located closer than five thousand (5,000) feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- j. A performance bond, irrevocable letter of credit or other form of surety acceptable to the Village shall be required by the Village Board so as to ensure compliance with the conditions imposed by the Village Board. Such bond shall also cover Village monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage

caused by the accidental or intentional discharge of an environmentally hazardous substance.

- k. The Village shall be permitted access to the plant at all times for purposes of inspection of operations and records.
- l. The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years by the Village Board after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond/surety.
- m. Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
- n. The conditional use permit shall not be transferable or assignable without the approval of the Village Board.

(73) ***Marinas in the FPO Floodplain Overlay District.***

- a. Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- b. A detailed site plan, plan of operation and environmental protection plan shall be presented to the Village Board and Plan Commission.
- c. Increased performance standards may be required by the Village Board along with performance bonds or other form of surety acceptable to the Village to ensure compliance with the conditions set forth by the Village Board.

(74) ***Marinas and Marine Sales and Service in the PR-1 District.***

- a. A detailed site plan and plan of operation shall be presented to the Village.
- b. A plan for the storage of fuels and other combustible matter shall be presented to the Village.

(75) ***Marine Sales and Service in the B-3 District.***

- a. Those requirements set forth for the granting of a conditional use permit for marinas and marine sales and service in the PR-1 District shall be complied with.

(76) ***Meat Packing, Slaughterhouse and Production of Sausages and Other Meat Products in the A-3 and M-2 Districts.***

- a. Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- b. No permit shall be issued unless all operations are conducted within an enclosed building.

(77) ***Medical Waste Incinerators and Medical Waste Processing Facilities in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.***

- a. A plan of operation shall be submitted to the Village together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the County

Office of Emergency Government. Any storage of medical wastes or other hazardous wastes shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. Village officials shall also be informed as to the potential hazards of the materials to be stored or transported.

- b. The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand Dollars (\$25,000.00) shall be provided to guarantee payment for the review.
- c. A detailed site plan shall be presented to the Village which shall include, but is not limited to, a security plan showing the location and type of fencing and showing how loading/unloading areas will be protected; a parking plan; a site drainage plan; and a landscaping plan.
- d. A fire prevention and fire protection plan shall be presented to the Village for review and consideration.
- e. A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what medical and hazardous wastes will be disposed of, where and by what means they will be disposed of, where and by what means they will be disposed of, where and by what means they will be disposed, and the potential hazards of said waste disposal.
- f. An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Village Board and Plan Commission for review and consideration.
- g. The transportation and traffic flow plan and the emergency plan shall be reviewed by the County Office of Emergency Services.
- h. All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- i. No medical waste incinerator or medical waste reduction facility shall be located closer than two thousand five hundred (2,500) feet from a navigable body of water, or within a floodplain. No medical waste incinerator or medical waste reduction facility shall be located closer than five thousand (5,000) feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- j. A performance bond, irrevocable letter of credit or other surety acceptable to the Village shall be required by the Village Board so as to ensure compliance with the conditions imposed by the Village Board. Such surety shall also cover Village monitoring, cleanup and restoration costs for which the applicant shall be

responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.

- k. The Village shall be permitted access to the plant at all times for purposes of inspection of operations and records.
 - l. The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years by the Village Board after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.
 - m. Violation of federal or state permits or environmental laws, rules or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
 - n. The conditional use permit shall not be transferable or assignable without the approval of the Village Board.
- (78) ***Millwork, Lumberyards, Sawmills and Planing Mills in the B-5, M-1, and M-2 Districts.***
- a. A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operations shall be presented to the Village.
- (79) ***Mini-Bike Trails in the PR-1 District.***
- a. A detailed site plan and plan of operations shall be presented to the Village.
 - b. A safety plan shall be presented to the Village indicating speed limits and the posting thereof along with other warning and cautionary signs.
- (80) ***Mini-Warehouses in the B-3 and B-5 Districts.***
- a. A detailed site plan, traffic plan, security plan, fire protection plan, landscape plan, and plan of operation shall be presented to the Village.
 - b. All lighting shall be shielded and directed as to not shine on to abutting properties or the highway right-of-way. All such lighting shall be in compliance with Village lighting standards (Title 15, Chapter 10).
 - c. All buildings shall be completely constructed of decorative brick, block, and/or masonry.
 - d. The property shall be fenced with a six (6) foot high security fence.
 - e. All parking areas, service drives, and access drives shall be paved.
- (81) ***Mobile Home/Manufactured Home Parks in the R-12 District.***
- a. The requirements set forth in all applicable provisions of the Wisconsin Administrative Code and amendments thereto shall be complied with.
 - b. The minimum park size shall be ten (10) acres.
 - c. Minimum park width shall be four hundred fifty (450) feet.
 - d. The maximum number of mobile home/manufactured home sites shall be eight (8) per gross acre and shall be supplied by community water facilities.
 - e. The minimum open space provided shall be thirty percent (30%) of the development area, exclusive of streets.

- f. The minimum lot area for a single module mobile home/manufactured home shall be five thousand (5,000) square feet. The mobile home/manufactured home lot shall be a minimum of fifty (50) feet in width.
- g. The minimum lot area for a double module mobile home/manufactured home shall be six thousand (6,000) square feet. The mobile home/manufactured home lot shall be a minimum of sixty (60) feet in width.
- h. The minimum setback for a mobile home/manufactured home park shall be sixty-five (65) feet from the right-of-way line of state trunk or county trunk highway and forty-five (45) feet from all other roads.
- i. The minimum distance between mobile home/manufactured home and internal service roads shall be twenty (20) feet.
- j. The minimum distance between mobile home/manufactured home trailers shall be twenty (20) feet.
- k. All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two (2) parking spaces for each mobile home/manufactured home. All public or private roadways shall have a minimum road right-of-way of sixty-six (66) feet and shall meet all Village standards for road construction.
- l. All mobile homes/manufactured homes shall be securely anchored to the ground so as to minimize storm damage.
- m. No mobile home/manufactured home sales office or other business or commercial use shall be located on the mobile home/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one (1) office are permitted as long as it is related to the general operations of the park. For new or enlarged parks, an emergency storm shelter shall be provided located no further than one-eighth mile from the park.
- n. Each mobile home/manufactured home sales office or other business or commercial use shall be located on the mobile home/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one (1) office are permitted as long as it is related to the general operations of the park.
- o. Each mobile home/manufactured home park shall be completely enclosed, except for permitted entrances and exits by:
 - 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.
- p. All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association and any other requirements set forth by the Wisconsin

Statutes or Wisconsin Administrative Code. All manufactured homes shall have a HUD (U.S. Department of Housing and Urban Development) label or insignia certifying that its built in compliance with the Federal Manufactured Housing Construction Standards as set forth in the United States Code of Federal Regulations.

- q. No mobile home/manufactured home site shall be rented for a period of less than thirty (30) days.
- r. The mobile home/manufactured home park shall meet the requirements of all local ordinances and state administrative rules regarding mobile homes/manufactured homes and mobile home/manufactured home parks and in the event of a conflict between said ordinances, statutes or rules, the most restrictive requirement shall be complied with.
- s. Copies of all licenses required by Sec. 66.0435(1) to (8), Wis. Stats., shall be obtained and presented to the Village for review.

(82) ***Model Apartments and Model Condominiums and Related Temporary Real Estate Sales Office Located Within the Model Unit in the R-9, R-10 and R-11 Districts.***

- a. Models may be located in all new subdivisions for a period not to exceed three (3) years from the date of issuance of a zoning permit.
- b. Models shall not be used as a real estate office other than incidental to showing the model dwelling.
- c. Models shall be designed in such manner as they will blend with existing neighborhood environments.
- d. Models shall not be opened beyond 9:00 p.m.
- e. One (1) sign shall be permitted, provided, however, that it is no larger than four (4) feet by six (6) feet and provided further that in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.
- f. Proper exterior maintenance of the property shall be provided such as maintaining the lawn and yard, removal of snow, etc.
- g. Models shall be completely landscaped and have a paved driveway within one (1) year from the date of issuance of the zoning permit.
- h. No parking lots shall be created that would not normally be found in a single family development.
- i. Sufficient parking shall be provided on subdivision roads and in model home driveways, but in no case shall the parking be allowed on any federal, state, county or village highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.
- j. In those cases where five (5) or more homes are developed into a "parade of homes", the developer shall provide sufficient temporary off-street parking for the duration of the exhibit. This parking need not, however, be paved or graveled.

(83) ***Model Mobile Home and Related Temporary Real Estate Sales Office Located Within the Model Unit in the R-12 District.***

- a. Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales

office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

(84) ***Model Single Family Home and Related Temporary Real Estate Sales Office Located Within the Model Unit in the R-1 and R-2 Districts.***

- a. Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

(85) ***Model Single Family Homes and Model Single Family Condominiums and Related Temporary Real Estate Sales Office Located Within the Model Unit in the R-3, R-4 and R-5 Districts.***

- a. Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

(86) ***Model Two-Family Homes and Model Two-Family Condominiums and Related Temporary Real Estate Sales Office Located Within the Model Unit in the R-7 and R-8 Districts.***

- a. Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

(87) ***Motor Freight in the M-2 District.***

- a. Those requirements set forth for the issuance of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.

(88) ***Multiple Family Dwellings in the R-9, R-10 and R-11 Districts.***

- a. In the R-9 District, dwellings containing between four (4) and eight (8) units per structure shall not be located closer than three hundred (300) feet to any parcel of land zoned for a single family residence.
- b. Additionally, all applicants for developments of multiple-family dwellings in the R-9, R-10 or R-11 Districts shall submit an application substantially complying with the requirements of this Chapter, which shall be reviewed pursuant to conditional use procedures and according to District requirements.

(89) ***Municipal Water Supply and Sanitary Sewerage Systems in the FPO District.***

- a. Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO and FWO Districts shall be complied with.
- b. The system must be floodproofed to an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, and be designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Village and shall consist of

a plan or document certified by a Wisconsin registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach.

(90) ***Navigational Structures in the FPO Floodplain Overlay District.***

- a. Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- b. The system must be floodproofed to an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, and be designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Village and shall consist of a plan or document certified by a Wisconsin registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach.

(91) ***Navigational Structures in the FPO Floodplain Overlay District.***

- a. Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.

(92) ***Nonresidential Buildings May Be Constructed and Maintained in the C-1 and C-3 Districts.*** Nonresidential buildings may be constructed and maintained in the C-1 and C-3 Districts, provided that:

- a. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
- b. The building cannot, as a practical matter, be located outside the wetland;
- c. Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
- d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

(93) ***Offal in the M-2 District.***

- a. Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

(94) ***Outside Storage and Manufacturing in the M-2 District.***

- a. All outside storage and manufacturing areas a minimum of three hundred (300) feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six (6) feet; screen plantings may be required around the perimeter of the district where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.
- b. A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous

materials stored on the property along with precautions necessitated by the storage of such hazardous material.

- c. Lighting in the storage and manufacturing areas shall be in compliance with Village outdoor lighting standards and the glare from said lighting does not shine on adjoining properties. [See Title 15, Chapter 10].

(95) ***Packing and Crating Services in the M-1 and M-2 Districts.***

- a. All transfer of products shall be done at a loading dock facility.
- b. Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete and asphalt and shall be adequately lit.
- c. A storm water drainage plan prepared by a Wisconsin certified engineer shall be submitted to the Village for approval.
- d. The site shall be fenced and secured.
- e. Outdoor lighting shall not be permitted to shine on neighboring property. Outdoor lighting shall be in compliance with Village lighting standards (Title 15, Chapter 10).
- f. Ingress and egress to the premises and the location of loading docks and storage of pallets shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

(96) ***Park and Recreational Areas Not Including Structures in the FPO District.***

- a. Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.

(97) ***Park and Recreation Areas (Public or Private), Natural and Outdoor Education Areas, Historic and Scientific Areas, Wildlife Refuges, Game Bird and Animal Farms, Fur Animal Farms, Fish Hatcheries, and Public Boat Launching Ramps and Attendant Access Roads in the C-1 and C-3 Districts.*** These uses are conditional uses, provided that:

- a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wis. Stats., where applicable;
- b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria of this Chapter; and
- c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

(98) ***Penal, Reform, Disciplinary and Mental Institutions in the I-1 District.***

- a. A statement of intent shall be filed with the Village indicating the type of facility that is being proposed, the type of individuals to be housed in the facility along with a listing of their needs and the problems they have encountered, whether the

facility is to be a maximum security facility or other such designation, the maximum number of inmates or patients that will be residing at the facility, and the number of personnel to be employed by the facility and the type of employment that each will be engaged in.

- b. A site plan shall be presented in detail and include therein all internal road systems and the location of all buildings and security devices.
- c. A plan of operation shall be submitted setting forth the security system to be employed on the site, the number of personnel employed on each shift, fire and police protection that will be relied upon in the event of an emergency, alternate security systems and back-up systems, especially where electronic security devices are used, the type of supervision to be employed in the facility including the job descriptions and requirements for all employees, and what medical facilities will be relied upon in the event of an emergency.
- d. All appropriate licenses to be issued by federal, state and/or village bodies or agencies shall be submitted to the Village.
- e. An impact statement shall be required so as to better enable the Village Board and Plan Commission to determine the effect of such a facility on the community with such statement addressing itself to the social, economic and environmental impact on the Village and addressing itself to, without limitation due to enumeration, the effect of such a facility on local and county law enforcement agencies and fire protection requirements, the local and county court system, property values in surrounding areas, sanitation requirements, increased highway and transportation needs, employment, housing, schools, the surrounding environment, and the cost of the increase in services to Village taxpayers.
- f. The aforementioned impact statement is to be prepared by a consultant chosen by the Village Board and paid for by the applicant. Such impact statement shall list problems incurred by other facilities of a similar nature, be they in or outside of the State of Wisconsin.
- g. Any problems, hazards, nuisances, danger, harm, noxiousness or offensiveness brought out by such impact statement may be addressed by the Village Board and may form the basis for additional conditions being imposed upon the applicant.
- h. Mindful of the dangers and hazards imposed by both fire and possible nuclear radiation and the location of the Zion Nuclear Plant within Kenosha County, an evacuation plan setting forth in detail the method and manner for mass evacuation in the event of an emergency shall be required. In lieu thereof, a shelter facility shall be provided on the facility to adequately service the needs of employees and residents in the event of an emergency.
- i. The site shall contain a minimum of three hundred (300) acres.
- j. Structures shall be at least one thousand five hundred (1,500) feet from any boundary line and all structures shall be at least two thousand five hundred

(2,500) feet from any residential, commercial, manufacturing or other institutional district.

- k. Structures shall contain living areas of not less than ninety (90) square feet per occupant.
- l. A solid reinforced concrete wall, at least twenty-four (24) inches wide and twenty-five (25) feet in height shall completely encircle all prison and penal institutions and no building may be located closer than seventy-five (75) feet to said wall.
- m. Three (3) chain link fences at least thirty (30) feet apart shall be located outside the prison wall. Within the inner fence there shall be an electronic surveillance system between the fence and the prison wall and between all chain link fences there shall be spread out on the ground three (3) foot diameter coils of barbed steel tape for maximum security institutions.
- n. The grounds and all areas within the aforementioned chain link fences shall be adequately lit at night and an emergency electrical generation station shall be provided for in the event of an emergency.
- o. The facility shall be on public sewer and water.
- p. The street frontage shall be landscaped in such a manner as to achieve a height of ten (10) feet or more by way of a temporary planting of fast growing material and shall also provide for 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, with such permanent planting growing or being 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.
- q. In the case of mental care institutions, or in the case of juvenile detention facilities, minimum security, penal institutions, and reformatories, the aforementioned conditions may be modified as deemed appropriate by the Village Board.

(99) ***Petroleum Bulk Stations and Terminals in the M-1 and M-2 Districts.***

- a. A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.
- b. The plan for storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Village for review, consideration and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
- c. No storage shall be permitted within three hundred (300) feet of any shoreland-wetland or floodplain.
- d. A statement of intent shall be filed with the Village indicating the type of fuels to be stored and the manner of storage. In the event of subsequent modification

of the type of materials or manner for storing materials, the aforementioned plan shall be updated.

- e. All federal and state pollution guidelines, standards and permits shall be complied with.
 - f. A detailed drainage plan, traffic plan and loading plan shall be presented to the Village Board and Plan Commission, along with the location of any pipelines.
 - g. Storage shall not be permitted closer than one thousand five hundred (1,500) feet to any residential, commercial, industrial or institutional district.
- (100) ***Plastic Materials and Synthetic Resins, Rubber, and Synthetic and Other Man-Made Fibers and Products in the M-2 District.***
- a. Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- (101) ***Power and Heat Generating Plants in the M-2 and I-1 Districts.***
- a. The issuance of a conditional use permit for electrical and steam generating plants in the M-2 District shall be complied with.
 - b. An impact statement may be required by the Village Board setting forth the economic, social and environmental impact of such a project on the community.
- (102) ***Processing and Packaging of Animal Bedding in the A-3 District.***
- a. A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Village.
 - b. Bedding materials may be processed from straw, hay or other natural bedding materials, or may be processed from recycled paper or cardboard, or wood shavings.
 - c. Recycling of other materials, or recycling to create a product other than animal bedding shall be prohibited.
 - d. No outside storage of bedding materials or processing waste shall be permitted on the site.
- (103) ***Processing of Hardwood Dimension, Flooring, Veneer and Plywood in the M-1 and M-2 Districts.***
- a. A detailed site plan and plan of operation shall be submitted to the Village with said plans indicating the type of material to be stored on the premises, its location, and the security to be provided on the premises including fencing and lighting. Outdoor lighting shall comply with Village lighting standards (Title 15, Chapter 10).
 - b. Roads shall be paved or maintained in a dust-free condition.
 - c. A drainage plan shall be submitted to the Village.
 - d. Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

- (104) ***Production of Animal and Marine Fats and Oils in the A-3 and M-2 Districts.***
a. Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- (105) ***Production of Shortening, Table Oils, Margarine and Other Edible Fats and Oils in the A-3 and M-2 District.***
a. Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- (106) ***Public Water Measuring and Control Facilities Done in Accordance with the Provisions of NR 116.17, Wis. Adm. Code, in the FPO Floodplain Overlay District.***
a. Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- (107) ***Railroad Depots in the B-2 and I-1 Districts.***
a. A detailed site plan shall be presented to the Village and shall include the location of storage of any hazardous fuels and materials.
b. A detailed plan of operation shall be presented to the Village and shall include a plan for security, fencing, lighting, and safety of individuals in the area. Lighting shall comply with Village lighting standards (Title 15, Chapter 10).
c. The depot shall be located in such a manner as to preclude trains at a stop from interfering with any motor vehicle traffic.
- (108) ***Railroad Line Construction and Maintenance in the C-1 and C-3 District.*** Railroad line construction and maintenance in the C-1 and C-3 Districts required a conditional use permit, provided:
a. The railroad lines cannot as a practical matter be located outside of a wetland; and
b. Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance, and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
- (109) ***Railroad Terminals and Freight Yards in the M-2 District.***
a. Those requirements set forth for the granting of a conditional use permit for railroad depots in the B-1 and I-1 Districts shall be complied with.
b. An impact statement may be required by the Village detailing the impact of such terminal or freight yard on other properties in the general area.
c. All outside storage of material shall be securely fenced.
d. Repairs of cars and locomotives shall be indoors
e. Storage of junk parts shall not be permitted on the site.
f. Salvaging operations shall not be permitted on the site.
g. Internal roads, parking and loading areas shall be paved with dust-free materials, such as concrete or asphalt, or be oiled or treated with calcium chloride so as to keep the area in a dust-free condition.

- h. A stormwater drainage plan prepared by a Wisconsin certified engineer shall be submitted to the Village for approval.
 - i. Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- (110) ***Recreational Vehicle (RV) Campground or Subdivisions in the PR-1 District.***
- a. Recreational vehicle campgrounds and subdivisions are uses of land which require a unique site and direct accessibility. Generally, sites should be of such character that they are naturally well-screened by existing natural planting which affords primary seclusion. The use of lands for recreational vehicle parks should have minimal impacts upon adjoining land uses. The express concern of an adequate site and direct accessibility from major thoroughfares are important factors which shall be considered in site selection and the final determination of an acceptable site for a recreational vehicle campground or subdivision.
 - b. The site shall contain at least twenty (20) acres and have an average width of at least three hundred (300) feet.
 - c. The site shall have direct access to a federal, state or county highway.
 - d. A site plan of one (1") inch equals one hundred (100) feet, showing all improved lots, unimproved lots, structures, parking areas, roads, walkways, recreational areas and other service facilities shall accompany the application.
 - e. A preliminary drainage and utility plan shall be in compliance with the on-site detention regulation.
 - f. Each recreational vehicle campground or subdivision shall be completely enclosed, except for permitted entrances and exits by:
 - 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.
 - g. When the recreational vehicle campground or subdivision ceases to operate, accessory uses shall immediately cease.
 - h. The development may be developed for sale or rental, or may be developed as a condominium pursuant to Chapter 703, Wis. Stats.
 - i. Recreational vehicle developments shall be located on public sanitary sewer facilities except that where the development is based on rental sites and the development is based on rental sites and the development does not result in a permanent subdivision of land and the sale of lots or sites in fee simple absolute, said development shall be located on public sanitary sewer facilities or shall be served by a private treatment system meeting all state regulatory regulations.

- j. Recreational vehicle campgrounds shall be supplied by municipal water facilities or a private high capacity well.
- k. Recreational vehicle campgrounds shall, under no circumstances, in the case of recreational vehicle development as fee simple lots or condominiums, have a density exceeding 6.5 units per gross acre maximum and thirty percent (30%) of the total acreage shall be maintained in common open space areas. When a campground is developed on a basis of rental sites, such development shall, under no circumstances, have a density exceeding twelve (12) units per gross acre maximum.
- l. A general development plan for all proposed phases of development and a plan of operation shall be submitted with the application for a conditional use permit. Detailed plans shall be submitted before each phase is to be approved.
- m. Developers shall submit for approval to the Village Board before each proposed phase is to be approved a detailed landscaping plan along with a list of the type, number and size of the plantings with a timetable for planting. The landscape plan must provide for sufficient screening and tree planting between individual lots or sites and between lots or sites in all common open space areas. Said landscape plan shall also be submitted to and reviewed by the County Soil Conservation Service for their recommendation with respect to minimizing soil erosion.
- n. All recreational vehicle campgrounds/subdivisions shall conform to the standards governing land divisions in Title 14 of this Code of Ordinances and other Village ordinances and development standards as they pertain to this type of development when practicable, except that standards governing lot size shall not be applicable except as modified and provided for herein, and also that modifications may be made with respect to the following items:
 - 1. Minimum lot size shall be no less than four thousand (4,000) square feet per lot with a minimum lot width of fifty (50) feet at the road and fifty (50) feet wide at the vehicle pad. Frontage requirements may vary on cul-de-sacs, and curves with a centerline radius of two hundred (200) feet or less; provided, however, that the lot still maintains a minimum width of fifty (50) feet at the recreational vehicle pad and a minimum lot area of four thousand (4,000) square feet, and in no case shall a lot be less than twenty (20) square feet at the street.
 - 2. All public and private streets shall have a minimum right-of-way of sixty-six (66) feet. Cul-de-sacs shall have a minimum radius of sixty (60) feet.
 - 3. A lot may be located on a private street provided that the street meets Village standards as they may pertain to pavement width and pavement construction materials.
- o. An recreational vehicle subdivision/campground development may have one (1) single family residential dwelling unit with the development when used as the caretaker facility.

- p. A recreational vehicle subdivision/campground development shall under no circumstances be used or combined with other lots to create a residential building site.
- q. All recreational vehicle subdivision/campground developments shall have extensive deed restrictions which will be furnished to the Village Board and Plan Commission for approval and will further be enforced by the owners through a property owners association provided for in the deed restrictions. These restrictions shall govern the use of all lots or sites, open space areas and all amenities which are to be part of the development. Where the development creates lots of fee simple absolute or condominiums on the face of the plat, it shall further state that all lots, sites or open space areas may not be used or combined for residential, commercial or industrial development.
- r. No more than one (1) recreational vehicle shall be located on a lot or site. Where lots are developed in fee simple absolute or condominiums, additional recreational vehicle spaces shall be provided in a common overflow parking area having the necessary water and sanitary sewer facilities at a ratio of one (1) space for every ten (10) lots or sites for visitors or guest's recreational vehicles. Overflow recreational vehicle parking shall not be computed as part of the overall density. A recreational vehicle development shall have, for both sales and rental, at least two (2) automobile parking spaces per lot or site with common overflow or parking area in a ratio of one (1) space for every ten (10) lots or sites. Tents may be permitted on recreational vehicle lots or sites.
- s. Recreational vehicle developments may have major accessory structures such as clubhouses, athletic facilities, shelters, restrooms, and major storage facilities located in common open space areas or outlots provided that they meet the necessary setback requirements of this Chapter and, in addition, that setbacks of not less than thirty (30) feet be provided from the right-of-way of all private streets.
- t. Recreational vehicle sites may have one (1) open deck no larger than three hundred (300) square feet in area and/or one (1) private storage building no larger than eighty (80) square feet in area and eight (8) feet in height placed on each lot or site provided that it meets all necessary requirements as outlined in the deed restrictions which are approved by the Village Board as it may pertain to design, dimensions and materials permitted for construction. Setbacks of not less than five (5) feet from all lot lines and thirty-eight (38) feet from the center line of street rights-of-way shall be provided. A zoning permit shall be required for every open deck and/or storage building. Fences will only be permitted for a total development project and not for individual lots.
- u. Recreational vehicle developments may have one (1) commercial facility per development, such as a small convenience store, restaurants, snack bar, etc.,

located on the complex when designed for use by occupants only. Under no circumstances may this facility advertise for general street trade.

- v. No recreational vehicle lot or lots shall be used or converted for the use of a mobile home and/or mobile home parks.
- w. Development management shall prohibit the use of recreational vehicles that are not operable and currently licensed and further shall prohibit the use of enclosures, foundations or other means which tend to make the recreational vehicle unit is less mobile.
- x. Additional restrictions or requirements may be imposed by the Village Board and impact statements as deemed necessary by the Village Board may be required.
- y. Lots in the PR-1 District shall provide sufficient area for the principal structure or use, and its accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not required and required yards.
- z. No building or part of a building shall exceed thirty-five (35) feet in height.
- aa. A minimum street yard (setback) of sixty-five (65) feet from the right-of-way of all state or county trunk highways, and forty (40) feet from all other roads shall be required.
- bb. Every builder of any building hereafter erected or structurally altered in the PR-1 District shall, before a building permit is issued, present detailed plans and specifications of the proposed structure to the Village Board and Plan Commission, who can approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion or otherwise endanger the public health and safety, or substantially diminish or impair property values within the community.
- cc. Recreational vehicle, motor home or similar large size equipment or vehicle sales involving extensive outdoor display and storage in the B-3 District:
 - 1. Those requirements set forth for the granting of a conditional use permit for automotive sales, service and repairs in the B-2 and B-3 Districts shall be complied with.
 - 2. A detailed site plan and storm water drainage plan shall be submitted to the Village for approval with said plans taking into consideration security, fencing, lighting, location of signs, and traffic and parking proposals.

(111) ***Recycling Centers and Warehousing of Recovered Resources in the M-2 and M-4 Districts.***

- a. A site plan and plan of operation shall be submitted to the Village.
- b. Reclamation of sewage sludge, food wastes, and other organic material is prohibited.
- c. Reclamation of carcinogens and other hazardous wastes is prohibited.

- (112) ***Refineries in the M-2 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for petroleum bulk stations and terminals in the M-1 and M-2 Districts shall be compiled with.
- (113) ***Rendering Plants in the M-2 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- (114) ***Resorts in the PR-1 District.***
 - a. A statement of intent outlining the type of recreational activities and facilities to be located on the site shall be presented to the Village.
 - b. A detailed site plan shall be presented to Village along with proposals for sanitary facilities.
- (115) ***Restaurants or Taverns or Cabarets (With Live Entertainment) in the B-3 District.***
 - a. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - b. There shall be strict compliance with those performance standards set forth in this Chapter relating to noise, and where circumstances warrant, the performance standards in Village ordinances relating to noise may be expanded.
 - c. There shall be strict compliance with all state and local laws relating to liquor and/or malt beverages and all local ordinances relating to cabarets.
- (116) ***Restaurants, Bars and Taverns with Outdoor Dining, Recreation, Entertainment in the B-2 and B-3 Districts.***
 - a. A site plan shall be submitted showing all proposed outdoor use areas including parking, landscaping and the location of existing structures.
 - b. Hours of use may be limited to prevent disturbance to abutting property owners.
 - c. Lighting may be limited to prevent disturbance to abutting property owners.
 - d. There shall be no outside music speakers or live music.
 - e. Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.
- (117) ***Restaurants Serving Liquor in the B-1 District.***
 - a. Those requirements set forth for the granting of a conditional use permit for restaurants or taverns or cabarets (with live entertainment) in the B-3 District shall be complied with.
- (118) ***Retail or Wholesale Sales of Manufactured Products on Premises in the M-1 and M-2 Districts.***
 - a. All sales shall be in an enclosed structure separate from those structures wherein the products being sold are manufactured.
- (119) ***Riding Stables and Indoor Riding Arenas (Public) in Conforming A-1, A-2 and A-4 Districts.***
 - a. A detailed site plan and a plan of operation which details the operation shall be presented to the Village Board and Plan Commission.

- b. Adequate provisions shall be made for the proper disposal of animal waste.
- (120) ***Road Test Facilities in the M-2 District.***
- a. A detailed site plan shall be presented to the Village Board and Plan Commission for approval, with said plan specifying the location for the storage of hazardous fuels.
 - b. The site shall contain a minimum of thirty (30) acres and there shall be a minimum setback of four hundred (400) feet from any boundary line.
 - c. There shall be strict compliance with the performance standards set forth in this Chapter for noise control and where circumstances warrant, the standards set forth in this Chapter for noise control may be expanded upon.
 - d. The Village Board may restrict the hours of operation of the facility.
 - e. Lighting shall not be permitted to shine upon adjacent property.
 - f. The facility shall not be used for any form of public entertainment and shall be closed to the public during road testing.
- (121) ***Road Construction and Maintenance in the C-1 and C-3 District.***
- a. The road must be necessary to the conduct of agricultural cultivation or to a silviculture activity.
 - b. The road cannot as a practical matter be located outside a wetland.
 - c. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland.
 - d. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
 - e. Road construction activities are carried out in the immediate area of the roadbed only.
- (122) ***Roadway and Driveway Construction and Maintenance in the C-3 District.***
- Roadway and driveway construction and maintenance in the C-3 District is a conditional use, provided:
- a. The road or driveway is necessary to the continuity of a planned urban street system and meets the requirements of Title 6, Chapter 4.
 - b. The road or driveway cannot as a practical matter be located outside of a wetland.
 - c. The road or driveway is designed and constructed to minimize adverse impacts upon the natural functions of the wetland and on wetland values.
 - d. The hydrologic continuity of a wetland traversed by a road or driveway shall be maintained through use of an appropriate culvert.
 - e. The road or driveway is designed and constructed with the minimum cross-sectional area practical to serve the intended use. Driveways should not be wider than twelve (12) feet, and, where practical, adjacent properties should share a single access.
 - f. Road and driveway construction activities are carried out in the immediate area of the roadbed only. Roads and driveways should be protected by a stable side slope of four to one (4:1).

- g. The Wisconsin Department of Natural Resources may exercise preemptive procedures where roads and driveways may have an adverse impact on wetlands.
- (123) ***Rummage Sales and Flea Markets (Permanent) in the B-3 District.***
- a. The site shall be securely fenced and adequately lit at night with the provision, however, that no night lights shall be permitted to shine upon adjoining property.
 - b. A site plan shall be presented to the Village Board and Plan Commission which shall delineate all sanitary facilities, fire lanes, parking, and proposed traffic routes.
 - c. There shall be strict compliance with the performance standards set forth in this Chapter for noise, and, where circumstances warrant, stricter standards may be imposed by the Village Board for noise control.
 - d. No permanent structure shall be permitted on the site.
 - e. No camping shall be permitted on the site.
- (124) ***Sanitary Landfill Operations in the M-4 District.***
- a. A statement of intent shall be presented to the Village indicating the type of material that will be placed on the site and whether or not said material is deemed hazardous, and the manner in which the material is to be buried.
 - b. An impact statement shall be required addressing itself to the impact of the sanitary landfill operation on the surrounding environment, community, and economy.
 - c. A stormwater drainage and tile plan prepared by a Wisconsin certified engineer shall be submitted to the Village.
 - d. A detailed restoration plan and timetable shall be submitted to the Village. In the alternative, the applicant may satisfy this condition by meeting the requirements of Sections 144.443 and 144.444, Wis. Stats., concerning financial responsibility and transfer of responsibility. Evidence of satisfying this condition shall be provided to the Village Board and Plan Commission.
 - e. All state and/or federal licenses and permits shall be submitted to the Village and all federal and state laws and regulations shall be complied with.
 - f. The requirements set forth in NR 151 and NR 180, Wis. Adm. Code, shall be complied with and the issuance of a conditional use permit shall be conditioned on such compliance.
 - g. A detailed site and sanitary plan shall be presented to the Village as well as the method of maintaining records of the source and type of waste deposited on the site and location and date of deposit.
 - h. Sanitary landfills shall not be permitted within one thousand two hundred (1,200) feet of a residence or within a conservancy or floodplain district, nor shall such landfill be permitted within three hundred (300) feet of any shoreland area. In addition, sanitary landfills shall not be permitted within one thousand two hundred (1,200) feet of any private or public water supply. To the extent that no

environmental harm will occur, the Village Board may grant an exception to any of the above conditional use requirements permitted by law.

- i. The landfill operator/owner shall post a performance bond to ensure proper operation, closure and long-term care of the proposed site. Compliance with Sec. 144.443, Wis. Stats., concerning financial responsibility shall satisfy this condition.
- j. An additional bond or other acceptable surety shall be furnished the Village to ensure against possible road damage to nearby roads due to heavy traffic transporting materials.
- k. Periodic inspections shall be made from time to time by the Zoning Administrator or his/her designee.
- l. The sanitary landfill shall be completely enclosed, except for permanent 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.
- m. The conditional use permit may be revoked pursuant to the requirements of this Article.
- n. In addition, any of the applicable requirements for granting a conditional use permit for mining or extraction of rock, etc., in the M-3 District may be required.
- o. All Environmental Protection Agency (EPA) regulations shall be complied with respect to, but not limited to:
 1. Contamination of ground and underground water.
 2. Limitation of explosive gases within landfill structures.
 3. Monitoring.
 4. Obtaining water pollution discharge permits.
 5. Collection and treatment of leachate before discharge.
 6. Control of rats, flies, mosquitos and other vermin.
 7. Daily covering of waste materials.
 8. Air quality and open burning of waste, except for special wastes, as for example, brush or emergencies.
 9. Security.
 10. Availability of water or dirt to control accidental or permitted fires.
 11. Restriction of flood waters or reduction of water storage capacity of floodplains.
 12. Bird hazards in the vicinity of airports.
 13. Modifications of species habitat or interference with migration.
 14. Hazardous wastes regulations.

(125) ***School Auditoriums, Gymnasiums and Stadiums in the I-1 District.***

- a. At least one (1) off-street parking space shall be provided for every three (3) seats located within the auditorium, gymnasium or stadium.
- b. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- c. Night lighting shall not shine on adjoining property. All such lighting shall comply with Village lighting standards (Title 15, Chapter 10).
- d. In the case of outdoor stadiums, the parking area shall be paved or maintained in a dust-free condition.

(126) ***Second Single Family, Farm-Related Residential Dwelling in the A-1 and A-4 Districts.***

- a. The need for more than one (1) single family dwelling to support and carry on the permitted or approved conditional use must be established to the satisfaction of the Village Board before issuance of the conditional use permit. If approval is granted for a second farm dwelling, the additional dwelling shall be placed on a parcel separated from the farm parcel.
- b. A second farm dwelling shall provide a minimum lot area of two (2) acres and no parcel shall be less than three hundred (300) feet in width at the highway right-of-way line. If any such aforementioned dwellings are provided with municipal sanitary sewerage services, the lot area requirement may be reduced to a minimum of twenty thousand (20,000) square feet and the lot width shall be not less than one hundred and twenty-five (125) feet. Any new two (2) acre parcel created as described above for a second single family dwelling shall be approved only if it is located as contiguous as possible to existing lots or dwellings on the subject or adjacent ownerships.
- c. The second single family farm dwelling shall be occupied by a person who, or a family at least one (1) member of which earns a substantial part of his/her livelihood from operations on the parcel or is a parent or child of the operator of the farm.
- d. The only accessory uses permitted in conjunction with the second single family farm related residential dwelling shall be a garage or carport and home occupations.

(127) ***Sewage Treatment Plants in the M-2 District.***

- a. Those requirements set forth for granting of a conditional use permit for sanitary landfill operations in the M-2 District may be required as deemed appropriate.

(128) ***Ship and Boat Building and Repair in the M-2 District.***

- a. A detailed site plan shall be presented.
- b. Any outside storage of material shall be securely fenced.
- c. Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

(129) ***Skeet and Trap Shooting Ranges in the PR-1 District.***

- a. Those requirements set forth for the granting of a conditional use permit for archery and firearm ranges (outdoors) in the PR-1 District shall be complied with, with the exception that all shooting shall be in the direction of targets and all targets and all targets shall be at least seven hundred and fifty (750) feet from any property line and with the further exception that firing shall not be permitted directly toward or over any navigable waters, public or private roads or drives, nor toward any buildings or structures, nor toward any buildings or structures, not toward any population concentration with three-quarter (3/4) of a mile of the site where rifles are used nor more than three hundred (300) yards from the site in those cases where a shotgun (fine shot) is used; distances may be reduced with proper baffle systems. Residences constructed closer than the above distances after the range is in existence do so at their own risk.
- b. The Village Board may restrict the hours of operation.
- c. Lighting shall not shine on adjacent property. Lighting shall comply with Village outdoor lighting standards (Title 15, Chapter 10).
- d. Proper and recognized signals shall be used in the operation of the range.
- e. A detailed site plan shall be submitted to the Village.

(130) ***Ski Hills With Restaurants and Ski Shops in the PR-1 District.***

- a. A detailed site plan shall be submitted to the Village.
- b. An impact statement outlining the impact of the facility on adjoining properties and the environments shall be submitted to the Village.
- c. A stormwater drainage plan prepared by a Wisconsin certified engineer shall be presented to the Village.
- d. Night lighting shall not be permitted to shine upon adjacent property. Lighting shall comply with Village outdoor lighting standards (Title 15, Chapter 10).
- e. Any use of outdoor speakers shall be in compliance with the performance standards set forth in Village ordinances for noise control.
- f. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- g. Ski lifts shall not exceed seventy-five (75) feet in height and shall not be located closer than fifty (50) feet to any property line.

(131) ***Smelting and Refining of all Metals and Alloys in the M-2 District.***

- a. Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.

(132) ***Snowmobile Trails in the PR-1 District.***

- a. A detailed site plan shall be presented to the Village indicating thereon access and exit points on the trail(s).
- b. The trail shall be posted with proper speed limits and warning signs as deemed necessary.

(133) ***Sportsmen Clubs in the PR-1 District.***

- a. A detailed site plan shall be presented to the Village.
- b. The site shall be posted at least every one hundred (100) feet along property lines as a sportsmen's club.
- c. Impact statements as deemed appropriate by the Village Board may be required.

(134) ***Stockyards in the M-2 District.***

- a. Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- b. Impact statements as deemed necessary by the Village Board may be required.
- c. The site shall be securely fenced as deemed appropriate by the Village Board.
- d. A stormwater drainage plan prepared by Wisconsin certified engineers shall be submitted to the Village.
- e. Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

(135) ***Storage of Mineral Products or Machinery in the M-3 District.***

- a. The site shall be securely fenced as deemed appropriate by the Village Board.
- b. A stormwater drainage plan prepared by a Wisconsin certified engineer shall be submitted to the Village.

(136) ***Storage of Recreational Vehicles, Boats or Snowmobiles in the A-1, A-2 and A-4 Districts.***

- a. Storage of more than two (2) recreational vehicles and/or boats or snowmobiles shall be within an enclosed structure.

(137) ***Summer Theaters and Amphitheaters or Band Shells in the PR-1 District.***

- a. A detailed site plan shall be submitted to the Village along with the proposed hours of operation and seating capacity on the premises.
- b. At least one (1) off-street parking space shall be provided for every three (3) seats located within the theater, amphitheater or band shell.
- c. The site shall have direct access to federal, state or county highways.
- d. An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the theater, amphitheater or band shell.
- e. Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- f. Parking areas shall be maintained in a dust-free condition and, where paved, a stormwater drainage plan shall be submitted to the Village.
- g. Night lighting shall not be permitted to shine on adjacent property. Lighting shall comply with Village outdoor lighting standards (Title 15, Chapter 10).
- h. Proposals for water and sanitation facilities and emergency services shall be reviewed by the Village Board.

- i. Increased performance standards with respect to noise may be required as deemed necessary.
- (138) ***Tanneries in the M-2 District.***
- a. Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.
 - b. Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - c. The performance standards set forth in this Chapter as they relate to odor shall be complied with by the operator of the tannery; stricter standards may be imposed as deemed appropriate.
- (139) ***Taverns (With No Live Entertainment) in the B-1 District.***
- a. Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - b. Performance standards set forth in this Chapter as they relate to noise control shall be complied with, and, where deemed appropriate, the Village Board may establish stricter performance standards relating to noise control.
- (140) ***Truck Stops, Sales and Service in the B-3 District.***
- a. A detailed site plan shall be submitted to the Village and shall include therein the location of storage facilities for all fuels and other hazardous materials.
 - b. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - c. All repair work shall be done within enclosed structures.
 - d. All street yard, side yard and rear yard setbacks shall be at least one hundred (100) feet.
 - e. Night lights shall not be permitted to shine on adjacent property. Lighting shall comply with Village lighting standards (Title 15, Chapter 10).
 - f. All parking areas and roadways shall be maintained in a dust-free condition and, where paved, a stormwater drainage plan shall be submitted to the Village by a Wisconsin certified engineer.
- (141) ***Utilities and Substations in the M-3 District.***
- a. Environmental and economic impact statements shall be required by the Village.
 - b. A detailed site plan shall be presented to the Village.
 - c. A stormwater drainage plan prepared by a Wisconsin certified engineer shall be presented to the Village.
 - d. The site shall be securely fenced and marked with appropriate warning signs.
 - e. Failure to comply with the performance standards set forth in this Chapter shall be grounds for revocation of the conditional use permit.

- (142) **Utility Construction and Maintenance in the C-1 and C-3 District.** Utility construction and maintenance, including electric, natural gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members in the C-1 and C-3 District, provided that:
- a. The transmission and distribution facilities cannot, as a practical matter, be located outside a wetland.
 - b. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland.
- (143) **Utility Facilities (Except Buildings and Substations) in the FPO District.** Utility facilities (except buildings and substations) such as underground watertight conduits, telephone and electric poles, etc., constructed in conformance with NR 116.17, Wis. Adm. Code, in the FPO District, provided that:
- a. Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- (144) **Utility Substations, Microwave Relay Stations, and Cellular Relay Stations.** Utility substations, microwave relay stations, and cellular relay stations in the A-1, A-2, A-3, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-11, R-12, B-1, B-2, B-3, B-4, M-1, M-2, I-1 and C-2 Districts:
- a. All utility substations, microwave relay stations, shall be securely fenced and marked with appropriate warning signs.
 - b. The height of tower-mounted utility substations, microwave relay stations, and cellular relay stations shall not exceed three (3) times their distance from the nearest property line.
- (145) **Washing, Refining or Processing of Rock, Slate, Gravel, Sand or Minerals Processed From the Top Soil in the M-3 District.**
- a. A detailed site plan shall be presented to the Village along with a stormwater drainage plan prepared by a Wisconsin certified engineer.
 - b. Impact statements as deemed appropriate by the Village Board may be required.
 - c. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance. Roads shall be maintained in a dust-free condition.
- (146) **Water Storage Tanks and Towers and Radio and Television Transmitting and Receiving Towers in the B-5 and I-1 Districts.**
- a. Towers shall not be located closer than fifty (50) feet to any structure.
 - b. All towers shall be securely anchored and lit with warning lights as deemed appropriate.
 - c. All federal and state licenses shall be filed with the Zoning Administrator.
 - d. Water tanks and water towers are exempt from the height limitations of this Chapter. The height of radio and television transmitting and receiving towers shall not exceed three (3) times their distance from the nearest property line.

- (147) **Wildlife Ponds in the C-1 District.** Wildlife ponds may be a conditional use in the C-1 District provided:
- a. Any excavating, ditching, dredging, or drainage that is to be done must be necessary for such construction and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands. Any excavating, ditching, dredging, or drainage shall be for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - b. Wildlife ponds shall not exceed an average depth of five (5) feet and side slopes shall not exceed a gradient of one (1) foot vertical to five (5) feet horizontal.
 - c. Spoils from pond construction shall not be deposited or disposed of within the C-1 District.
- (148) **Wrecking, Junk, Demolition and Scrap Yards in the M-2 District.**
- a. Any wrecking, junk, demolition and scrap yard, or salvage yard for which permission is granted under this Article shall at all times be subject to the performance standards established in this Chapter. Failure to comply with said performance standards shall be grounds for revocation of the conditional use permit.
 - b. All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited.
 - c. Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.
 - d. All ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - e. No wrecking, junk, demolition or scrap yard shall be located within one thousand (1,000) feet of any navigable body of water or shoreland area.
 - f. There shall be strict compliance with any other applicable Village ordinances requiring nuisances, storage of vehicles, and/or motor vehicle wrecking yards.
 - g. A performance bond or other surety acceptable to the Village shall be required by the Village Board to ensure compliance with the conditions set forth by the Village Board and which conditions form the basis for the granting of a conditional use permit.
 - h. A corporate surety bond shall be furnished to the Village to assure compliance with the approved rehabilitation map and plan. The bond shall be in an amount to be determined by the Village Board sufficient to cover twice the projected expenses of such rehabilitation at the time the projected expenses of such rehabilitation is to occur according to the plan of the applicant. A termination

date for completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimate length of time the operation will be necessary.

- i. An additional bond shall be furnished to the Village to ensure against possible road damage to nearby roads due to heavy transporting of materials.
- j. The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon an application for a period of an additional two (2) years by the Village Board upon review of the performance of the operations. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any surety bond.
- k. No junk yard shall be permitted to operate in violation of Sections 84.31 and 175.25, Wis. Stats. In addition, the applicant shall obtain any non-zoning licenses and permits regulating such operation.

(149) ***Zoological and Botanical Gardens in the PR-1 District.***

- a. A detailed site plan shall be presented to the Village setting forth in detail the location of all structures, sanitary facilities, etc.
- b. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- c. Night lights shall not be permitted to shine on adjoining or adjacent property.
- d. There shall be only off-street parking provided.
- e. In the case of zoological facilities, the site shall be securely enclosed and the Village Board shall review the security system to be used on the premises for the containment of animals, reptiles, etc.

(150) ***Wind Energy Conversion Systems in the A-1, A-2, A-3, A-4, R-1, I-1, PR-1 and C-2 Districts.*** Wind energy conversion systems, commonly called windmills, are conditional uses in the A-1, A-2, A-3, A-4, R-1, I-1, PR-1 and C-2 Districts, provided:

- a. All wind energy systems shall comply with applicable statutes and rules of the State of Wisconsin; such state regulations shall preempt any Village ordinances that are in conflict.
- b. The site shall be a minimum of five (5) acres.
- c. Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.

- d. Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40) pounds per square foot in area.
- e. The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- f. Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- g. Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Chapter, however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- h. All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- i. The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

Secs. 13-1-178 through 13-1-199 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-200 Intent – Nonconforming Uses, Lots and Structures.

(a) **Intent; Interpretation.**

- (1) Within the Zoning Districts established by this Zoning Code or amendment thereof, there may exist lots, structures and uses of land and structures which were lawful before this Zoning Code was enacted or amended, but which would be prohibited in the future under the terms of this Zoning Code or amendment thereto. Because the incorporation of the Village of Bristol in 2011 resulted in the Kenosha County Zoning Code being superceded by the Village of Bristol Zoning Code, the date of nonconformity of existing uses, lots and structures shall be that which existed under the Kenosha County Zoning Code and are carried forward under the Village of Bristol Zoning Code, or which became nonconforming as a result of the enactment of the Village of Bristol Zoning Code.
- (2) It is the intent of the Village of Bristol to permit nonconforming uses, lots and structures to remain and continue in accordance with the provisions hereinafter set forth until they are removed by economic forces, fire, natural disaster or otherwise. It is not the intent of this Zoning Code to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein. Existing nonconformities shall not be used to justify adding structures or uses prohibited in the zoning district.

(b) **Guidelines.** It is the intention of the Village of Bristol that standards be set forth for the purpose of determining:

- (1) That the nonconforming uses, lot or structure existed prior to the effective date of this Chapter or amendment thereto, or existed under the prior Kenosha County Zoning Code;
- (2) The ways in which the right of the nonconforming lot or structure to remain can be served and the ways in which the right to continue nonconforming uses can be lost;
- (3) The extent of permissible variation in the nonconforming use, lot or structure; and
- (4) The devices available for eliminating such nonconforming uses, lots or structures.

(c) **Burden of Proof.** Any property owner asserting as a defense to charge of violating this Chapter because his/her property is a valid nonconforming use has the burden of demonstrating to reasonable certainty by the greater weight of credible evidence that:

- (1) The nonconforming use was legally in existence at the time the nonconformity came into being.
- (2) That the use of the property prior to the nonconformity came into being was so active and actual that the property owner can properly assert that the property owner has

acquired a vested interest in its continuance. For purposes of this Chapter, a property owner shall be deemed to have a vested right in the use of his/her property where that use at the time the nonconformity came into being is both actual and active and a substantial degree of activity or expense had been undertaken prior to the effective date the zoning provision that caused the nonconformity came into being.

- (3) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto that caused the nonconformity.

Sec. 13-1-201 Article Definitions.

In addition to the definitions contained in Article O of this Chapter, the following definitions shall be applicable in Article; in the event of conflict, the more specific definitions of this Article shall be applicable:

- (a) **Assessed Value.** The full market value placed upon the structure or lot by the Village Assessor as of the date that the nonconformity came into being. Such valuation by the Assessor shall be prima facie evidence of an assessed value of the structure or lot.
- (b) **Legally Existing.** A lot, structure or use existing on the date that the nonconformity came into being, was built or was established under the zoning and land use regulations in effect in the preceding Town of Bristol or prior to the effective date of this Chapter.
- (c) **Nonconforming Lot.** A nonconforming or substandard lot is a parcel of land legally created prior to the effective date that the nonconformity came into being of such dimensions, or containing structures accessory and/or principal or uses, insufficient to meet the lot width, lot area, yard/setback, height, parking requirements, signage standards, or other development or open space requirements of the zoning district in which located.
- (d) **Nonconforming Structure.** A structure which was legally constructed prior to the date that the nonconformity came into being which would not be permitted as a new structure under the terms of this Chapter or amendment thereto because the structure is not in conformance with the yards, height, coverage or floor area ratio requirements of the zoning district in which it is located. A structure located on a nonconforming lot shall not also be classified as a nonconforming structure solely because of insufficient lot area and width.
- (e) **Nonconforming Use.** An activity utilizing land or structures, or both, legally established prior to the effective date that the nonconformity came into being which would not be permitted as a new use in the zoning district in which it is located under the standards of this Chapter.

Sec. 13-1-202 Existing Vacant Nonconforming Lots.

In any residential, upland conservancy or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any vacant nonconforming lot provided that all requirements of applicable sanitary ordinances are met:

- (a) **Nonconforming Lots - Width, Area and Setbacks.** Nonconforming lots shall have the following minimum width, area and setback requirements:

Lot	Width	Minimum 40 feet (public sewerage) 50 feet (private sewage system)
	Area	Minimum 4,000 square feet (public sewerage) 6,000 square feet (private sewage system)
Setbacks	Street	The minimum required in the district except as provided in this Article
	Rear	Minimum 25 feet from lot line
	Side	Minimum 16% of the lot width on each side, but not less than 5 feet from lot line

- (b) **Nonconforming Corner Lots.** Nonconforming corner lots shall have the following minimum setback requirements:

Lot Width 40 feet through 49 feet

Setbacks Primary street yard — minimum as required in the district
Secondary street yard — 26% of the lot width
Side yard — 12.5% of the lot width
Rear yard — 25 feet

Lot Width 50 feet through 59 feet

Setbacks Primary street yard — minimum as required in the district
Secondary street yard — 32% of the lot width
Side yard — 16% of the lot width
Rear yard — 25 feet

Lot Width 60 feet through 65 feet

Setbacks Primary street yard — minimum as required in the district
Secondary street yard — 38% of the lot width
Side yard — 10 feet
Rear yard — 25 feet

- (c) **Driveways.** Driveways shall comply with the driveway standards of Title 6, Chapter 3 of the Village of Bristol Code of Ordinances.

Sec. 13-1-203 Common Ownership of Abutting Nonconforming Lots.

Nonconforming lots of record owned by the same individual or other legal entity shall be combined prior to the issuance of a zoning permit.

Sec. 13-1-204 Nonconforming Parcels Under One Ownership, One Kenosha County Tax Key Number, and Physically Divided by an Existing Public Street Right-of-Way.

Parcels of land under one (1) ownership, one (1) Kenosha County Tax Key Number, and which are physically divided by an existing public street right-of-way or other public roadway at the time of the adoption of this Zoning Code [but which are not legally divided into two (2) separate parcels), shall hereby be deemed as one (1) existing, legal nonconforming parcel within the zoning district within which the parcel is located. Since the physical division of these properties was created by the placement of the existing public street right-of-way or other public properties was created by the placement of the existing public street right-of-way or other public roadway, said parcels shall be allowed to be legally divided into two (2) parcels by the formal submission to the Village of a certified survey map which legally creates one (1) parcel on each side of the existing public street right-of-way or other public roadway, even if the result is two (2) nonconforming or substandard lots. Said lots or parcels so created shall each also be hereby deemed as a legal nonconforming parcel within the zoning district within which the parcel is located.

Sec. 13-1-205 Existing Nonconforming Structures.

(a) **Continuation of Nonconforming Structure.**

- (1) The use of a structure existing on the date that the nonconformity came into being may be continued although the structure's size or location does not conform with the established lot area and width, building setback line along streets and highways, or the yard, height, parking, loading, or access provisions of this Chapter.
- (2) Any lawful nonconforming structure may be extended, enlarged, reconstructed, or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration complies with the setback and building requirements of the specific zoning district. However, the nonconforming feature of said structure shall

not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except under one (1) or more of the following fact situations:

- a. As when required to do so by law, or order.
 - b. To comply with the provisions of this Chapter.
 - c. With the approval of a conditional use permit under the procedures of Article E of this Chapter for the purpose of making required alterations to maintain the structural integrity of the building.
 - d. With the approval of a variance by the Board of Appeals.
- (b) **Yard Encroachments by Nonconforming Structures.** Nonconforming structures which encroach upon the yard (setback) requirements of this Chapter, but which met yard requirements at the time the nonconformity came into being at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty percent (50%) of the minimum setback requirement and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing nonconforming structure shall be allowed as long as no further encroachment is permitted.
- (c) **Damaged Nonconforming Structures.** When a nonconforming structure is damaged by fire, explosion, violent wind, or other calamity or is intentionally dismantled, to the extent of more than fifty percent (50%) of its assessed value as defined in Sec. 13-1-201(a), it shall not be restored except so as to comply with all provisions of this Chapter.
- (d) **Unsafe Structures.** Nothing in this Chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare.
- (e) **Ordinary Maintenance.** Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a nonconforming structure, are permitted as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the nonconforming structure. Ordinary maintenance repairs and remodeling include internal and external painting, decorating, paneling, the addition of acoustical ceilings, the installation of heating, electricity, plumbing (including fixtures) or insulation, and the replacement of doors, windows, and other nonstructural components.
- (f) **Shoreland Nonconforming Structures.** Nonconforming structures in shoreland areas damaged or destroyed after October 14, 1997, by violent wind, fire, flood, or vandalism may be reconstructed or repaired, as provided by state law, to the size, location, and use it had immediately before the damage occurred if the landowner can establish that the damage was not due to deliberate act by the landowner or his/her agent, or due to general deterioration or dilapidated condition.
- (g) **Relocation of Nonconforming Structures.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

Sec. 13-1-206 Existing Nonconforming Uses.

The nonconforming use of a structure, land, or water existing on the date that the nonconformity came into being may be continued although the use does not conform with the provisions of this Chapter, except that:

- (a) **Alteration of Existing Nonconforming Uses.** The alteration or structural repair of, or addition to any existing structure being used for a nonconforming use, in excess of fifty percent (50%) of the assessed value as defined in Sec. 13-1-201(a), is prohibited.
- (b) **Change to More Restrictive Use Category.** The nonconforming use of a structure may be changed to a use of the same or more restricted classification, but where the nonconforming use of a structure is hereafter changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restricted classification.
- (c) **Damaged Nonconforming Uses.** When a structure being used for a nonconforming use is damaged by fire, explosion, flood, or other calamity, to the extent of more than fifty percent (50%) of its assessed value, as defined in Sec. 13-1-201(a), it shall not be restored except so as to comply with the use provisions of this Chapter. Floodplain nonconforming uses may be repaired or reconstructed as provided under Sec. 87.30(1d), Wis. Stats. and Title 13, Chapter 1 of this Code of Ordinances (specifically, but not limited to, Sections 13-2-60 through 13-2-62), for restoration of floodplain structures damaged or destroyed by a non-flood disaster, including fire, ice-storm, tornado, windstorm, mudslide or other destructive act of nature.
- (d) **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter.
- (e) **Maintenance of Nonconforming Use Parcels.** Parcels containing a nonconforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such nonconforming use as it existed prior to the date that the nonconformity came into being is not extended, enlarged or moved.

Sec. 13-1-207 Changes and Substitutions.

Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this Chapter, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more or equally restrictive nonconforming use for an existing nonconforming use pursuant to the provisions of Article N, the existing use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

Sec. 13-1-208 Floodplain Nonconforming Uses.

- (a) No structural repairs to a structure located in the FPO Floodplain Overlay District, or modifications which raise the first floor elevation above the one hundred (100) year recurrence interval flood elevation, shall be allowed unless the entire structure is floodproofed by means other than the use of fill to the flood protection elevation, which is two (2) feet above the one hundred (100) year recurrence interval flood. [See Sec. 13-2-123 for floodproofing requirements]. Structural repairs and modifications which elevate the first floor of a floodprone structure shall not exceed over the life of the structure fifty percent (50%) of the structure's equalized assessed value at the time the structure became nonconforming. The "modification" for this Section shall be strictly interpreted to mean only those modifications that deal directly with the floodproofing of the structure. No additions of any type shall be allowed.
- (b) Nonconforming mobile homes, mobile home parks, and mobile home subdivisions shall comply with the requirements for nonconforming residential structures. Existing mobile homes in a FPO district that have been substantially damaged shall be elevated on a permanent foundation or pad such that the elevation of the foundation or pad is at or above the one hundred (100) year recurrence interval flood elevation; the first floor of the mobile home is at or above the floodplain protection elevation; and the mobile home shall be securely anchored to the foundation system to resist flotation, collapse, and lateral movement. Recreational vehicles shall not be considered to be mobile homes.

Sec. 13-1-209 Nonconforming Performance Standards.

The use of any lot or parcel failing to comply with the performance standards set forth in this Chapter at the time of the adoption of this Chapter shall not be expanded unless the expansion conforms with the performance standards set forth in this Chapter.

Sec. 13-1-210 through Sec. 13-1-239 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-240 Traffic Visibility Triangle.

(a) **Vision Setback at Intersections of Public Streets.**

- (1) No obstructions, such as structures, fences, parking or vegetation shall be permitted in any zoning district between the heights of two (2) feet and ten (10) feet above the plane through the centerline of the street within the triangular space formed by any two (2) existing or proposed intersecting street, road or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection. [See Illustration #2].
- (2) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.

- (b) **Exception.** In the case of federal, state, county, or Village arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-241 Loading Requirements.

(a) **Loading Space Requirements.**

- (1) **General Requirements.** In all zoning districts adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public right-of-way and so that all vehicles need not back onto any public right-of-ways.
- (2) **Specific Loading Standards.** On every lot on which a new business, commercial or industrial use is hereafter established, off-street loading space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:
 - a. **Businesses (retail and office):** One space (1) of at least 12 x 25 feet for each 3,000 square feet of floor area or part thereof.
 - b. **Wholesale and Industrial:** One (1) space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.
 - c. **Bus and Truck Terminals:** Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** All loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall not be located less than twenty-five (25) feet from any street right of way; nor less than fifty (50) feet from a residential district unless within a building. Loading areas shall not occupy more than one-half (1/2) the required front yard setback. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length as set forth above by use classification, and a vertical clearance of at least fourteen (14) feet. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All new open off-street loading berths shall be improved with a compacted gravel base, not less than six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.
- (h) **Unlawful Truck Use.** No trucks or semi-trailers shall be used for the purpose of regular storage of goods or materials, or for advertising purposes, within the Village of Bristol. Use for a period in excess of two (2) weeks for the purpose of storage or advertising shall, for the purpose of construction of this Zoning Code, be deemed a regular use in violation of this Chapter.

Sec. 13-1-242 General Parking Standards.

- (a) **Generally.** The off-street parking provisions of this Chapter shall apply to all buildings and structures erected after the effective date of this Chapter. Accessory parking shall be according to the provisions of this Article. Where the intensity of the use of any building, structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Zoning Administrator. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway location. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
- (b) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a public or private street or alley in a manner which will least interfere with traffic movement.
- (c) **Design Standards.**
 - (1) Each parking space shall not be less than eighteen (18) feet in length and ten (10) feet in width [one hundred and eighty (180) square feet], exclusive of aisles and access drives. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street.
 - (2) Any parking area of more than five (5) spaces adjoining a residential property shall be sufficiently screened in the form of a solid fence/wall or shrubbery to protect adjacent residential uses; such screening shall be constructed and maintained at a minimum height of four (4) feet at the time of planting or installation. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands. Chain link fencing shall not be utilized in conjunction with the parking area.
 - (3) The aisle width within parking lots shall be a minimum of twenty-four (24) feet between the ends of the parking spaces.
- (d) **Location.**
 - (1) All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed five hundred (500) feet from the principal use. All parking lots shall have the same zoning district as the principal use.
 - (2) Off-street parking is permitted in all yards of all districts except in the nondriveway front yards of single-family and two-family residence districts but shall not be closer than ten (10) feet to a side lot line or rear lot line or closer than fifteen (15) feet to a right-of-way. No parking space or driveway, except in residential districts, shall be closer than fifteen (15) feet to a residential district lot line, and a chain link fence shall not be used in conjunction with such parking area.

- (3) Off-street parking in the single-family and two-family residence districts is permitted in the front yard on a proper driveway, even though closer than ten (10) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2 of this Code of Ordinances.
- (4) In any off-street parking area, other than that provided for a single-family or two-family residence, which abuts a residential district, no vehicle shall be allowed to travel on the driveway or park closer than twenty (20) feet to the abutting residential use property line.
- (e) **Surfacing.** All new off-street parking areas for more than five (5) vehicles, except parking spaces accessory to a single-family or two (2) family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds (normally, a two [2] inch lift of blacktop on a four [4] inch base or five [5] inches of Portland cement will meet this requirement). Any parking area for more than ten (10) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used only with the approval of the Village Board. All parking lots three thousand (3,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.
- (f) **Landscaping.**
 - (1) **Accessory Landscape Area.** All public and private off-street parking areas which serve four (4) vehicles or more and are created subsequent to the adoption of this Code shall be provided with accessory landscape areas. 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 preservation 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 the Tables contained in Article I of this Chapter.
 - (2) **Location.** Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built

and maintained at a minimum height of four (4) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be two (2) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.

- (5) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- (6) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed and shielded away from adjacent properties and public streets in such a way as not to create a nuisance (cut-off type luminaries only), in compliance with the Village's standards in Title 15, Chapter 10 of the Bristol Code of Ordinances. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (7) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area; the Village Board may grant an exception to this green area requirement in instances where it is not feasible to have such an open green space.
- (g) **Curbs.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (h) **Employee Parking.** In addition to the requirements in Subsection (g), in all districts except industrial there shall be employee off-street parking provided at the ratio of one off-street parking space for each full-time employee. A full-time employee shall be one working forty (40) hours per week. Required parking spaces for part-time employees shall be arrived at by finding the equivalent hours of number of parking spaces needed for full-time employees based on hours worked. The number of employee parking spaces shall be based on employment at the time the building is erected, enlarged, structurally altered or changed to a higher classification use.
- (i) **Uses Not Listed.** In the case of structures or uses not mentioned in Sec. 13-1-243, the provision for a use which is similar shall apply, as determined by the Plan Commission.
- (j) **Computing Requirements.** In computing the number of spaces required, the following rules shall govern:
 - (1) Floor space shall mean the gross floor area of the specific use.
 - (2) For structures containing more than one (1) use, the required number of spaces shall be computed by adding the space required for each use.
 - (3) Where parking spaces are calculated according to the use of the parcel.
- (k) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:

- (1) **Location.** The proposed joint parking space is within five hundred (500) feet of the use it will serve.
 - (2) **Conflict Determination.** The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) **Use Agreement.** A properly drawn legal instrument approved by the Village Board, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Village Clerk-Treasurer. Said instrument may be a three (3) party agreement, including the Village and all private parties involved. Such instrument shall first be approved by the Village Attorney.
- (l) **Handicapped Parking Requirements.**
- (1) **State Code Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed. In case of conflict, the most restrictive provision shall be applicable.
- (m) **Americans With Disabilities Act (ADA) Requirements for Parking Spaces.**
- (1) **Accessible Parking Space Requirements.**
 - a. In any self-park facility, a certain number of spaces must be set aside for wheelchair access as summarized in the following table:

Total Spaces	Minimum Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 & over	20 plus 1 per 100 over 1000 spaces

- b. Exceptions:
 1. Outpatient units at medical care facilities — 10% of total spaces for that facility.

2. Medical care facilities specifically for treatment of the mobility impaired — 20% of the total spaces for that unit.
- (2) **Accessible Parking Space Dimensions.**
 - a. Standard Accessible Spaces. Accessible spaces shall consist of a sixteen (16) foot wide parking stall adjacent to an eight (8) foot wide access aisle.
 - b. Vertical Clearance. Along at least one (1) aisle to and from each accessible space, a minimum clearance of eight feet two inches (8'2") [ninety-eight inches (98) inches] is required.
- (3) **Location of Accessible Spaces.**
 - a. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.
 - b. Accessible parking spaces need not be provided in each parking structure provided the different location has equivalent or greater accessibility in terms of distance from an accessible entrance.
- (4) **Accessible Route.**
 - a. At least one (1) accessible route with a continuous minimum clearance of thirty-six (36) inches must be provided from accessible parking spaces to the nearest accessible pedestrian entrance.
 - b. If an accessible route has less than sixty (60) inches clear width then passing spaces at least sixty (60) inches by sixty (60) inches must be located at reasonable intervals not to exceed every two hundred (200) feet.
 - c. The floor slope along an accessible route shall not exceed one in twelve (1:12) with a maximum rise of thirty (30) inches for any run.
 - d. A level landing shall be provided at the bottom of each ramp and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60) inches long. At changes in direction a sixty (60) inch by sixty (60) inch landing shall be provided.
 - e. The cross slope of ramps shall not exceed one in fifty (1:50).
 - f. The floor slope at loading zones shall not exceed one in fifty (1:50).
 - g. It is preferable to provide the accessible route at the front of the stalls. Also, the accessible route shall avoid crossing lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and marked by a crosswalk.
- (n) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
- (o) **Off-Lot Parking.**
 - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or such parking spaces may be located off-lot provided the parking spaces are

located in the same district and not over five hundred (500) feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the County Register of Deeds requiring such owner, his/her heirs or assigns to maintain the required facilities for the duration of the use served.

- (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within five hundred (500) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (p) **Parking Assistance Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in Article H of this Chapter.
- (q) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.
- (r) **Semi-Trailer and Other Heavy Truck Parking On Private Property.**
- (1) Semi-trucks, trailers and cabs, specialized construction equipment, and heavy vehicles/equipment such as, but not limited to, backhoes, bulldozers, dump trucks, cement trucks, livestock trucks, and mobile homes shall not be permitted to be parked on parcels in residential zoning districts. An exception is that one (1) owner-operated semi-tractor of a resident of a lot in the R-1 Residential District or an Agricultural District may be temporarily parked in the rear yard or front yard within required setbacks. Such semi-tractor shall be owned by the resident. Outside parking of a semi-trailer is not permitted.
 - (2) Except within permitted transshipment depots, no trailer shall be used for continuous outdoor storage. "Continuous outdoor storage" shall be the use of a trailer for the storage of a product to be sold for more than thirty (30) days in a three hundred and sixty-five (365) day period.
 - (3) The parking of a school bus on a residential-zoned parcel is not permitted, except for those residents actively engaged as school bus drivers at the time of adoption of this Chapter.

- (4) No truck or trailer shall be parked for primarily advertising purposes within the Village of Bristol.
- (s) **Recreational Vehicles and Boat Parking.**
 - (1) One (1) boat/trailer may be parked on a driveway outside of the public right-of-way on lakefront lots.
 - (2) Sections 10-1-21 and 10-1-23 of the Village of Bristol Code of Ordinances shall be complied with regarding the parking of vehicles, trailers and recreational vehicles. [Note: Restrictive covenants may have additional standards.]

Cross-Reference: Sections 13-1-324 through 13-1-328.

Sec. 13-1-243 Specific Off-Street Parking Stall Requirements.

In all zoning districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following standards; the Plan Commission may develop and require standards for uses not listed:

(a) **Residential Uses.**

- (1) **Single-Family Dwellings (Including manufactured and mobile homes):** 2 stalls for each dwelling.
- (2) **Two-Family Dwellings:** 4 spaces for each duplex building.
- (3) **Multi-Family Dwellings:** 2 spaces for one and two bedroom units; 2.5 spaces for three or more bedroom units; plus 1 space for every eight units for guest parking.
- (4) **Assisted Living Arrangements/Community Based Residential Facilities:** 1 space for each six resident beds, plus 1 space for each employee on the largest shift; plus 1 space per staff member and visiting doctor.

(b) **Commercial Uses.**

- (1) **Art Gallery:** 1 space for each 250 square feet.
- (2) **Automatic Teller Machine (Free-Standing):** 2 spaces for each machine.
- (3) **Automobile Body Shop:** 1 space for each service bay and mechanic.
- (4) **Automobile Parts Store:** 1 space for each 400 square feet of leased or utilized area, plus 1 space for each employee on the largest work shift.
- (5) **Automobile Repair and Service:** 1 space for each 250 square feet of floor area, plus 1 space for each full-time employee.
- (6) **Automobile Sales:** 1 designated customer space for each 600 square feet of enclosed floor area, plus 1 space for each 2,000 square feet of outside display area.
- (7) **Banks and Other Financial Institutions:** 1 space for each 250 square feet of usable floor area, plus 6 stacking spaces for each drive-up window.
- (8) **Banquet Halls and Other Public Assembly Halls:** 1 space for each 50 square feet of the halls floor space.

- (9) **Bars, Coffee Shops, Restaurants, Clubs, Lounges, and Places of Entertainment:** 1 space for each 100 square feet of floor area, plus 1 space for each two employees.
- (10) **Barber, Beauty Shop, or Hair Salon:** 1 space for each chair, plus 1 space for each 2 employees.
- (11) **Bed and Breakfast Establishment:** 1 space for each sleeping room, plus 1 space for each permanent resident.
- (12) **Bookstore:** 1 space for each 300 square feet of gross floor area, plus 1 space for each employee.
- (13) **Bowling Alley:** 3 spaces for each alley, plus 1 space for each employee.
- (14) **Car Wash (Automatic):** 1 parking space, 5 stacking spaces before and 2 stacking spaces after for each wash bay.
- (15) **Car Wash (Self-Service):** 1 parking space, 1 drying space, plus 2 stacking spaces for each wash bay.
- (16) **Convenience Store:** 1 space for each 200 square feet of gross floor area.
- (17) **Day Care Center:** 1 space for each caregiver on the largest work shift, plus 1 space for every 6 children, plus an unobstructed pick-up space with adequate stacking area, plus a safety zone of 15 feet in width between parking spaces and the front of the building entrance.
- (18) **Funeral Home:** 1 space for each 500 square feet of gross floor area.
- (19) **Gas Station (Without a Convenience Store):** 1 space for each employee on the largest shift (no less than 3).
- (20) **Gas Station (With a Convenience Store):** 1 space of each 200 square feet of gross floor area of salesroom.
- (21) **Gas Station (With a Convenience Store and a Fast Food Restaurant):** 1 space for each 150 square feet of gross floor area, plus 1 space for each employee on the largest work shift.
- (22) **Greenhouse or Nursery:** 1 space for each 200 square feet of gross floor area of salesroom; 2 spaces for each 3 employees on the largest work shift.
- (23) **Grocery or Other Retail Store:** 1 space for each 200 square feet of leaseable area.
- (24) **Health Club:** 1 space for each 50 square feet of floor area.
- (25) **Hotels; Motels:** 1 space for each guest room, plus 1 space for each 3 employees on the largest work shift.
- (26) **Medical or Dental Office:** 5 spaces for every doctor, plus 1 stall for every 2 employees on the largest work shift.
- (27) **Movie Theaters:** 1 space for each 100 square feet of floor area, plus 1 space for every 2 employees on the largest work shift.
- (28) **Night Club:** 1 space for each 400 square feet of floor area.
- (29) **Professional Offices:** 1 space for each 400 square feet of floor area.
- (30) **Self-Storage Facility (Mini-Warehouse):** 1 space for each 10 storage units, plus 1 space for each employee.

- (31) **Veterinarian:** 4 spaces for every doctor, plus 1 space for every additional employee.
- (32) **Zoo:** 1 space for each 2,000 square feet of lot area.
- (c) **Industrial Uses.**
 - (1) **Manufacturing:** 5 spaces, plus 1 space for each employee on the largest work shift.
 - (2) **Warehousing/Distribution Center:** 1 space for every 2 employees on the largest work shift.
- (d) **Institutional Uses.**
 - (1) **Cemetery:** 1 space for each full-time employee.
 - (2) **Church; Place of Worship; Synagogue:** 1 stall for every 4 seats.
 - (3) **High School; College:** 1 space for every teacher, staff member and support staff on the largest work shift, plus 1 space for every 5 students.
 - (4) **Elementary School; Middle School; Junior High School:** 1 space for every teacher, staff member and support staff on the largest work shift, plus 1 space for every two classrooms.
 - (5) **Governmental Office:** 1 stall for every 300 square feet of floor area.
 - (6) **Hospital; Nursing Home:** 1 space for every 3 beds, plus 1 space for every 5 outpatients, plus 1 space for each employee on the largest work shift.
 - (7) **Libraries and Museums:** 1 space for every 400 square feet of floor area.
 - (8) **Boarding House; Fraternity/Sorority; Dormitory:** 1 stall for each bed.
- (e) **Recreational Uses.**
 - (1) **Amusement Center:** 1 space for each 150 square feet of gross floor area, building or ground area devoted to each use, or 1 space for each 4 seats of facilities available for patron use, whichever is needed for the facility.
 - (2) **Athletic Field (Amateur or Youth):** 12 spaces for each field.
 - (3) **Golf Course:** 3 spaces for each golf hole, plus 1 space for each 2 employee on the largest work shift.
 - (4) **Golf Driving Range:** 2 spaces for every tee.
 - (5) **Marina:** 1.5 spaces per boat slip.
 - (6) **Miniature Golf Course:** 1 space per hole, plus 1 space per employee on the largest work shift.
 - (7) **Parks, Recreation Areas and Community Centers:** 1 space for every 2 employees, plus spaces in adequate number as determined by the Zoning Administrator.
 - (8) **Skating Rink; Public Swimming Pool:** 1 space for every 3 persons, based on the maximum number of persons that can be accommodated at the same time in accordance with design capacity and fire regulations, plus 1 space for every 2 employees.

Sec. 13-1-244 Highway Access.

- (a) **Highway Access.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission

of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.

- (b) **Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (c) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-245 Off-Street Parking Restrictions in Residential Areas.

- (a) **Where Permitted.** Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
 - (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard, but only on one (1) paved or graveled driveway in compliance with the standards of Title 6, Chapter 3 and for not more than three (3) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
 - (4) In the R-6 and R-6A Districts, off-street parking of vehicles on driveways located up to property lines provided the parcel owner has obtained a signed and notarized affidavit of consent to run with the land from the owner(s) of record of the neighboring properties agreeing to the closer distance, and has recorded this document against all affected parcels with the County Register of Deeds.
- (b) **Additional Permitted Areas.** Regardless of the provisions of Subsection (a) above, the Village Board may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Village Board, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this Subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after a conditional use proceeding under Article E of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.

(c) **Vehicle Limitations.**

- (1) In a residential district, accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger vehicles of patrons, occupants or employees and not more than two (2) trucks limited to one (1) ton capacity.
- (2) Only two (2) vehicles licensed as trucks may be parked on a residential lot. Such vehicles are limited in size to a maximum of one (1) ton capacity.
- (3) All vehicles parked on a residential lot shall be in condition for safe and effective performance of the function for which they are designed.
- (4) All motor vehicles parked on a residential lot shall display current license plates and have valid registration.

Sec. 13-1-246 through Sec. 13-1-279 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

Sec. 13-1-280 Purpose of Sign, Canopy and Awning Regulations.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every tenant and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Bristol; painting, posting and general maintenance are excepted.

Sec. 13-1-281 Signs, Canopies, Awnings and Billboards— Definitions.

- (a) **Sign Code Definitions.** The following definitions are used in this Article (Note: Not all types of signs defined herein are permitted under this Article):
- (1) **Abandoned Sign.** A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **Animated Sign.** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.
 - (3) **Area of Copy.** The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration.
 - (4) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface.
 - (5) **Awning.** A movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure. For purposes of this Article, an "awning sign" is any awning. Decorative awnings without lettering or imagery are not considered signs.
 - (6) **Banner.** A banner sign is generally constructed of a flexible non-rigid material (i.e. canvas, cloth, plastic, etc.) upon which goods, events or advertising has been placed, mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

- (7) **Billboard.** A flat surface, as of a panel, wall or fence on which signs are posted advertising goods, products, facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (8) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (9) **Building Front.** The horizontal, linear dimension of that side of a building which faces a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees also shall qualify as a building front.)
- (10) **Bulletin Board.** A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.
- (11) **Canopy.** Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.
- (12) **Canopy Sign.** Any sign attached to or constructed in, on or under a canopy for the purpose of this Article, canopy signs shall be controlled by the rules governing projecting signs.
- (13) **Changeable Message Sign.** A sign such as a manual, electronic or electric controlled time and temperature sign message center, or reader board, whether electronic or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.
- (14) **Copy Area.** The geometric area in square feet that encloses the actual copy message of the sign.
- (15) **Directional Sign.** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.
- (16) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (17) **Directory Sign.** Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (18) **Display Surface or Face.** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.
- (19) **Distance of Sign Projection.** The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

- (20) **Electric Sign.** Any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.
- (21) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (22) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (23) **Flat Sign/Flush Mounted.** See definition for "Wall Signs."
- (24) **Freestanding (Ground and/or Pylon Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (25) **Grade.** The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's centerline.
- (26) **Gross Area.** The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area of Copy apply.
- (27) **Ground Sign.** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building. Also known as a "freestanding sign."
- (28) **Height of Sign.** The vertical distance measured from the mean centerline street grade to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.
- (29) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (30) **Illuminated Awning.** An internally illuminated awning fabricated from a translucent material, or one which is backlighted as to appear to illuminate the awning sign. An illuminated awning may be used for an awning sign when other requirements are met.
- (31) **Illuminated Canopy.** An internally illuminated canopy, or one which is backlighted as to appear to illuminate the canopy sign.
- (32) **Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- (33) **Indirectly Illuminated Sign.** A sign that is illuminated from a source outside of the actual sign.
- (34) **Joint Identification Sign.** A sign which serves a common or collective identification for two (2) or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof.

- (35) **Legal Non-Conforming Sign.** Any sign which was already in existence and displayed on the effective date of this Article, which met code requirements when originally installed, but not meeting the requirements and limitations of this Article.
- (36) **Marquee.** A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (37) **Marquee Sign.** Any sign attached to or constructed in a marquee.
- (38) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (39) **Off-Premises Third Party Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.
- (40) **On-Premises Sign.** A sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.
- (41) **Painted Wall Signs.** Signs painted directly onto a building wall.
- (42) **Political Sign.** Any sign displaying a candidate for an election, or a current referendum's or election's subject matter.
- (43) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground or a building which is designed to be easily moved from one location to another.
- (44) **Projecting Sign.** A sign other than a wall sign which projects from a wall or roof and is supported by a wall or roof of a building. (See "Wall Sign".)
- (45) **Pylon Sign.** Any freestanding sign mounted on a pole or other pylon.
- (46) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (47) **Roof Line.** The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.
- (48) **Roof Sign.** A sign erected upon or above the roof line or parapet of the building or structure.
- (49) **Sandwich Sign.** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.
- (50) **Sign.** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.
- (51) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.
- (52) **Sign Inspector.** That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this Article. In the Village of Bristol, the Sign Inspector will be the Zoning Administrator or Building Inspector.

- (53) **Sign Permit.** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to this Article and the Building Code of the Village of Bristol.
- (54) **Sign Structure.** Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.
- (55) **Subdivision Identification Sign.** A sign permanently located at entrances or along streets/highways identifying a particular subdivision wherein only the name of the subdivision is specified.
- (56) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.
- (57) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed thirty (30) consecutive days or which is displayed only during regular business hours and removed for storage at other times. Examples of temporary signs include banners and decorative-type displays. For purposes of this Article, a portable sign is not a temporary sign.
- (58) **Time and Temperature Sign.** An electrically controlled sign displaying time and temperature for public service information and may be incorporated into a business identification sign.
- (59) **Third Party Sign.** Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.
- (60) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (61) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Article a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-282 Required Permits for Signs, Canopies, Awnings and Billboards; Review Guidelines.

(a) Permit Required.

- (1) Except for those signs specified in Section 13-1-283, no sign, billboard, awning or canopy, as defined in this Article, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article, Section 84.30, Wis. Stats., and H19, Wis. Adm. Code.
- (2) Signs also shall meet all other structural requirements of other applicable codes and ordinances of the Village of Bristol.

- (3) Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. Back-to-back signs shall constitute one (1) sign within the meaning of this Article.
 - (4) The required sign permit fee shall accompany each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure.
 - (5) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.
- (b) **Application for a Permit.** Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:
- (1) The name, address and telephone number of the applicant.
 - (2) The name and address of the owner or owners of the premises upon which the sign is to be attached or erected, including written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.
 - (3) The street number and street name or tax parcel number of the land upon which the sign is to be attached or erected.
 - (4) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.
 - (5) The basic materials to be used in the construction of the sign.
 - (6) The name, address and telephone number of the owner of the sign if he or she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.
 - (7) A description of all electrical equipment if the sign is to be lighted or illuminated.
 - (8) Proof of payment of the appropriate sign permit fee, when required.
 - (9) Any other item of information that may be reasonably required by the Zoning Administrator, or other Village officials, for the purpose of application evaluation.
- (c) **Basis for Granting.** In reviewing a sign permit application, the Zoning Administrator may consider the following factors in deciding whether or not to grant the issuance of a sign permit [see also Subsection (d) below]:
- (1) Whether the sign is designed, installed, and maintained to promote the surrounding environment desired by the general public, pursuant to the objectives of proper design and zoning criteria.
 - (2) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (3) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.

- (4) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
 - (5) Whether the sign is in compliance with the provisions of this Article.
 - (6) Whether the sign is in compliance with the provisions of this Code of Ordinances relating to traffic safety, traffic visibility setbacks, historic preservation and zoning.
- (d) **Sign Design Review Guidelines.** In addition to the criteria established in Subsection (c) above, the following Sign Review Guidelines shall be used by the Zoning Administrator in acting on sign permit applications and by the Zoning Board of Appeals in acting on appeals or variance requests regarding signs:
- (1) Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
 - (2) All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in special planning areas, such as the downtown, or historic preservation areas, will be required to conform to the planned dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.
 - (3) As a general guidelines and where feasible, ground mounted, free standing signs larger than six (6) square feet shall be located at least one hundred (100) feet apart.
 - (4) Signs illuminated by floodlight or spotlights must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians, and may not exceed three (3) footcandles at the lot line.
 - (5) As a general guideline, the number of colors and materials should be kept to a minimum.
 - (6) Landscape features will be encouraged as part of all ground mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage area.
- (e) **Permit Issuance/Denial.**
- (1) All sign permit applications shall be reviewed by the Zoning Administrator, who shall deny or grant such applications, within ten (10) business days of receipt of the complete application and payment of fee. If the sign meets the requirements of this Article, and all other ordinances of the Village of Bristol, the Zoning Administrator shall issue a permit therefor.
 - (2) If the sign permit is denied by the Zoning Administrator, within seven (7) business days a written notice of the denial shall be provided to the applicant, together with a brief written statement of the reasons for the denial.
 - (3) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

- (f) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who may inspect the premises to inspect whether the sign complies with the regulations of this Article.
- (g) **Appeal of Denial of Sign Permit.**
 - (1) Any decision of the Zoning Administrator under this Article may be appealed to the Board of Appeals under the procedures of Sec. 13-1-523. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of permit denial.
 - (2) A majority vote of the Board of Appeals is required to modify the earlier determination of the Zoning Administrator.
- (h) **Permit Revocation; Appeal.**
 - (1) A sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
 - (2) The holder of a revoked sign permit may appeal such revocation action to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of the original permit revocation.
 - (3) Upon any permit revocation or failure to prevail before the Board of Appeals, the sign(s) subject to such revoked permits shall be removed by the licensee within thirty (30) days of such revocation.
 - (4) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
- (i) **Standards for Board of Appeals in Reviewing Appeals.** The Board of Appeals may authorize upon appeal, in specific cases, issuance of a sign permit when such decision will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done. No Board of Appeals's appellate decision shall have the effect of allowing in any district uses prohibited in that district or permit standards significantly lower than those required by state law or this Article.
- (j) **Stay of Proceedings During Appeals.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.
- (k) **Signs in Historic Districts.** In addition to these sign regulations, all signs within any historic district shall be subject to the provisions of the Village's Historic Preservation Code regulations (if adopted).

- (l) **Permit Validity.** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within one hundred eighty (180) days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

Cross-Reference: Section 13-1-523, Variances.

Sec. 13-1-283 Signs Not Requiring a Permit.

The following signs may be erected and maintained in all zoning districts, except where noted, without a permit and without being deducted from gross sign surface area permitted:

- (a) **Agricultural Product and Farm Identification Signs.** Limited to two (2) signs per road frontage, not exceeding twenty (20) square feet in area, and related to the agricultural premises on which it is installed. Farm signs shall not be located closer than fifteen (15) feet from a public right-of-way.
- (b) **Bulletin Boards.** One (1) bulletin board per street frontage, and not to exceed forty-eight (48) square feet in display area, for public, charitable or religious institutions located on the premises. Setback requirements shall also be complied with.
- (c) **Government/Official Signs.** Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty. Included within this definition are off-premises institutional signs.
- (d) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (e) **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.
- (f) **Occupant Signs.** Signs limited in content to name of occupant, address of premises, occupation, and signs of danger. Occupant signs shall be a maximum of one (1) per street front and no more than four (4) square feet in sign area.
- (g) **Government Notices.** Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes or to identify streets or to warn of danger.
- (h) **Construction or Hazardous Condition Safety Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.

- (i) **Traffic and Service Signs on Private Premises.** Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only", "restricted for _____", and the like, the sole purpose of which is to direct and control traffic on the premises and which does not exceed ten (10) feet in height nor contain more than twelve (12) square feet per face. Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without permit under this exception.
- (j) **Signs Required by Law.** Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.
- (k) **Real Estate Signs.** One (1) sign per street frontage may be placed on the offered property and shall not be more than nine (9) square feet in area for residential property and not more than thirty-two (32) square feet in area for non-residential property. The sign shall be located at least fifteen (15) feet from the outer edge of the highway right-of-way. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company, or individuals and their respective addresses and telephone numbers, posting the sign. Such signs shall be removed within thirty (30) days after sale, rental or lease of the property.
- (l) **Signs in Display Windows.** Signs in the display window of a business which relate to services or products offered therein. The window sign must direct attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial buildings and shall not exceed thirty-five percent (35%) of the glass area of the pane upon which the sign is displayed.
- (m) **On-Premises Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
- (n) **On-Premises Temporary or Portable Signs in Residential Districts.** Temporary or portable signs under twenty (20) square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary may be erected three (3) days prior to the event and removed five (5) days thereafter, but may not exceed a total period of thirty (30) days per twelve (12) month period.
- (o) **Civic Event Temporary Signs.** Temporary off-premises signs not exceeding twelve (12) square feet in residential or districts, or thirty-two (32) square feet in commercial, industrial or agricultural districts, pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations, provided such signs are posted not more than thirty (30) days before said event and removed within ten (10) days after the event.
- (p) **Political Signs (Temporary).** Political message, public election or referenda signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., may not be posted before the date of filing nomination papers for an elected office, or sixty (60) days before a referendum election, and must be removed within thirty (30) days after said election. Said

sign shall be located at least fifteen (15) feet from the outer edge of the highway right-of-way line and, with respect to corner lots, and shall not be located within the vision triangle or on public property.

- (q) **Rummage/Garage Sale Signs.** Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale; such signs shall be erected no sooner than twenty-four (24) hours prior to the sale date and be removed twenty-four (24) hours after such sale. Rummage or garage sale signs may only be located on the day of the garage sale within street right-of-way lines between the private property line and the pavement edge with the permission of the adjoining private property owner or renter in a location which does not create a visibility or traffic hazard (as determined by the Zoning Administrator or other enforcement officer).
- (r) **Open/Closed Signs.** Illuminated and non-illuminated signs not exceeding ten (10) square feet in area announcing that a business is open or closed.
- (s) **Directional Signs.** A sign not exceeding twelve (12) square feet in area, for the purpose of directing persons to service clubs, churches, hospitals or schools or other other non-profit organizations may be permitted in any zoning district. No setback is required.

Sec. 13-1-284 Residential Signs Requiring a Permit.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-283, the following nonflashing, nonilluminated signs (except as otherwise provided) are permitted under the conditions specified in all residential and agricultural districts, and planned unit developments overlay districts (residential) established by the Village's Zoning Code:

- (a) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Subdivisions.** Temporary signs accessory to subdivision developments or other permitted improvements in residential subdivisions are allowed by permit, subject to the following:
 - (1) **Content.** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, of lots for sale, or for the identification of other nonresidential uses/buildings under construction.
 - (2) **Area, Number and Setback.** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. Such signs shall observe the front yard requirement of the principal use and shall be located no closer than fifteen (15) feet from the outer edge of the highway or street right-of-way.
 - (3) **Height.** No sign shall project higher than eight (8) feet above curb level.
 - (4) **Time Limitations.** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit or when the parcels being advertised are sold, whichever occurs first.
- (b) **Permanent Subdivision Identification Signs.** Permanent subdivision identification signs are allowed by permit, subject to the following:

- (1) **Content.** The signs shall bear only the name of the subdivision or development.
 - (2) **Area and Number.** There shall be not more than two (2) signs located at each entrance to a subdivision. The permitted location, size and design of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area and the type and purpose of the sign.
 - (3) **Height.** No sign shall project higher than twelve (12) feet above curb level.
 - (4) **Location.** The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.
- (c) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:
- (1) **Area and Number.** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed thirty-two (32) square feet in area nor be closer than five (5) feet from any lot line.
 - (2) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.
- (d) **Bed and Breakfast Signs.** Subject to the following:
- (1) **Content.** The sign shall bear only the name, address and other pertinent information regarding the bed and breakfast establishment.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot street frontage. No sign shall exceed eight (8) square feet in area. Such sign shall have a ten (10) feet setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.
- (e) **Home Occupation/Professional Home Office.** Subject to the following:
- (1) **Content.** The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with the Village's Zoning Code.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot. No sign shall exceed six (6) square feet in area. Such sign shall have a ten (10) foot setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.

Sec. 13-1-285 Commercial, Business, Manufacturing, Industrial, Institutional, and Park District Signs Requiring a Permit.

- (a) **Permitted Signs.** Except for those signs not requiring a permit under Sec. 13-1-283, the following signs in this Section shall require a permit to be issued by the Zoning Administrator. Signs may be permitted in specific zoning categories, subject to the following restrictions prescribed in this Section.
- (b) **Setback Requirements.** In zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign must be attached to the building and shall project no more than four (4) feet over the abutting public sidewalk or established street grade.
- (c) **Number of Signs Permitted.**
 - (1) **Total Number.** No more than one (1) off-premises third party sign or directory/community sign and two (2) signs of any other type requiring a permit shall be permitted at any business location, except that premises occupied by a shopping center may, as an alternative, have one (1) detached directory sign plus one (1) wall sign for each place of business located in said shopping center.
 - (2) **Corner Lots.** Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage; no street frontage buildings shall be allowed two (2) of the same type of sign for that particular business.
- (d) **Types of Signs, Maximum Size, Number and Location.**
 - (1) **Wall Signs.** Wall signs are permitted if placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall be limited to fifteen percent (15%) of the front face of the building facade or two hundred (200) square feet, whichever is less, and shall not exceed twenty (20) feet in height above the mean centerline street grade for any one (1) place of business.
 - (2) **Projecting Signs.** Projecting signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area for any one (1) place of business; shall not extend more than six (6) feet into any required yard; shall not be less than ten (10) feet from all lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way. Projecting signs shall be at least fifteen (15) feet from the right-of-way of any highway or street.
 - (3) **Ground Signs.**
 - a. Ground signs shall be limited to one (1) sign for each individual business premises which advertises the business names, services offered, or products sold on the premise.
 - b. Ground signs shall not exceed fifteen (15) feet in height above the mean centerline street grade [thirty (30) feet adjacent to an Interstate highway], shall meet all side and rear yard requirements for the district in which it is located, and

shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one (1) place of business.

- d.
- c. With the approval of the Zoning Administrator, larger developments with multiple street frontages and multiple entrances may erect a ground sign at one (1) or more of the entrances, provided that no ground sign is located closer than three hundred (300) feet to another ground sign on the same property. All other area, height, and setback requirements for ground signs herein shall be complied with.
 - d. Such signs shall be located at least fifteen (15) feet from the right-of-way of any Village street or road. All signs located on a federal/state highway must also have approval by the Wisconsin Department of Transportation if applicable.
- (4) **Roof Signs.** Roof signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one (1) place of business.
- (5) **Combination.** A combination of any of the signs in this Section, except window signs, erected at any one premise shall meet all the requirements for the individual sign type and shall not exceed one thousand two hundred (1200) square feet in total display area.
- (6) **Pylon Signs; Tower Signs.**
- a. Pylon signs shall not exceed fifteen (15) feet in height above the mean centerline street grade [thirty (30) feet adjacent to an Interstate highway]. Pylon signs shall not be placed in the B-1 or B-2 Districts. Height is measured above the mean centerline of street grade. The sign shall be completely within the property upon which it is located.
 - b. One (1) pylon sign per street frontage is permitted. Size is limited to one hundred (100) square feet for one (1) side, or two hundred (200) feet for all sides. When there exists a property zoned in a B-3 Highway Business District with continuous road/highway frontage in excess of three hundred (300) feet, the size is limited to two hundred (200) square feet per side or four hundred (400) square feet for all sides.
 - c. Any pylon sign shall have a minimum landscaped area of sixteen (16) square feet around the base of the pole.
 - d. Tower signs are pylon-type signs over fifteen (15) feet in height. Tower signs are prohibited.
 - e. Pylon/tower signs shall only be permitted on lands abutting Highway I-94.
- (7) **Off-Premises Third Party Signs.** Off-premises third party signs are prohibited except that a business in a B-1, B-2, or B-3 District may host one (1) off-premises third party or community/directory pylon or ground sign directing customers to another business location. No business shall employ or utilize more than one (1) off-premises directory/community sign within the limits of the Village. Shared signs shall comply with the dimensional requirements of Subsections (d)(4) and (5) above, except that the

secondary directory sign's dimensions shall not exceed fifty percent (50%) of the primary sign's maximum allowable dimensions. Such signs shall share the same pylon or ground sign mountings whenever possible.

- (8) **Shopping Center/Industrial Park Directory Signs.** In a shopping center or industrial park, one (1) free-standing identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed fifteen (15) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than sixteen (16) feet above a driveway or alley. Double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not exceed one hundred (100) square feet for one (1) side and a total of two hundred (200) square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed sixteen (16) square feet for one (1) side and a total of thirty-two (32) square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.
- (9) **Window Signs.** Window signs shall be placed only on the inside of commercial buildings and shall not exceed sixty percent (60%) of the glass area of the pane upon which the sign is displayed.

Sec. 13-1-286 Special Use Sign Requirements.

- (a) **Electronic Message Unit Signs.**
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.
 - (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (b) **Portable Signs/Message Boards.**
 - (1) The use of portable, temporary or non-fixed signs or message boards is prohibited within the Village unless the owner or tenant of the property on which such type of sign is to be located first obtains a portable/temporary sign permit from the Zoning Administrator. Such permit is subject to review by the Zoning Administrator for compliance with the requirements of this Subsection. The use of portable signs/message boards are limited to no more than five (5) days per month at any one premises. [See Subsection (d) below regarding sandwich sign standards].

- (2) The Zoning Administrator shall not issue a permit for placement of a portable sign/message board if it presents a vision obstruction. The maximum size of a portable sign/message board shall be twenty (20) square feet on each face, back to back. Portable signs/message boards shall be located at least fifteen feet from any public right-of-ways, shall not have flashing lights, shall not be illuminated in a manner as to obstruct highway visibility, and shall be securely fastened to prevent any hazardous condition.
- (c) **Search Lights.** The temporary use of a searchlight for advertising purposes in any zoning district is not permitted.
- (d) **Sandwich Signs.** In instances where the property owner or business tenant in a B-1 and B-2 Business Districts wishes to erect an on-premises temporary sandwich board advertising that business, there is a limit of one (1) sandwich board per business tenant and such sign shall not exceed four (4) feet in height and eight (8) square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit, valid for thirty days in this instance, and shall be placed in a manner so as not to present a hazard. Sandwich signs shall be removed from the right-of-way area at the close of each business day.
- (e) **On-Site Banner Signs; Searchlights.**
 - (1) On-site banner signs, whether permanent or temporary, shall not be erected for over sixty (60) days and require a sign permit.
 - (2) Searchlights are not permitted as an advertising medium in the Village of Bristol.
- (f) **Over-the-Street Banners.** Over-the-street banners are not permitted, except for civic activities following authorization from the Zoning Administrator.
- (g) **Neon Signs.** Exterior neon or gas illumination signs require a sign permit.
- (h) **Signs Not Permitted in Shoreland-Floodplain Areas.** Signs are not permitted in shoreland/floodplain areas.

Sec. 13-1-287 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Awning Extension from Curb Line.** No entrance awning shall extend beyond a point eight (8) feet into the right-of-way.

- (4) **Advertising.** No advertising shall be placed on any awning, except that the name and logo of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** The structural support of all canopies shall be properly designed and be approved by the Zoning Administrator as in compliance with the Building Code of the Village. All frames and supports shall be designed to withstand a wind pressure as provided in this Article. All canopies and awnings shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and/or awning and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Canopy Extension from Curb Line.** No entrance canopy shall extend beyond a point eight (8) feet from the face of a wall or building.
 - (4) **Advertising.** No advertising shall be placed on any canopy, except that the name and logo of the establishment may be painted or placed in a space not exceeding twenty-four (24) inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder, providing, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight (8) inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

Sec. 13-1-288 Landscaping Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with freestanding signs are encouraged and shall not be counted as allowable sign area. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

Sec. 13-1-289 Prohibited or Restricted Signs.

- (a) **Traffic or Safety Interference.**
 - (1) Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or

interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic.

- (2) No sign, awning or canopy shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
 - (3) No sign, billboard or other outdoor advertising media in any zoning district shall create a hazardous or dangerous distraction to vehicle traffic or a nuisance to adjoining property.
- (b) **Moving or Flashing Signs; Inflatable Signs; Time/Temperature Signs; Changeable Copy Signs.**
- (1) Unless in compliance with the standards of this Subsection, no sign shall be erected or maintained which has any flashing, rotating or brilliant intermittent parts or lights, bare reflecting-type bulbs, or utilizes a spot or beacon light to illuminate a sign, except those giving public service information such as time, date, temperature, weather or similar information.
 - (2) Public information display signs require approval by the Village Board. For purposes of this Section, time and temperature signs shall not be considered prohibited flashing signs.
 - (3) The display of the sign shall not change more rapidly than once every ten (10) seconds.
 - (4) The display of the sign shall not, or shall not appear to, flash, undulate, pulse, or portray explosions, fireworks, flashes of light, or blinking or chasing lights; the display of the sign shall not appear to move toward or away from the viewer, expand or contract, bounce, rotate, spin, twist, scroll, or otherwise portray movement of animation as it comes onto, is displayed on, or leaves the sign board.
 - (5) Each message display shall remain in a static state for at least ten (10) seconds.
 - (6) No message shall require more than ten (10) seconds to be displayed in its entirety.
 - (7) The sign display shall have a dark background with only the message or foreground lit in a white, red, orange, yellow, amber, or light tone or shade of said colors. A maximum of one (1) such color for sign illumination shall be allowed.
 - (8) The sign shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based upon ambient light conditions.
 - (9) Illumination from the sign shall not exceed 0.5 footcandle as measured at any point along the property boundary line. The maximum brightness level for the electronic sign shall not be obtrusive, as determined by the Village Board, to surrounding and abutting properties or the neighborhood and at no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels.
 - (10) Inflatable signs and advertising media are prohibited in the Village of Bristol.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Article.

- (d) **Billboards.** No new billboards shall be permitted in the Village of Bristol after the original effective date of this Article. Billboards located upon property annexed to the Village and existing as of the effective date of this Article are permitted to remain unless the owner structurally alters such billboard in any manner. If damaged, or if structural alteration is made/required, such billboard shall be permanently removed. However, any billboards existing as of the effective date of this Article must be removed permanently within three (3) years following annexation, and with such removal being agreed to in writing by the owner/lessor/lessee thereof in writing prior to such annexation.
- (e) **Painted Wall and Other Prohibited Signs.** Painted wall signs are signs which are painted directly onto the surface of the building; painted wall signs are prohibited in the Village of Bristol. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on any sidewalk, curb, gutter, street, post, fire hydrant, pole or tree, any other sign, building, fence or other structure, nor shall any of said objects be defaced in any manner. No signage shall be used except those types specifically permitted by this Article.
- (f) **Immoral Sign Subjects.** Signs which bear or contain statements, words, pictures, or symbols of obscene, pornographic or immoral subjects are prohibited.
- (g) **Roof Signs.** Roof signs are prohibited in the Village of Bristol.
- (h) **Swinging Signs.** Swinging signs are prohibited.
- (i) **Advertising Vehicle Sign Configuration.** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purposes of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. Business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, are exempt from this prohibition.
- (j) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:
 - (1) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle, are prohibited.
 - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property, and which are of such intensity or brilliance as to cause a public nuisance, are prohibited.
 - (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
 - (4) The lighting of signs shall be in compliance with the standard of Title 15, Chapter 10.
- (k) **Signs in Conservancy Districts.** No commercial advertising sign shall be permitted in any conservancy zoning district.

Sec. 13-1-290 Nonconforming Signs.

(a) Nonconforming Signs.

- (1) **Nonconforming Sign Criteria.** Signs existing as of the effective date of this Article which do not conform to the provisions of this Article are nonconforming signs and shall be subject to the provisions of this Section. Nonconforming signs may be maintained. No nonconforming on-premises sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. [Refer to Subsection (b) below.] Compliance is the responsibility of the property owner.
- (2) **New Signs for Nonconforming Uses Not Permitted.** Business signs on the premises of a nonconforming use or building may be continued per this Section, but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.
- (3) **Removal of Nonconforming Signs After Amortization Period.** The Village Board finds that the Village's development and increased competition among various businesses located in the Village has significantly increased the number of signs. The result has been an excessive number of signs in some locations, which tend to increase public confusion, interfere with other signs, distract operators of motor vehicles, and cause visual blight. The Village Board has determined that it is in the public interest to gradually eliminate legal nonconforming signs over time. The Village Board also recognizes that owners of signs may have property interests of value in such nonconforming signs that may be amortized over time and thus is adopting a reasonable phase-out period. All legal nonconforming signs which could not be erected under the standards of this Article shall be removed, at the cost of the property owner, within twenty (20) years of the effective date of this Article.
- (4) **Removal Upon Business Termination.** Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use. Closed or terminated businesses shall have their signs removed by the property owner within ninety (90) days of closing of such business.
- (5) **Change in Sign User.** Whenever there is a change in the sign user (excluding off-premises signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.

(b) Alteration of Signs.

- (1) **Alteration Defined.** For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its

supporting structure, or its lighting including: changing the message (except for marquee or off-premises advertising signs), symbols, color, material, height or location.

- (2) **Maintenance Exception.** Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premises advertising sign.

(c) **Loss of Legal Nonconforming Status.**

- (1) In addition to the standards in Subsections (a) and (b) above, a sign may also lose its nonconforming status if one (1) or more of the following occurs:

- a. If said sign is damaged by fire, flood, explosion, earthquake, vandalism, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
- b. The sign is relocated;
- c. The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;

- (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.

- (d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs. However, legal nonconforming signs shall not be reinstalled, reconstructed or have their useful life extended.

Sec. 13-1-291 Dangerous and Abandoned Signs.

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or tenant of the premises upon which the sign is located if in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or tenant fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Zoning Administrator to the Board of Appeals.
- (b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an on-premises or off-premises sign is located when the business it advertised is no longer conducted where advertised.

If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.

- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Sign Code after the date of adoption are hereby declared public nuisances within the meaning of the Village of Bristol Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes or Village ordinance.

Sec. 13-1-292 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector or Zoning Administrator.
- (b) **General Requirements.**
- (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than forty (40) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
 - (2) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
 - (3) **Mounting Standards.**
 - a. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
 - b. All signs and supporting members shall be constructed of galvanized iron, properly treated steel, copper, brass, or other noncorrosive incombustible material or properly treated and structurally sound wood.
 - c. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction, and shall be maintained free from rust or other defects.

- d. Every device or means for attaching any sign shall extend through the walls or roof of the building, and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two (2) or more roof or ceiling joists.
 - e. Small flat signs containing less than ten (10) square feet of area may be attached to a building by the use of lag bolts or other means satisfying any pertinent building code requirements.
- (4) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.

Sec. 13-1-293 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals following a recommendation from the Zoning Administrator, pursuant to the procedures of the Village Zoning Code.

Sec. 13-1-294 Violations of Sign Code.

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects, improperly alters, or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty triple the amount of the permit otherwise required.
- (b) **Compliance Notice.**
 - (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, or has been improperly erected, altered or maintained, it shall give written notice to the sign owner and to the property owner.
 - (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article, per Sec. 66.0627, Wis. Stats.
- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
 - (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation, upon conviction thereof, be subject to a forfeiture as prescribed by Section 13-1-445.

- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from also maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-295 through Sec. 13-1-319 Reserved for Future Use.

Article I: Performance Standards; Landscaping and Bufferyard Requirements

Sec. 13-1-320 Performance Standards.

- (a) **Article Intent.** Article A of this Chapter permits specific uses in designated zoning districts. It is the intent of the Village of Bristol that the following performance standards of this Section designed to limit, restrict and prohibit the effects of those uses outside of their premises or district be imposed upon all parcels falling within the jurisdiction of this Zoning Code so as to protect the quality of the environment, safety and health of the citizens of the Village of Bristol, and to alleviate, and where possible, eliminate nuisances. It is further the intent of the Village of Bristol that all structures, lands, air and waters shall hereafter, in addition to their use, site, shoreland and sanitary regulations, comply with the following performance standards in this Section, and all applicable standards set forth in the Wisconsin Administrative Code.
- (b) **Performance Standards Procedures.**
 - (1) **Prior to Construction and Operation Situations.** Any application for a permit under this Chapter or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the performance standards hereinafter set forth.
 - (2) **Continued Compliance.** Continued compliance with the regulations and standards heretofore set forth in this Section is required and enforcement of such continued compliance with these regulations and standards shall be a duty of the Zoning Administrator.
 - (3) **Determination of Violation.** The Zoning Administrator shall investigate any reported violation of the hereinafter noted regulations and standards and, if there is reasonable grounds for the same, shall proceed in accordance with Subsection (b)(4) below and Article L of this Chapter.
 - (4) **Termination of Violation.** All violations, as ascertained in accordance with Subsection (b)(3) above, shall be terminated within thirty (30) days after notice of such violation and in the event that said violation is not terminated, it shall be deemed a separate violation for each date of its existence and subject to fines as set forth in this Chapter, except that certain uses established before the effective date of this Chapter and nonconforming as to the regulations and standards hereinafter set forth shall be given not more than one hundred and eighty (180) days in which to conform therewith after the determination of the existence of such violation and in the event said violation is not terminated, it shall be deemed a separate violation for each day it existed since the effective date of this Chapter.

(c) **Regulation of Nuisance Elements.**

- (1) ***Dangerous and Objectionable Elements Prohibited.*** No land or building in any zoning district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, dirt or other form of air pollution; water pollution; electrical, radioactive or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous and objectionable elements") in such amount as to adversely affect the surrounding area or premises; provided that any use permitted by this Chapter may be undertaken and maintained if it conforms to the regulations of this Section limiting dangerous and objectionable elements at the specified point or points of the determination of their existence.
- (2) ***Determination of Existence.*** The determination of the existence of any dangerous and objectionable elements shall be made at:
 - a. The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.
 - b. The property lines of the use creating such elements for noise, vibration, glare and odors.

(d) **Performance Standards to be Enforced.**

- (1) ***Air Pollution.*** No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than Number #2 on the Ringleman Chart described in NR 431 and NR 439, Wis. Adm. Code, as amended.
- (2) ***Electrical, Radioactive or Other Disturbances.*** No activity shall emit electrical, radioactive or other disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises. All applicable federal and state regulations shall be complied with.
- (3) ***Fire and Explosive Hazards.*** All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187°F	400,000
105°F to 187°F	200,000
Below 105°F	100,000

- (4) **Glare and Heat.** No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (5) **Noise.** In the following districts, the noise emitted from any source and measured at the property line or street right-of-way shall not exceed the amounts indicated in the following table. Sound levels under this Section shall be measured with a Type 1 sound level meter manufactured according to standards prescribed by the American National Standards Institute in specification S1.4 as updated. Measurements shall be made using an "A" weighted network of the sound level meter.

District	Time	Decibel (dBA) Level
A-1, A-2, A-3, A-4, R-1, R-2, R-3, R-4, R-5, R-6, PR-1, C-1, C-2	7:00 p.m. to 7:00 a.m.	65 dBA
	7:00 a.m. to 7:00 p.m.	70 dBA
R-7, R-8, R-10, R-11, R-12	7:00 p.m. to 7:00 a.m.	65 dBA
R-7, R-8, R-10, R-11, R-12	7:00 a.m. to 7:00 p.m.	75 dBA
B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4	All times	80 dBA

- (6) **Odors.** Except in the A-1, A-2 and A-4 Districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 129, Wis. Adm. Code, as amended.
- (7) **Erodible Land Regulations.** In addition to any other applicable use, site or sanitary regulation, the following organic and sandy soils listed below and any other soils having an erosion factor of three (3) shall not be used for crop production or grazing unless such lands make use of contour cropping practices or strip cropping practices or crop terraces:

133 - BmB, BmC2	416 - Ry
316 - BmB, BmC2	417 - CrD2, CrE
359 - MxD2	419 - SfB
414 - BmB, BmC2	451 - Ht

- (8) **Soil Capacity Regulations.** In addition to any other applicable use, site, or sanitary regulation, the following restrictions or regulations shall apply to the following soils as shown on the Operational Soil Survey Maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission and which are on file with the Zoning Administrator:

- a. **Erodibility.** Because of their erodibility and very low agricultural capabilities, tillage is permitted on the following rough, broken, sandy, stony, or escarpment soils only when conducted in accordance with sound soil conservation practices and after review by the Soil Conservation Service:

75 - CcB, CrC, CrD2, CrE	417 - CrD2, CrE
282 - CeB, CrC, CrD2, CrE	419 - SfB
416 - Ry	

- b. **Farm Drainage Systems.** Farm drainage systems may be installed on the following soils, which soils are subject to a flooding hazard and which have generally unsuitable soil characteristics for an operative drainage system, only if installed in accordance with sound soil conservation practices and after review by the USDA Soil Conservation Service:

4 - Mf	11 - Am
5W - Sg	11W - Ww
7 - Dh	54 - Lp
10 - Am	419 - SfB
10W - Ww	452 - Ac

- c. **Severely Limited Soils - Grazing Permitted.** Because of very severe limitations for pasturing, grazing is permitted on the following soils when conducted in accordance with sound soil conservation practices and after review by the Soil Conservation Service:

4 - Mf	419 - SfB
416 - Ry	462 - Ht

- (9) **Steep Land Regulations.** In addition to any other applicable use, site, shoreland, or sanitary regulation, the following restrictions and regulations shall apply to all lands having slopes of twelve percent (12%) or greater as shown on the Operational Soil Survey Maps prepared by the USDA Soil Conservation Service in cooperation with the Southeastern Wisconsin Regional Planning Commission and which are on file with the Zoning Administrator:

- a. **Tillage and Grazing.** Tillage and grazing of lands with slopes of twelve percent (12%) or greater shall be permitted only if such tilling and grazing make use of contour cropping practices, strip cropping practices or cropping terraces. Spreading the manure or fertilizer on frozen ground and establishment of feed lots shall be prohibited when such practice would cause direct runoff of pollutants into a drainage way or water course.

- b. **Tree Cutting and Shrubbery Clearing.** Tree cutting and shrubbery clearing for the purpose of changing land use from wildlife or wood lot management on lands with slopes of twelve percent (12%) or greater shall be conducted so as to minimize erosion and sedimentation and promote the preservation of scenic beauty.
- (10) **Vibrations.** No activity in any zoning district except the M-1, M-2 and M-3 Districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1, M-2 or M-3 Districts shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles per Second)	Displacement (Inches)	
	Outside the Premises	Outside the District
0 to 10	0.0020	0.0004
10 to 20	0.0010	0.0002
20 to 30	0.0006	0.0001
30 to 40	0.0004	0.0001
40 to 50	0.0003	0.0001
50 and over	0.0002	0.0001

(11) **Water Quality Protection.**

- a. **Prohibited Discharges.** No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.
- b. **Administrative Code Compliance.** In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in NR 102, Wis. Adm. Code, as amended, for all navigable waters in the Village of Bristol.
- (12) **Floodproofing.** Floodproofing by means of elevating on fill is deemed inappropriate or impractical, and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the requirements found in Title 13, Chapter 2 of this Code of Ordinances governing floodplain zoning.

Sec. 13-1-321 Applicability of Landscaping Regulations.

- (a) **Landscaping Required.** Landscaping is required in bufferyards, in off-street parking areas, and in building foundation planting areas [foundation planting areas are those areas located within ten (10) feet of principal and accessory structures]. The area and/or length of each, as applicable and as required herein, must be measured in order to determine the minimum amount of landscaping required.
- (b) **Exemptions and Modifications.** All developments shall meet the provisions of Sections 13-1-321 through 13-1-323, except as specifically exempted below:
 - (1) Existing agricultural development on existing lots of record in the A-1, A-2, A-3, and A-4 Districts as of the date of the adoption of this Chapter.
 - (2) Existing residential development on existing lots of record in the R-1, R-2, R-2, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, and R-12 Districts as of the date of the adoption of this Chapter.
 - (3) Additions to existing buildings where the total floor area is not increased more than ten percent (10%) of the existing total floor area.
 - (4) Additions to buildings which increase their overall building area from ten percent (10%) to fifty percent (50%) shall conform to the landscaping standards specified in this Article to the maximum extent achievable. All off-street parking areas and bufferyards shall conform to the applicable landscaping requirements of this Section and Sections 13-1-223, 13-1-224, and 13-1-322 through 13-1-328. If insufficient dimensions exist on-site, in order to achieve a sufficient level of landscaping, the standards set forth in this Article may be reduced by the Plan Commission up to thirty percent (30%).
 - (5) Areas located within floodplains, floodways, floodlands, and wetlands are exempt from the landscaping requirements set forth in this Article.
- (c) **Bufferyards to Ameliorate Nuisances Between Certain Adjacent Zoning Districts.** A bufferyard is a combination of a setback and a visual buffer or barrier and is a yard or area together with the planting and/or landscape structure required thereon. The amount of land, the type of planting, and the amount of planting specified for each bufferyard requirement of this Chapter are designed to ameliorate nuisances between certain adjacent zoning districts.
- (d) **Bufferyards Required to Separate Different Zoning Districts.** Bufferyards shall be required to separate different zoning districts from each other. Bufferyards function to eliminate or minimize potential nuisances, such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions.

Sec. 13-1-322 Credit for Existing Plant Materials and Plant Material Substitution.

Credit for existing plant material will be allowed to offset required plant unit landscaping in the bufferyards and parking lots as follows:

- (a) **Bufferyards.** Where there are existing trees having a diameter at breast height (DBH) of four (4) inches or larger, the number of such trees per one hundred (100) feet shall be credited toward the

landscaping as plant units by dividing such trees per one hundred (100) feet shall be credited toward the landscaping as plant units by dividing such trees by three (3). Other individual trees six (6) feet in height or more [but less than four (4) inches diameter at height (DBH)] shall be counted on an individual basis toward the planting requirements, other components of a plant unit are required including all shrubs. However, where the bufferyard is to left in a natural state no shrubs shall be required.

- (b) **Parking Lots.** Any existing trees six (6) feet in height or more shall be subtracted from the required amount of parking lot landscaping on a tree-by-tree basis.
- (c) **Plant Material Substitution.** Required landscape plant material types may be substituted for other types based upon the requirements of Table B.

Sec. 13-1-323 General Landscaping Requirements.

- (a) **Physical Containment of Landscaped Areas.** All landscaped areas located within or adjacent to a parking area or adjacent to a public street or sidewalk shall be designed to contain landscape materials and to prevent vehicular encroachment (i.e., by using continuous concrete curbing, railroad ties, headers, or depressed construction).
- (b) **Artificial Landscape Materials.** Artificial trees, shrubs, turf, or plants shall not be permitted as landscaping.
- (c) **Groundcover.** The use of landscape fabrics under all areas landscaped with nonliving materials, except those areas set aside for stormwater retention/detention, is recommended to prevent weed growth.
- (d) **Irrigation.** A permanent, on-site, outdoor water supply (underground or drip irrigation, hose bibs, etc.) that provides complete coverage to all new living landscaped areas is required. Watering systems shall be designed to water landscaped areas efficiently and to avoid irrigation of adjacent parking areas and access drives, sidewalks, buildings, and public streets. If how bibs are used, they just be within one hundred (100) feet of any landscaped area.
- (e) **Location.** New vegetation shall be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and so that it will not cause damage or upheaval of sidewalks and pavement.
- (f) **Type of Landscape Plant Materials.** The Village encourages the use of native plant materials – trees, shrubs, and groundcover – indigenous to southeastern Wisconsin. In shore buffer areas, these include native plants which are tolerant of both moisture and hydric soils.
- (g) **Minimum Size Standards for Required Plant Materials.** All required new landscape plant material shall be, at the time of installation, those minimum sizes as set forth in Table A.
- (h) **Installation.**
 - (1) **Timing of Installation.** Landscaping and watering devices shall be installed according to the approved landscape plan before issuance of an Occupancy Permit or commencement of operations. The Village of Bristol will have the right to refuse approval of any project not meeting the provisions of this Article.

- (2) **Financial Surety Required.** If approved landscaping and watering devices cannot be installed before occupancy or commencement of operations, an Occupancy Permit may be issued by the Village of Bristol if the applicant provides an acceptable form of surety meeting the requirements of this Zoning Code. The application shall be accompanied by a complete estimate of the total cost of the approved landscaping and watering system improvements prepared by a landscape architect. All landscape materials shall be guaranteed by the applicant, or applicant's contractor, for two (2) years.
 - (3) **Return of Financial Surety.** When it is determined that the landscaping and watering system have been installed according to the approved plans, the Village of Bristol shall return the surety to the applicant.
- (i) **Maintenance.**
- (1) **Responsibility for Maintenance.**
 - a. Maintenance of all landscaping shall be the responsibility of the owner, lessee, heirs, assigns, agents, homeowners' association, or other liable entity of the property and shall consist of regular watering, pruning, mowing, fertilizing, and the removal and replacement of any damaged or nonfunctional irrigation systems, and architectural features.
 - b. The owner or liable entity in control of any private premises shall at all times maintain the premises free of litter and weeds.
 - (2) **Landscape Phasing.** Future development areas within a phased development shall be maintained in a dust-free condition vegetated with ground cover.
 - (3) **Plant Replacement.** Any plant materials included in an approved landscaping plan that do not survive a plant establishment period of two (2) years after installation shall be replaced with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's death. Said replacement shall be made by the property owner or, in the case of landscape plant materials located within a landscape easement under the control of a homeowners' association, the homeowners' association shall be responsible for said replacement.
- (j) **Foundation Landscape Plantings Required for New Development Along Principal Building Facades Facing a Public Street in All Nonresidential Districts.** A minimum foundation landscape planting area of eight (8) feet in width shall be required for all new development along all principal building facades facing a public street in all nonresidential zoning districts as graphically indicated in Figure C.

Sec. 13-1-324 General Bufferyard Requirements.

- (a) **General.**
- (1) **Side and Rear Yard (Peripheral) Bufferyard Standards.** Bufferyard standards are listed in this Section for peripheral (side and rear yard) bufferyards located between zoning districts.

- (2) **Bufferyard Options.** Peripheral bufferyard standards are based on a required bufferyard intensity factor value. A variety of combinations of bufferyard width, planting intensity, and structural options (i.e., fences and earthen berms) may be selected from the applicable Bufferyard Intensity Table as set forth in this Zoning Code to reach the required bufferyard intensity level value.
 - (3) **Location.** Peripheral bufferyards shall be along the outer perimeter of a lot or parcel, and shall extend to the lot or parcel boundary line. Peripheral bufferyards shall not be on any portion of an existing or dedicated public or private street or right-of-way.
 - (4) **Placement and Use of Groupings.** Required bufferyard plantings may be planted in natural-appearing groupings along the total length of the bufferyard and need not be spaced uniformly along said total bufferyard length.
- (b) **Plant Materials.**
- (1) **Combination of Plantings.** For each bufferyard listed, a specific combination of canopy, shade, and understory trees; evergreen trees; and shrubs are required as indicated in Table E.
 - (2) **Lawn Seeding or Native Groundcover.** All bufferyard areas shall be seeded with lawn or native groundcover unless such vegetation is already fully established.
 - (3) **Planting Determinations.** The exact placement of required plants and structures shall be the decision of the property developer.
- (c) **Height of Required Vegetation.** Height of vegetation selected for required bufferyards shall be measured from the highest finished adjacent grade of the element to be screened.
- (d) **Berming.** Earthen berms shall be designed to transition to existing surrounding grades, not to exceed a slope ratio of four to one (4:1), and shall be covered with plant material, groundcover, or partially rip-rapped to prevent erosion. Berms with vegetative cover shall be designed to retain irrigation water rather than encourage runoff. All earthen berms shall be safely designed to accommodate mowing when needed.
- (e) **Fences.** Fences which are required by the various Bufferyard Intensity Tables as set forth in this Zoning Code shall be constructed of rock, masonry, or wood. Chain link fences and chain link with slats shall be prohibited from use in required bufferyards. All fences used shall also meet the requirements for the construction of fences as set forth in Sec. 13-1-402 of this Zoning Code.
- (f) **Calculation of Bufferyard Requirements.**
- (1) **Standards to be Applied.** Bufferyard requirements are calculated using the standards listed in this Article for peripheral bufferyards as specified in Tables E through J.
 - (2) **Calculation of Standards.**
 - a. Bufferyard standards listed in this Article are to be calculated for every one hundred (100) linear feet of peripheral lot line boundary and/or street frontage present on a given lot.
 - b. In instances where the zoning district boundary and/or street frontage is less than one hundred (100) feet, the actual length as a percentage of one hundred (100) feet shall be used for the calculations.

- (3) **Procedures for Determining Minimum Required Peripheral Bufferyards.** To determine the type of bufferyard required on a parcel, between two (2) parcels or lots, or between a parcel or lot and a street, the following procedures shall be used:
- Identify whether any portion or property line of the parcel or lot coincides with a zoning district boundary. If it does, determine the abutting zoning districts on both sides of the property line.
 - Refer to Table D to determine the required bufferyard intensity factor needed to be achieved between the two (2) zoning districts.
 - Based upon the bufferyard intensity factor required, refer to the applicable Tables E to I to select the minimum number of plant materials [per one hundred (100) feet of bufferyard length], the bufferyard width, and required structure type combination by selecting the desired alternative bufferyard type.
 - Calculate the actual number of plants required by selecting the minimum number of plant materials [per one hundred (100) feet of bufferyard length] from the alternatives indicated in the applicable Tables E to Table I and multiply by the hundreds of feet of bufferyard to be planted. Calculations resulting in fractional numbers of plant materials required shall be rounded to the next higher whole number.
 - Review applicable provisions of this Zoning Code for responsibility for installation of peripheral bufferyards.
- (g) **Existing Vegetation May Count Toward the Provision of Required Bufferyards.** Existing trees and shrubs that can be preserved, where grading does not cut them off from a reasonable supply of water and where the area under the canopy remains undisturbed, shall count toward the plant requirements for bufferyard as set forth earlier in the Zoning Code under the provisions of Table B. However, if said existing vegetation which is intended to count toward the bufferyard requirements of this Zoning Code is located on an adjoining parcel or lot, a landscape easement of the required width shall be obtained from the adjoining property owner.
- (h) **Noise Buffer Requirements for Uses Which Abut Freeways.** The provision of noise buffers for land uses which abut freeways shall be as required by the Plan Commission based upon recommendation by the Village Engineer. The determination of said freeway noise for the provision of noise buffers (including type of buffer) shall be based upon an evaluation by the Village Engineer (or an acoustic or sound engineer consultant to the Village) using the U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *Noise Assessment Guidelines* [HUD-PDR-735(1)] dated March 1984, as amended, or other guidelines acceptable to the Village Engineer.

Sec. 13-1-325 Limitations on Bufferyard.

A bufferyard may be used for passive recreation. It may contain pedestrian, bicycle, or equestrian trails if:

- (a) No plant material is eliminated;
- (b) The total width of the bufferyard is maintained; and
- (c) All other regulations of this Zoning Code are met. In no event, however, shall swimming pools, decks, drives, curbing, stormwater detention/retention ponds, tennis courts, sports fields, golf courses, parking lots, or other similar uses, as determined by the Plan Commission, be permitted in bufferyards.

Sec. 13-1-326 Table of Required Peripheral Bufferyards Between Zoning Districts.

The minimum required bufferyard intensity factor values for peripheral bufferyards between zoning district set forth in Table D refer to the bufferyard width and plant unit standards set forth in Tables E through I of this Zoning Code. Peripheral bufferyards are required between adjacent zoning districts. The abbreviations used in Table D represent the Village of Bristol zoning district designations used through this Zoning Code.

Sec. 13-1-327 Minimum Required Bufferyard Width and Plant Materials Standards.

Tables E through I set forth the minimum bufferyard width and plant material standards required for achieving required bufferyard intensity levels. Tables E through I are designed to allow for a choice from a variety of alternative bufferyard widths and general landscape plant material types to meet the required bufferyard intensity levels required elsewhere in this Zoning Code.

Sec. 13-1-328 Table of Required Street Bufferyards in All Zoning Districts.

The numbers given in Table J refer to this Zoning Code. Tables E through I of this Zoning Code are designed to allow for choice from a variety of alternative bufferyard widths and general landscape plant material types to meet the required bufferyard intensity levels required in this Zoning Code. The zoning district abbreviations used in Table J represent the Village of Bristol zoning district designations used throughout this Zoning Code.

Sec. 13-1-329 through Sec. 13-1-359 Reserved for Future Use.

Appendix A: Plantings; Bufferyards; Accessory Building Sizes

Table A	Minimum Size Standards for Required Plant Materials
Table B	Substitution Schedule for Required Plant Materials
Figure C	Minimum Required Foundation Landscape Planting Area in All Nonresidential Districts
Table D	Minimum Required Intensity Values of Peripheral Bufferyards Between Zoning Districts
Table E	Bufferyard Intensity Factor 1: Alternative Plant Material Standards
Table F	Bufferyard Intensity Factor 2: Alternative Plant Material Standards
Table G	Bufferyard Intensity Factor 3: Alternative Plant Material Standards
Table H	Bufferyard Intensity Factor 4: Alternative Plant Material Standards
Table I	Bufferyard Intensity Factor 5: Alternative Plant Material Standards
Table J	Street Bufferyards: Minimum Required Bufferyard Intensity Level Factors
Table K	Accessory Building and Structure Size Accumulations Which Require a Conditional Use Permit
Table L	Maximum Allowable Cumulative Building Coverage Area of Conditional Use Accessory Buildings and Structures

Table A

MINIMUM SIZE STANDARDS FOR REQUIRED PLANT MATERIALS

Plant Material Type	Plantings in Bufferyards Abutting a Vacant Parcel	Bufferyard Plantings Abutting a Developed Lot	All Other Plantings (including those in off-street parking lots)
Canopy Trees: Single Stem: Multi-stem Clump:	1.5-inch caliper 6 feet tall	3-inch caliper 12 feet tall	2-2.5-inch caliper 8 feet tall
Coniferous Trees	4 feet tall	6 feet tall	4-6 feet tall
Understory Trees	4 feet tall	1.5-inch caliper	1.5-inch caliper
Shrubs	15 inches tall	2 feet tall	2 feet tall

Table B

SUBSTITUTION SCHEDULE FOR REQUIRED PLANT MATERIALS

Required Plant Material Type	Acceptable Substitutions
1 Canopy Tree: Single Stem, or Multi-stem Clump:	2 Understory Trees 2 inch caliper or 2 Coniferous Trees 6 feet in height or 1 Understory Tree 2 inch caliper Plus 1 Coniferous Tree 6 feet in height
1 Coniferous Tree	1 Understory Tree 1.5 inch caliper
1 Understory Tree	1 Coniferous Tree 6 feet in height
1 Shrub	1 Understory Tree 1.5 inch caliper or 1 Coniferous Tree 4 feet in height

Figure C

**MINIMUM REQUIRED FOUNDATION LANDSCAPE PLANTING AREA
IN ALL NONRESIDENTIAL DISTRICTS**

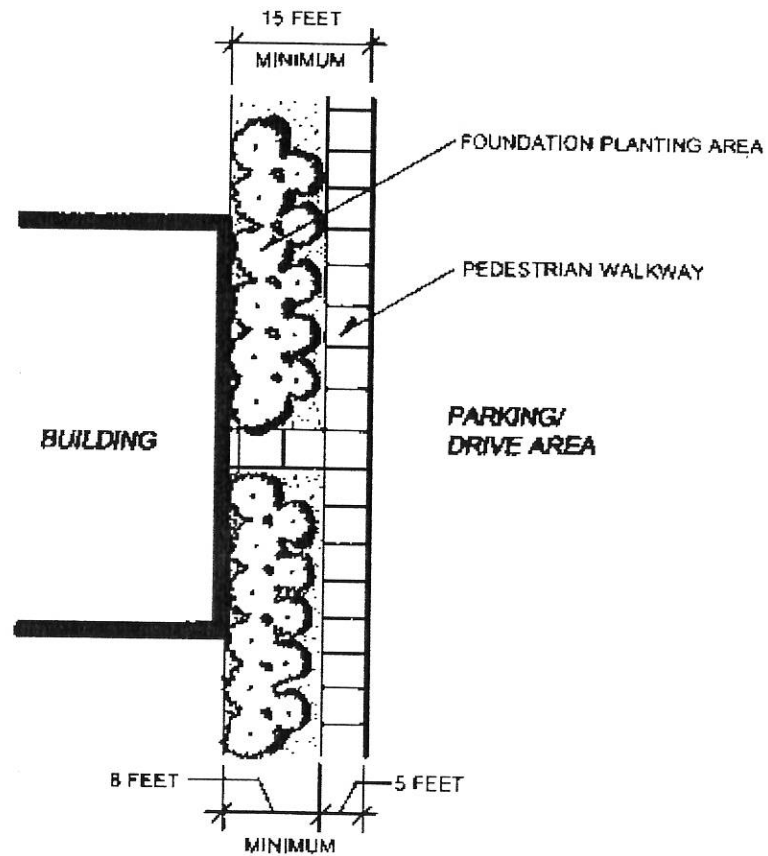


Table D

MINIMUM REQUIRED INTENSITY VALUES OF PERIPHERAL BUFFERYARDS BETWEEN ZONING DISTRICTS

Table _____ Minimum Required Intensity Values of Peripheral Bufferyards Between Zoning Districts

ZONING DISTRICTS:																																
R-1	R-2	R-3	R-4	R-5	R-6	R-6a	R-7	R-8	R-9	R-10	R-11	R-12	PUD(a)	B-1	B-2	B-3	B-4	B-5	VC	VHB	M-1	M-2	M-3	M-4	BP	I-1	PR-1	PUD(b)	A-1	A-2	A-3	A-4
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
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3</																																

KEY AND NOTES:

(a) Residential Uses of a PUD District only.

(b) Nonresidential Uses of a PUD District only.

0 = No bufferyard is required. All applicable zoning district setbacks are required.

1 = Bufferyard Intensity Factor 1 (See Table A)

2 = Bufferyard Intensity Factor 2 (See Table B)

3 = Bufferyard Intensity Factor 3 (See Table C)

4 = Bufferyard Intensity Factor 4 (See Table D)

5 = Bufferyard Intensity Factor 5 (See Table E)

Table E

**BUFFERYARD INTENSITY FACTOR 1:
ALTERNATIVE PLANT MATERIAL STANDARDS
(Minimum Requirements per 100 Feet of Bufferyard Length)**

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 1A	Canopy/Shade Trees	0.7	5	None
	Understory Trees	1.4		
	Shrubs	5.6		
TYPE 1B	Canopy/Shade Trees	0.6	10	None
	Understory Trees	0.6		
	Evergreen Trees	0.6		
	Shrubs	3.6		
TYPE 1C	Canopy/Shade Trees	0.5	15	None
	Evergreen Trees	0.9		
	Shrubs	2.3		
TYPE 1D	Evergreen Trees	1.1	20	None
	Evergreen Shrubs	4.9		
TYPE 1E	Canopy Trees	0.5	25	None
	Shrubs	2.5		

(a) See Table A for minimum required plant material sizes.

Table F

**BUFFERYARD INTENSITY FACTOR 2:
ALTERNATIVE PLANT MATERIAL STANDARDS
(Minimum Requirements per 100 Feet of Bufferyard Length)**

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 2A	Canopy/Shade Trees	1.7	15	2-foot berm
	Understory Trees	3.4		
	Shrubs	13.6		
TYPE 2B	Canopy/Shade Trees	2.3	20	None
	Understory Trees	2.3		
	Evergreen Trees	2.3		
	Shrubs	13.5		
TYPE 2C	Canopy/Shade Trees	2.1	25	None
	Evergreen Trees	4.2		
	Shrubs	10.5		
TYPE 2D	Evergreen Trees	5.9	30	None
	Evergreen Shrubs	27.3		
TYPE 2E	Canopy Trees	2.2	30	3-foot berm
	Shrubs	11.0		

(a) See Table A for minimum required plant material sizes.

Table G

**BUFFERYARD INTENSITY FACTOR 3:
ALTERNATIVE PLANT MATERIAL STANDARDS
(Minimum Requirements per 100 Feet of Bufferyard Length)**

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 3A	Canopy/Shade Trees	2.3	20	3-foot berm
	Understory Trees	4.6		
	Shrubs	18.4		
TYPE 3B	Canopy/Shade Trees	3.4	20	None
	Understory Trees	3.4		
	Evergreen Trees	3.4		
	Shrubs	20.4		
TYPE 3C	Canopy/Shade Trees	3.2	25	None
	Evergreen Trees	6.4		
	Shrubs	16.0		
TYPE 3D	Evergreen Trees	9.2	30	None
	Evergreen Shrubs	42.7		
TYPE 3E	Canopy Trees	5.8	35	None
	Shrubs	29.0		

(a) See Table A for minimum required plant material sizes.

Table H

**BUFFERYARD INTENSITY FACTOR 4:
ALTERNATIVE PLANT MATERIAL STANDARDS
(Minimum Requirements per 100 Feet of Bufferyard Length)**

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 4A	Canopy/Shade Trees	3.0	25	4-foot berm
	Understory Trees	6.0		
	Shrubs	24.0		
TYPE 4B	Canopy/Shade Trees	3.7	25	2-foot berm
	Understory Trees	3.7		
	Evergreen Trees	3.7		
	Shrubs	22.2		
TYPE 4C	Canopy/Shade Trees	4.3	30	None
	Evergreen Trees	8.5		
	Shrubs	21.3		
TYPE 4D	Evergreen Trees	12.3	35	None
	Evergreen Shrubs	57.4		
TYPE 4E	Canopy Trees	7.9	40	None
	Shrubs	39.5		

(a) See Table A for minimum required plant material sizes.

Table I

**BUFFERYARD INTENSITY FACTOR 5:
ALTERNATIVE PLANT MATERIAL STANDARDS
(Minimum Requirements per 100 Feet of Bufferyard Length)**

BUFFERYARD ALTERNATIVES	TYPE OF PLANTS REQUIRED (a)	MINIMUM QUANTITY OF EACH PLANT TYPE REQUIRED PER 100 FEET OF BUFFERYARD LENGTH	MINIMUM REQUIRED BUFFERYARD WIDTH (feet)	MINIMUM STRUCTURE TYPE (if required)
TYPE 5A	Canopy/Shade Trees	4.1	25	4-foot berm
	Understory Trees	8.2		
	Shrubs	32.8		
TYPE 5B	Canopy/Shade Trees	4.8	30	2-foot berm
	Understory Trees	4.8		
	Evergreen Trees	4.8		
	Shrubs	28.5		
TYPE 5C	Canopy/Shade Trees	5.3	35	None
	Evergreen Trees	10.6		
	Shrubs	26.5		
TYPE 5D	Evergreen Trees	15.6	40	None
	Evergreen Shrubs	72.8		
TYPE 5E	Canopy Trees	9.0	40	None
	Shrubs	45.0		

(a) See Table A for minimum required plant material sizes.

Table J

**STREET BUFFERYARDS:
MINIMUM REQUIRED BUFFERYARD INTENSITY LEVEL FACTORS**

Zoning District	Village, County, State, Federal Designated Arterial Street or Highway (c)	Collector Street (c)	Residential Minor Street (c)
R-1	2	1	None (b)
R-2	2	1	None (b)
R-3	2	1	None (b)
R-4	2	1	None (b)
R-5	3	2	None (b)
R-6	3	2	None (b)
R-6a	3	2	None (b)
R-7	3	2	None (b)
R-8	3	2	None (b)
R-9	4	3	None (b)
R-10	4	3	None (b)
R-11	4	3	None (b)
R-12	4	3	None (b)
PUD(d)	(a)	(a)	(a)
B-1	3	2	3
B-2	3	2	3
B-3	3	2	3
B-4	3	3	3
B-5	3	2	3
VC	2	1	2
VHB	2	1	1
M-1	3	2	3
M-2	3	2	3
M-3	5	5	5
M-4	5	5	5
BP	4	3	4
I-1	3	2	3
PR-1	3	2	1
PUD (e)	(a)	(a)	(a)
A-1	None	None	2
A-2	None	None	2

Zoning District	Village, County, State, Federal Designated Arterial Street or Highway (c)	Collector Street (c)	Residential Minor Street (c)
A-3	3	2	3
A-4	None	None	None

- (a) As determined by each individual PUD Ordinance and the underlying zoning district requirements..
- (b) However, street trees shall be required at time of platting as required under the Village Land Division and Subdivision Code.
- (c) Street trees required at time of platting as required under the Village Land Division and Subdivision Code shall be in addition to any required arterial and collector street bufferyards.
- (d) Residential PUD.
- (e) Nonresidential or mixed residential/nonresidential PUD.

Table K
Accessory Building and Structure Size Accumulations
Which Require a Conditional Use Permit

<i>Accumulated Accessory Building Area Coverage Which Requires a Conditional Use Permit</i>	<i>Zoning District Designations</i>					
	A-2	R-1 & C-2	R-2 & R-7	R-1, R-2 or C-2 (all with the RC Overlay)	R-3 & R-8	R-4, R-5, R-6, & R-12
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 2,500 square feet.	C (a)					
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,950 square feet.		C (a)				
Accessory buildings and structures <u>in a RC Rural Cluster Development Overlay District</u> where the minimum lot size is 80,000 where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,950 square feet.	C (a)					
Accessory buildings and structures <u>in a RC Rural Cluster Development Overlay District</u> where the minimum lot size is 40,000 where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,650 square feet.		C (a)				
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,650 square feet.			C (a)			
Accessory buildings and structures <u>in a RC Rural Cluster Development Overlay District</u> where the minimum lot size is 20,000 where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,150 square feet.				C (a)		
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,150 square feet.					C (a)	

<i>Accumulated Accessory Building Area Coverage Which Requires a Conditional Use Permit</i>	<i>Zoning District Designations</i>					
	A-2	R-1 & C-2	R-2 & R-7	R-1, R-2 or C-2 (all with the RC Overlay)	R-3 & R-8	R-4, R-5, R-6, & R-12
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 870 square feet.						C (a)

C= Indicates that a Conditional Use is required.
(a)=All such Conditional Uses in this Table shall be subject to the standards set forth in Article E of this Chapter.

(a)=All such Conditional Uses in this Table shall be subject to the standards set forth in Article E of this Chapter.

Table L
Maximum Allowable Cumulative Building Coverage Area
(Determined as a Percentage of Parcel Size)
of Conditional Use Accessory Buildings and Structures

<i>Accumulated Accessory Building Area Coverage Which Requires a Conditional Use Permit</i>	<i>Zoning District Designations</i>					
	A-2	R-1 & C-2	R-2 & R-7	R-1, R-2 or C-2 with the RC Overlay	R-3 & R-8	R-4, R-5, R-6, & R-12
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 4,000 square feet.	1.60% of Parcel Size not to Exceed 10,000 square feet. (a, b)					
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 2,500 square feet.		1.875% of Parcel Size not to Exceed 6,000 square feet. (a, b)				
Accessory buildings and structures <u>in a RC Rural Cluster Development Overlay District</u> where the minimum lot size is 80,000 where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,950 square feet.	2.50% of Parcel Size not to Exceed 2,500 square feet. (a, b)					
Accessory buildings and structures <u>in a RC Rural Cluster Development Overlay District</u> where the minimum lot size is 40,000 where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,650 square feet.		6.25% of Parcel Size not to Exceed 3,000 square feet. (a, b)				
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,650 square feet.			6.25% of Parcel Size not to Exceed 3,000 square feet. (a, b)			
Accessory buildings and structures <u>in a RC Rural Cluster Development Overlay District</u> where the minimum lot size is 20,000 where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,150 square feet.				9.00% of Parcel Size not to Exceed 2,000 square feet. (a, b)		

<p><i>Accumulated Accessory Building Area Coverage Which Requires a Conditional Use Permit</i></p>	<p align="center"><i>Zoning District Designations</i></p>					
	A-2	R-1 & C-2	R-2 & R-7	R-1, R-2 or C-2 with the RC Overlay	R-3 & R-8	R-4, R-5, R-6, & R-12
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 1,150 square feet.					9.00% of Parcel Size not to Exceed 2,000 square feet. (a, b)	
Accessory buildings and structures where the building coverage area of any one (1) building or structure or the cumulative building coverage area of all such buildings and structures located on a lot or parcel exceeds a total of 870 square feet.						6.75% of Parcel Size not to Exceed 1,200 square feet. (a, b)
<p>(a) As determined by the Village Board, upon recommendation of the Plan Commission, on a case-by-case basis. (b) Parcel size shall not include any portion of a dedicated public street right-of-way.</p>						

(a) As determined by the Village Board, upon recommendation of the Plan Commission, on a case-by-case basis.
(b) Parcel size shall not include any portion of a dedicated public street right-of-way.

Article J: Signal Receiving Antennas; Wind Energy Systems;
Wireless Telecommunications Facilities.

Sec. 13-1-360 Signal Receiving Antennas (Satellite Dishes).

- (a) **Purpose.** In order to secure uniformity and compliance with Federal Communications Commission rules (FCC 96-328) on over-the-air reception devices implementing Section 207 of the Telecommunications Act of 1996, this Section regulating the placement of signal receiving antennas and over-the-air reception devices is adopted to:
- (1) Provide uniform regulation where necessary of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Preserve the integrity of historic preservation districts;
 - (4) Protect the public from injury from roof-mounted antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the roof-mounted antenna; and
 - (5) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, and over-the-air reception devices, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means 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/her interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Limited Permit Requirement.**
- (1) No owner shall, within the Village of Bristol, build, construct, use or place any type of signal receiving antenna or over-the-air reception device that is roof-mounted or proposed to be located in a designated historic preservation district until a permit shall have first been obtained from the Zoning Administrator.
 - (2) Application for a signal receiving antenna permit when required under Subsection (c)(1) shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a sufficient set of mounting plans and specifications to allow a determination to be made that the device can be safely roof-mounted, or, in the case

of a historic preservation district, can be located in such a manner as to not seriously detract from the historic character of the district. There is no fee for such permit. If such application meets the requirements of this Section, the application shall be approved.

- (d) **Exemption.** Signal receiving devices less than twenty-four (24) inches in diameter are exempt from the requirements of this Section, except for the requirements in Subsection (e)(1), (6), (8) and (11).
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village of Bristol shall comply with the following provisions:
 - (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line. The purpose of setback regulations is to protect the aesthetics of the area and to preserve adequate access for emergency equipment and personnel.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property following compliance with Subsection (c) above. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) **Mounting.** Signal receiving antennas attached to the roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed fifteen (15) feet for the ground-mounted antenna and ten (10) feet for the roof-mounted antenna, except for stations used to provide community antenna television services.
 - (4) **Height.**
 - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
 - (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.

- (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
 - (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section.
 - (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
 - (9) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
 - (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
 - (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (f) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board, a Village enforcement official or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
 - (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the penalty provisions found in Section 13-1-445.

Sec. 13-1-361 Wind Energy Systems.

- (a) **Construction of Wind Energy Systems.** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section. Wind energy systems shall fully comply with all requirements of PSC 128, Wis. Adm. Code.
- (b) **Permits Required.**
 - (1) A zoning permit shall be obtained to allow construction of a WECS.
 - (2) A WECS permit shall be obtained from the Village Zoning Administrator for the construction of all WECS, upon payment of the fee per Section 1-3-1.

State Law Reference: PSC 128, Wis. Adm. Code

Sec. 13-1-362 Wireless Telecommunications Facilities and Antennas.

- (a) **Compliance; Purpose and Intent.** Wireless telecommunications towers, antennas and facilities may be installed, erected, modified and/or maintained only pursuant to the provisions of this Section. It is an objective of this Section to strike a balance between the federal interest concerning the construction, siting, modification and maintenance of telecommunications towers, antennas and related infrastructure for use in providing personal wireless services, and the interest of the Village of Bristol (hereinafter "Village") in regulating zoning and safeguarding the safety and public health of its citizens. The Federal Telecommunications Act of 1996 affirmed the Village of Bristol's authority concerning the placement, construction and modification of wireless telecommunications facilities. The Village of Bristol finds that wireless telecommunications facilities may pose significant concerns to the general public welfare and to the character and environment of the Village and its inhabitants; the Village also recognizes that guiding the development of wireless technology can be an economic development benefit to the Village and its residents. The purpose and intent of this Section is:
 - (1) To ensure the provision of personal wireless service and other telecommunications services within the corporate boundaries of, and for the benefit of, the residents of the Village of Bristol;
 - (2) To protect the general public welfare of the community, public and private property and community aesthetics;
 - (3) To minimize the adverse visual impact of towers, antennas and associated buildings through design and siting standards;
 - (4) To require construction and operating compliance with the regulations of the Wisconsin Public Service Commission, including, but not limited to, PSC 113.0701 through PSC 113.0705, Wis. Adm. Code;

- (5) To ensure that placement, construction, or modification of wireless telecommunications facilities is consistent with the Federal Telecommunications Act of 1996 and the Village of Bristol Comprehensive Plan;
 - (6) To minimize the negative impacts of wireless communications facilities, establish a fair and efficient process for review and approval of applications, and assure an integrated, comprehensive review of environmental impacts of such facilities;
 - (7) To maximize the use of existing and approved towers and buildings to accommodate multiple antennas as a primary siting option in order to reduce the number of towers needed to serve the community through co-location on existing towers and structures; and
 - (8) To avoid damage to adjacent properties from tower failure through structural standards, operating and setback requirements.
- (b) **Definitions.** For the purpose of this Section and any permit issued in accordance herewith, the following terms, phrases, words and their derivations shall have the meaning given herein unless otherwise specifically provided for in this Section or unless the context clearly indicates otherwise or unless such meaning would be inconsistent with the manifest intent of the Village of Bristol. When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include words in the singular number, and words in the singular number include the plural number. The word "shall" is mandatory, and not merely directory:
- (1) **Accessory Equipment Structure.** A building, shed, or cabinet-like structure located adjacent to or in the immediate vicinity of a wireless telecommunications tower or antenna to house equipment customarily incidental to the receiving or transmitting equipment customarily used with the receiving or transmitting of wireless broadcasts, cellular telephone calls, voice messaging and paging services.
 - (2) **Alternative Support Structure.** Water towers, steeples, silos, light poles, clock towers, buildings or similar structures that may support telecommunications facilities.
 - (3) **Antenna.** Any structure or device for the purpose of collecting or transmitting electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), wireless telecommunications systems or other communication signals, including, but not limited to, directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.
 - (4) **Antenna Array.** One (1) or more antennas used to provide wireless service.
 - (5) **Antenna, Building Mounted.** Any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.
 - (6) **Antenna, Ground Mounted.** Any antenna with its base placed directly on the ground.
 - (7) **Antenna Support Structure.** Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.
 - (8) **Applicant.** Any wireless service provider submitting an application for a conditional use permit for wireless telecommunications facilities, including public agencies.

- (9) **Application.** All necessary and appropriate documentation that an applicant submits in order to receive a conditional use permit.
- (10) **Base Transceiver Station.** Equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.
- (11) **Camouflaged Tower.** Any telecommunications tower that due to design or appearance hides, obscures, or conceals the presence of the tower and antennas.
- (12) **Village Engineer.** The Village Engineer, or engineering firm, serving the Village of Bristol.
- (13) **Co-Location.** A telecommunications facility comprised of a single telecommunications tower or alternative support structure supporting multiple antennas, dishes, or similar devices owned or used by more than one (1) public or private entity.
- (14) **Commercial Impracticability (Commercially Impracticable).** The inability to perform an act on terms that are reasonable in commerce, the cause or occurrence of which could not have been reasonably anticipated or foreseen, and that jeopardizes the financial viability of the project. The inability to achieve a satisfactory or projected financial return on investment, standing alone, shall not deem a situation to be "commercially impracticable".
- (15) **Commercial Use.** A use that involves the exchange of cash, goods or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, entertainment, or the right to occupy space over any period of time.
- (16) **Complete Application.** An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application as determined by Village reviewing authorities.
- (17) **Entity.** Any individual, corporation, partnership, association, governmental unit or other legal entity which seeks to provide a Wireless Telecommunications System.
- (18) **Equipment Building, Shelter or Cabinet.** A cabinet or building used to house equipment used by telecommunications providers to house equipment at a facility.
- (19) **ERP.** Effective radiated power.
- (20) **Federal Aviation Administration (FAA).** The Federal Aviation Administration, or its duly designated and authorized successor agency.
- (21) **Federal Communications Commission (FCC).** The Federal Communications Commission, or its duly designated and authorized successor agency.
- (22) **Guyed Tower.** A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.
- (23) **Height, Telecommunications Tower.** The distance measured from the original grade at the base of the tower to the highest point of the telecommunications tower. This measurement excludes any attached antennas and lighting.

- (24) **Lattice Tower.** A self-supporting structure, erected on the ground, which consists of metal crossed, strips or bars to support antennas and related equipment.
- (25) **Mast.** The portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.
- (26) **Modification.** The addition, removal, or change of any of the physical and visually discernable components or aspects of a wireless telecommunications facility, such as antennas, cabling, equipment shelters, radios, landscaping, fencing, utilities sheds, changing of the color or materials of any visually discernable components, vehicular access, parking, and/or upgrade or replacement of equipment for different or more modern equipment. Adding a new wireless carrier or service provider to a telecommunications tower or site is a modification. A change in the effective radiated power (ERP) or a change in the radio frequency (RF) emissions from the facility is a modification. A modification shall not include the replacement of any components of a wireless telecommunications facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing, or changing anything.
- (27) **NIER.** Non-ionizing electromagnetic radiation.
- (28) **Nonconforming.** Any preexisting telecommunications facility that was in existence prior to the adoption of this Section, whether or not it has been issued a conditional use permit. Nonconforming status does not create an exemption from compliance with applicable Federal and State regulatory requirements and standards, nor does nonconforming zoning status prohibit nuisance-type enforcement of regulations necessary to protect the public health and safety. In the context of this Section, nonconforming refers to zoning status and classification, and not to regulatory compliance with Federal and State standards and rules. This definition shall only apply to this specific Section and does not apply to other Village of Bristol ordinances.
- (29) **Operation.** Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications it shall be deemed in operation.
- (30) **Permittee.** Any entity or its legal successor in interest who is issued a permit in accordance with the provisions of this Chapter for the erection, construction, reconstruction, operation, dismantling, testing, use, maintenance, repair, rebuilding, modification or replacing of a wireless telecommunications facility in the Village of Bristol.
- (31) **Personal Wireless Services (PWS) or Personal Telecommunications Service (PCS).** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange services as now defined in 47 U.S.C. 332 Sec. (7)(c), as may be amended from time to time (Federal Telecommunications Act of 1996). Including,

but not limited to, cellular, personal communications devices (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.

- (32) **Platform.** A support system that may be used to connect antennas and antenna arrays to telecommunications towers or alternative support structures.
- (33) **RF.** Radio frequency emissions.
- (34) **Satellite Dish.** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations and satellite microwave antennas.
- (35) **Service Provider.** Any provider of personal wireless services, personal telecommunications services or personal communication service.
- (36) **Stealth Technology.** Technology designed to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such wireless telecommunications facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. This technology does not include the use of artificial rocks, tree towers, or other natural features used as camouflage, which shall not be utilized for a project permitted under this Section.
- (37) **Steep Slopes.** Any slope of fifteen percent (15%) grade or steeper.
- (38) **Street.** Any area established for vehicular or public access use of the entire width between the property lines of every way publicly maintained when any part thereof is open for public purposes. "Street" includes, but is not limited to, a highway, avenue, road, alley, right-of-way, lane, boulevard, concourse, bridge, tunnel, parkways and waterways.
- (39) **Telecommunications.** The transmission and/or reception of video, audio, data, and/or other information by radio frequency, wire, light, and other electronic or electromagnetic systems.
- (40) **Telecommunications Facility.** A facility, site, tower, or location that contains one (1) or more antennas, telecommunications towers, alternative support structures, satellite dish antennas, other similar communications devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding those facilities exempted in this Section. It is a structure, facility, or location designed, or intended to be used as, or used to support, antennas or other transmitting or receiving devices. This includes, without limitation, towers of all types and structures that employ stealth technology, including, but not limited to, structures such as a multi-story building, church steeple, silo, water tower, sign or other structure, but not artificial trees or rocks, that can be used to mitigate the visual impact of an antenna or the functional equivalent of such, including all related

facilities such as cabling, guy wires, and associated anchors, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911 emergency, personal telecommunications services, commercial satellite services, microwave services, and services not licensed by the FCC, but not expressly exempt from the Village's siting, building, and permitting authority.

- (41) **Telecommunications Support Facility.** The telecommunications support buildings and equipment cabinets located at a telecommunications facility, either on the ground or within or on an alternative support structure, which house the electronic receiving and relay equipment.
- (42) **Tower, Telecommunications.** Any ground, building or roof-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces and masts, intended primarily for the purpose of mounting an antenna. Includes camouflaged towers, lattice towers, guy towers, or monopole towers, and also microwave towers and common-carrier towers. This excludes radio and television transmission towers, alternative support structures, and any other facilities exempted under this Section.
- (43) **Utility Pole Mounted Antenna.** An antenna attached without regard to mounting to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other approved similar structure.
- (44) **Wireless Telecommunications Service.** A licensed commercial wireless telecommunications service including cellular, Personal Communication Services ("PCS"), Specialized Mobile Radio ("SMR"), Enhanced Specialized Mobilized Radio ("ESMR"), paging, and similar services that are marketed to the general public. Specifically included are the following:
 - a. **Commercial Mobile Services:** For-profit mobile services available to the public or a substantial portion of the public and providing the ability to access or receive calls from the public switched telephone network. Examples include personal communication services, cellular radio mobile services, and paging.
 - b. **Specialized Mobile Radio (SMR):** Specialized mobile radio service licensees provide land mobile communications on a commercial (i.e. for profit) or private basis.
 - c. **Broadband Cellular Personal Communication Systems (PCS):** Broadband cellular personal communication systems are similar to cellular systems, but operate in a higher frequency band.
 - d. **Unlicensed Wireless Services:** Services that do not require licenses from the Federal Communications Commission, but are deployed through equipment that is authorized by the FCC. Direct-to-home satellite services are excluded from this definition. [See 47 U.S.C. 332(c)(7)(c)(iii)].

- e. **Common Carrier Wireless Exchange Access Services:** Services designed as competitive alternatives to traditional wireline local exchange providers.
 - (45) **Wireless.** The use of radio frequencies (RF) over the air or any other functional equivalent means of providing service over the air that does not primarily rely upon wires or cable for the provision of service.
 - (c) **Areas Permitting Telecommunications Facilities Location With Conditional Use Permit.** Telecommunications facilities may be permitted in the following zoning districts, subject to conditional use permit review and approval by the Village pursuant to the procedures in Article E of the Village of Bristol Zoning Code, and in compliance with all other applicable sections of this Zoning Code, Village ordinances, and federal/state regulatory standards:
 - (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) B-1 Neighborhood Business District.
 - (6) B-2 Community Business District.
 - (7) B-3 Highway Business District.
 - (8) B-4 Planned Business District.
 - (9) B-5 Wholesale Trade and Warehousing District.
 - (10) M-1 Limited Manufacturing District.
 - (11) M-2 Heavy Manufacturing District.
 - (12) M-3 Mineral Extraction District.
 - (13) M-4 Sanitary Landfill and Hazardous Waste Disposal District.
 - (d) **Areas Prohibiting Telecommunications Facilities Location.** No telecommunications facilities, except exempt facilities as defined in Subsection (f) below which are accessory to the principal/permitted use, shall be permitted within:
 - (1) Zoning districts:
 - a. R-1 Rural Residential District.
 - b. R-2 Suburban Single-Family Residential District.
 - c. R-3 Urban Single-Family Residential District.
 - d. R-4 Urban Single-Family Residential District.
 - e. R-5 Urban Single-Family Residential District.
 - f. R-6 Urban Single-Family Residential District.
 - g. R-7 Suburban Two-Family Residential District.
 - h. R-8 Urban Two-Family Residential District.
 - i. R-9 Multiple-Family Residential District.
 - j. R-10 Multiple-Family Residential District.
 - k. R-11 Multiple-Family Residential District.
 - l. R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District.

- m. I-1 Institutional District.
- n. PR-1 Park-Recreational District.
- o. C-1 Lowland Resource Conservancy District.
- p. C-2 Upland Resource Conservancy District.
- (2) Limited exceptions to the prohibited zoning district locations listed in Subsection (d)(1) above are certain specific colocations specified in Subsection (h)(3)b, c and d below.
- (3) Historic sites and districts listed on the National Register of Historic Places or so designated by the Village of Bristol.
- (4) Floodplains.
- (5) Wetlands as identified in the Wisconsin Wetland Inventory.
- (6) Natural areas and critical species habitats as identified by the United States Environmental Protection Agency (EPA) or the Wisconsin Department of Natural Resources.
- (e) **Airport Vicinity Areas Prohibiting Telecommunications Facilities Location.** Telecommunications facilities may be permitted in areas as identified in Subsection (c) above but are subject to review and approval of the Federal Aviation Administration (FAA), State Bureau of Aeronautics and other agencies, if applicable:
 - (1) Three (3) mile radius from public use airport runway(s).
 - (2) One (1) mile radius from private airport runway(s).
 - (3) One-half (1/2) mile radius from heliports.
- (f) **Conditional Use Permit Exemptions.** The following shall be permitted without a conditional use permit, provided that the primary use of the property is not a telecommunications facility and that the antenna use is accessory to the principal/permitted use of the property. The following shall be exempt from the requirement to obtain a conditional use permit, unless otherwise noted:
 - (1) **Television Antennas and Dishes.** The use of all receive-only television antennas and satellite dishes.
 - (2) **Amateur Radio Antennas.** This Section shall not apply to the installation of any antenna that is owned and/or operated by a federally-licensed amateur radio operator or is used exclusively for receive-only purposes.
 - (3) **Weather Band Radio Antennas.** Mobile services providing primarily public information coverage of news/weather events of a temporary or emergency nature (i.e., weather band radios).
 - (4) **Municipal Services Facilities.** Publicly owned and operated telecommunications facilities required in the public interest to provide for and maintain a radio frequency telecommunications system, including digital, analog, wireless or electromagnetic waves, for law enforcement, fire, EMS and/or other municipal services.
 - (5) **Utility Pole Mounted Antennas.** Utility pole mounted antennas if the height of the antenna is thirty (30) feet or less above the highest part of the utility pole.

- (6) **Existing Facilities; Miscellaneous.** Antennas installed on an existing telecommunications tower, or on or attached to, any existing building (building mounted antenna) or alternative support structure when the height of the antenna and its supporting tower, pole or mast is thirty (30) feet or less above the highest part of the building or alternative support structure to which it is attached. A conditional use permit is required for any telecommunications support facility exceeding one hundred (100) square feet of floor area.
- (g) **Nonconforming Telecommunications Facilities.** All wireless telecommunications facilities existing on or before the effective date of this Section shall be allowed to continue as they presently exist, provided, however, that an existing wireless telecommunications facility shall fully comply with the requirements of this Section in the event of any planned visible modification, any modification that will result in a change in the effective radiated power from the facility, or a change in the radio frequency emissions from the facility, or anything that could reasonably affect the health and safety of individuals. Nonconforming zoning status under the Village Zoning Code in no way relieves a wireless telecommunications facility operator from fully complying with all Federal and State regulatory requirements, particularly, but not limited to, PSC 113.0701 through PSC 113.0705, Wis. Adm. Code.
- (h) **Conditional Use Permit Application.**
- (1) **Submittal of Required Application Information.** Amendment of a prior conditional use permit, or locating, constructing and/or modifying a telecommunications facility (new or existing), including the telecommunications support facility or other supporting equipment used in connection with said telecommunications support facility, shall require a conditional use permit. No wireless telecommunications facilities shall be installed, constructed or modified until the conditional use application is reviewed and approved by the Village Board, and any necessary building permits are issued. Site work, with the exception of soil testing, surveying and other necessary site location testing, is prohibited from being performed prior to the approval and issuance of a conditional use permit. The review procedures for conditional use permit applications shall be as prescribed in Article E of the Village of Bristol Zoning Code (Title 13, Chapter 1 of the Village of Bristol Code of Ordinances) except that compliance with the additional requirements specified in this Section shall be required. For all telecommunications facilities, except exempt facilities as specified in Subsection (f), the following information shall accompany every application for a conditional use permit:
- a. Original signature of the applicant and parcel owner (if the telecommunications facility is located in an easement, the beneficiaries of the easement and underlying property owner must authorize the application).
 - b. The identity of the carrier, applicant, provider, landowner and service provider, and their legal status, with address, email address and telephone number..

- c. The name, address, email address, and telephone number (and fax and cellphone numbers) of the officer, agent and/or employee responsible for the accuracy of the application, and of the owner of the property involved.
- d. The name, address, email address, and telephone number of any professionals and consultants preparing the application.
- e. Payment of conditional use permit application and escrow fees [see Subsection (h)(2)] below].
- f. A plat of survey, showing the parcel boundaries, location, and access, and the proposed tower, facilities, landscaping, and fencing.
- g. A legal description of the site which includes the square footage of the property, lot line locations and lot line dimensions.
- h. The location of the nearest residential structure and the distance to the proposed site.
- i. The location, size, and height of all proposed and existing towers, antennas and all appurtenant structures.
- j. The number, type, and design of the tower(s) and antenna(s) proposed and the basis for the calculations of the tower's capacity to accommodate multiple users. Included shall be the make, model, and manufacturer of the proposed antenna(s) and tower(s). The applicant will provide a written copy of an analysis, completed by a qualified professional, to determine if the tower, or an existing structure, intended to support wireless facilities requires lighting under Federal Aviation Administration Regulation Part 77. This requirement shall be for any new tower or for an existing structure or building where the application increases the height of the structure or building. If this analysis determines that the FAA must be contacted and involved, then all filings with the FAA, all responses from the FAA, and any related correspondence and emails shall be provided to the Village in a timely manner.
- k. A description of the proposed tower(s) and antenna(s), or modification thereto, and all related fixtures, structures, appurtenances, and apparatus, including the height above pre-existing grade, materials, color, and lighting. The applicant shall furnish a Visual Impact Assessment, which shall include:
 - 1. A Zone of Visibility Map which indicates locations or a radius from which the tower may be seen;
 - 2. A pictorial representation of "before and after" views from key viewpoints both inside and outside of the Village as may be appropriate, including, but not limited to, State and County highways, parks, other public lands, historic districts, and any other location where the site is visible to a large number of visitors or residents. Applicants are encouraged to consult with Village staff regarding such locations; and
 - 3. An assessment of the visual impact of the tower, tower base, guy wires, and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.

- l. In the case of a leased site, a lease agreement, option or binding lease memorandum which shows on its face that it does not preclude the lessee from entering into leases on the site with other provider(s) and the legal description and amount of property leased. The lease shall not be structured so as to create a prohibition to colocation of other providers.
- m. A description of the telecommunications service that the applicant intends to offer or provide to persons, firms, businesses or institutions.
- n. The frequency, modulation, and class of service of radio or other transmitting equipment.
- o. Federal Communications Commission license numbers and registration numbers, if applicable.
- p. Copies of the Finding of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Impact Study (EIS), if applicable.
- q. An alternatives analysis shall be prepared by the applicant, or on behalf of the applicant by the applicant's designated technical representative, except for exempt facilities as defined in Subsection (f) above, subject to the review and approval of the Village Board, following an advisory recommendation from the Plan Commission, which identifies at least two (2) sites that are technically feasible alternative locations and/or facilities which could provide the proposed telecommunications service. The purpose of the alternative analysis is to present alternative strategies which could minimize the number, size and adverse environmental impacts of facilities necessary to provide the needed services to the area. The analysis shall address the potential for colocation; it shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the determination of the Village Board that the site applied for is more advantageous than any available and feasible alternative site. Sites on prime agricultural land or environmental corridors shall be located to have the least negative impact on agricultural use or the environmental corridor. The Village may require independent verification of this analysis at the applicant's expense.
- r. Plans explaining security measures at the site, such as fencing, access control, lighting, etc. [see Subsection (m)].
- s. The type, location, and dimensions of all proposed and existing landscaping, vegetation, and fencing. If the Visual Impact Statement reveals that there is vegetation on or adjacent to the project site that must be retained for screening of the proposed tower or facility, the applicant shall document how such vegetation will be protected throughout the operational life of the facility.
- t. Copies of a map inventory and explanatory notes of all of the applicant's existing telecommunications facilities that are located within the Village of Bristol and Kenosha County, and specifically including all of the existing facilities within one

thousand five hundred (1,500) feet of the Village's boundaries. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunications facilities, and the ability of the tower or antenna structure to accommodate additional colocation antennas.

- u. A report prepared at the applicant's expense by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas.
 - v. Proof of liability insurance coverage [see Subsection (m)(9)].
 - w. Certified statement from an RF-specialist engineer licensed in the State of Wisconsin showing the coverage of the proposed facility. This statement shall include the following:
 - 1. The actual intended transmission and the maximum effective radiated power of the antennas;
 - 2. The direction of maximum lobes and associated radiation of the antennas;
 - 3. Certification that the NIER levels at the proposed site are within the threshold levels adopted by the FCC and the provision of the calculations used to determine the cumulative NIER levels; and
 - 4. Certification that the proposed antenna(s) will not cause interference with other telecommunications devices.
 - x. In the case of sites in the proximity of an airport, copies of an Affidavit of Notification indicating that the airport operator and airport property owners within the areas limiting telecommunications facility locations as identified under Subsection (e), if applicable, have been notified via certified mail.
 - y. The applicant's signed statement that the proposed wireless telecommunications facility shall be maintained in a safe manner, and in compliance with all conditions of the conditional use permit, as well as all applicable local codes, ordinances and regulations including any and all applicable State and Federal laws, rules and regulations.
 - z. Such other information as the Village Board, Plan Commission and/or Village Engineer may reasonably require to complete processing the application.
- (2) ***Retention of Expert Assistance and Reimbursement by Applicant.***
- a. The Village may employ the services of any engineer, consultant, attorney and/or other expert necessary to assist the Village in reviewing and evaluating the application, including the construction and modification of the site.
 - b. The applicant shall deposit with the Zoning Administrator or Clerk-Treasurer funds sufficient to reimburse the Village for all reasonable costs of consultant and expert evaluation and consultation to the Village in connection with the review of any application, including the construction, inspection and modification of the site once permitted. The initial reimbursement deposit shall be Five Thousand Dollars (\$5,000.00). The initial deposit with the Village shall precede the first

meeting before the Plan Commission. The Village shall maintain a separate escrow account for all such funds. The Village's consultants/experts shall invoice the Village for services provided in reviewing the application, including costs associated with construction or a requested modification, and such information shall be provided to the applicant. If at any time in this process this escrow account has a balance less than One Thousand Dollars (\$1,000.00), the applicant shall immediately, upon notification by the Village, replenish said escrow account so that it has a balance restored to at least Five Thousand Dollars (\$5,000.00). Such additional escrow funds shall be deposited with the Village before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Village is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

- c. The total amount of escrow funds needed as set forth in this Subsection may vary with the scope and complexity of the project, the completeness of the application and other information as may be needed to complete the necessary review, analysis, and inspection of any construction or later modification requiring a conditional use permit.

(3) ***Colocation Requirements.***

- a. All telecommunications facilities issued a conditional use permit, and any telecommunications facility previously issued a conditional use permit requiring colocation sites, shall make available unused space for colocation of other telecommunications facilities, including space for those entities providing similar, competing services.
- b. As a colocation option, wireless telecommunications antennas may be permitted, as a conditional use, to be attached to existing, conforming church steeples; bell towers; smokestacks; municipal, utility, hospital and school buildings; and radio towers in accordance with the site and performance standards of this Section. With such colocation uses, the antenna shall not extend more than fifteen (15) feet above the existing such structure.
- c. As a colocation option, wireless telecommunications antennas may be permitted, as a conditional use, to be attached to utility poles after the applicant has provided written proof of approval from the utility owner. The height of the antennas shall not extend more than fifteen (15) feet above the existing such pole.
- d. As a colocation option, wireless telecommunications antennas may be permitted, as a conditional use, upon municipal-owned water towers, provided the operator complies with the performance and operating standards of this Section and provides written proof of a lease agreement with the public entity owning the water tower.
- e. Colocation is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go off-line for a significant period of time, such as would be occasioned by requiring

a replacement tower or reconstruction of an existing tower to facilitate colocation. In general, it is anticipated that colocation will not result in any disruption of service.

- f. All colocated and multiple-user telecommunications facilities shall be designed to promote site sharing. Telecommunications towers and necessary appurtenances shall be shared by the site users whenever possible, including, but not limited to, parking areas, utilities, access roads, etc. Space shall be reasonably available to colocators. Multi-user telecommunications towers shall be designed to allow for future rearrangement of antennas and to accept antennas mounted at varying heights.
- g. In the event the parties are unable to reach agreement on the amount of colocation rent, the parties shall arbitrate the dispute. Each party shall select a representative for the arbitration panel. The two (2) persons selected shall select a third person. The three (3) persons shall arbitrate the dispute. The parties shall share the costs of arbitration equally. The permittee shall make this arbitration provision known to any party with whom it is unable to reach agreement for colocation. The arbitration panel shall consider prevailing market rates in the region, contractual provisions which are standard in the industry, or master colocation agreements on the issue of subject arbitration. The arbitration provisions shall be applicable to both the landowner and the telecommunications facility owner or operator when negotiating with a prospective colocator and shall be deemed as a condition of any conditional use permit issued whether or not specifically set forth in said permit. Any party may request arbitration from the appropriate other party after expiration of one hundred and twenty (120) days from commencement of negotiations. Arbitration shall be promptly completed. Failure to engage in arbitration as required hereunder shall constitute a violation of this Section.

(4) **Technical Review.**

- a. The Village Board shall employ on behalf of the Village an independent technical expert to review materials submitted in those cases where a technical demonstration of unavoidable need or unavailability of alternatives has been determined necessary by the Village Board. The applicant may provide a list of suggested experts to the Village Board and Zoning Administrator. The Village Board shall not be bound to employ one of the suggested experts.
- b. The applicant shall pay all the costs of such review. The payment for such services to the Village shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review shall be paid in full prior to the issuance of the conditional use permit.

(5) **Modifications.** The holder of a conditional use permit for a telecommunications facility shall notify the Zoning Administrator of any intended modification of a

wireless telecommunications facility and shall apply to the Village to modify, add to, or relocate non-exempt equipment and facilities at the facility site. Modification shall then cause the entire telecommunications facility to come under the regulatory jurisdiction and requirements of this Section. This includes a change in the effective radiated power (ERP) from the facility, or a change in the radio frequency (RF) emissions from the facility, or anything that could reasonably affect the public general welfare. [See definition of "modification" in Subsection (b) above]. No modification may be made without the issuance or amendment of a conditional use permit.

- (6) **Grounds for Denial of Conditional Use Applications.** In addition to the criteria prescribed in Article of the the Village Zoning Code to be used in reviewing any conditional use permit application, the Village Board may disapprove an application for any of the following reasons, specifying the deficiencies in writing:

- a. Conflicts with the provisions of this Section.
- b. Conflicts with applicable Federal, State and local safety and safety-related codes, rules, and regulatory requirements.
- c. Conflict with the historic nature of a historical district.
- d. A determination that the placement and location of the wireless telecommunications facility would create an unacceptable risk, or reasonable possibility of such, to residents, the public, employees, and agents of the Village or employees of the service provider.
- e. There shall be no development of such facilities on land with, or within fifty (50) feet of, a steep slope.
- f. There shall be no development within one hundred (100) feet of a wetland.

- (7) **Submittals Required Following Conditional Use Permit Approval.** For each conditional use permit approved under this Section by the Village Board, the applicant shall submit to the Zoning Administrator the following before a conditional use permit will be issued:

- a. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings and the Wisconsin State Bureau of Aeronautics, if applicable.
- b. Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854 submitted to the Federal Communications Commission (FCC), if applicable.
- c. Copies of any filings relating to any telecommunications facility of the provider in the Village and Kenosha County submitted to the Federal Communications Commission shall be submitted within thirty (30) days of filing.

(i) **Information Report.**

- (1) **Report Purpose.** The purpose of the Telecommunications Facilities Report under this Subsection is to provide the Village of Bristol with accurate and current information concerning the telecommunications facilities owners and providers who offer or provide telecommunications services within the Village, or that own or

operate telecommunications facilities within the Village, to assist the Village in administering and enforcement of this Section, and to assist the Village in regulatory compliance and the protection of the general welfare of the citizenry.

- (2) **Submittal Requirement – New Towers.** All telecommunications tower owners of any new telecommunications facilities receiving a conditional use permit shall submit to the Zoning Administrator a Telecommunications Facilities Report within thirty (30) days:
- Following approval of a new conditional use permit;
 - Of receipt of a written request from the Zoning Administrator, which may be done periodically;
 - When any change in occupancy or modification of the tower occurs; and
 - Annually on July 1st. The service provider or owner of a tower, as appropriate, shall annually file with the Zoning Administrator a written report showing the cumulative effect of the NIER radio frequency levels at the site, as obtained from field measurements, to certify that NIER levels at the site are within acceptable threshold levels adopted by the FCC and/or Wisconsin Public Service Commission. Annual reports may be subject to verification by an independent testing company; the decision for verification shall rest with the Plan Commission and the costs borne by the owner/operator.
- (3) **Required Report Information.** Such Report shall include the tower owner name(s), address(es), contact person(s), telephone numbers (landline, cellphone, fax), and proof of letter of credit required under Subsection (j)(5) below. Facilities reports or annual reports shall include information regarding the name(s) and emergency contact information of the entity that performs maintenance activities for the facility for purposes of assisting the provision of emergency services.
- (4) **Submittal Requirement – Existing Nonconforming Towers.** Owners of nonconforming towers constructed prior to the effective date of this Section shall be required to submit this Report within ninety (90) days of notification from the Zoning Administrator. The tower owner shall supply the tower height; current occupancy of the tower; number of colocation positions designed, occupied or vacant; and testing results verifying proper compliance with Subsection (i)(2)d above and Federal and State requirements and standards specified in, but not limited to, Subsection (m)(2)a, b and c below.

(j) **Removal of Unused Towers; Security for Removal.**

- (1) **Removal Requirement.** Telecommunications towers shall be removed once they are no longer in use and not a functional part of providing telecommunications service. It is the telecommunications provider's responsibility to remove such telecommunications tower and restore the site to its original condition or to a condition approved by the Village Board.
- (2) **Subsurface Restoration.** Restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications tower down to six (6) feet below the surface.

- (3) **Compliance Period.** After a telecommunications tower is no longer in operation, the provider shall have one hundred and eighty (180) days to effect removal and restoration; the Village Board and provider may mutually agree in writing to extend such removal time for good cause, such as weather conditions.
- (4) **Subsurface Structure Land Record.** The permittee shall record a document with the County Register of Deeds indicating the existence of any subsurface structure remaining below grade; such recording shall accurately set forth the location and describe the remaining structure.
- (5) **Security for Removal.**
 - a. The owner of any telecommunications tower shall provide to the Village of Bristol, at the time of the issuance of a conditional use permit, zoning permit or building permit, an irrevocable letter of credit or bond in an amount determined by the Village Engineer to guarantee that the telecommunications tower will be removed when no longer in operation.
 - b. The Village of Bristol shall be named as obligee in the bond or letter of credit; the letter of credit or bond shall be approved as to form by the Village Attorney.
- (k) **Abandonment.** Any antenna or telecommunications tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Village Board may extend the time limit regarding abandonment for an additional twelve (12) month period. Such extension shall be based on a finding that the owner or permit holder is actively seeking tenants for the site/facilities; the letter of credit or bond required by Subsection (j)(5) above shall be kept fully in force during this period of time. After the expiration of the time periods established above, the following shall be applicable:
 - (1) **Removal Following Abandonment.** The owner of such antenna or telecommunication tower shall remove said antenna or telecommunication tower, including all supporting equipment, building(s) and foundations, to the depth required in Subsection (j)(2) above within ninety (90) days of notice. The Zoning Administrator may order removal utilizing the established letter of credit/bond and salvage said antenna or tower and all supporting equipment and buildings. If there are two (2) or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.
 - (2) **Notice of Abandonment.** The recipient of a conditional use permit allowing a telecommunications tower under this Section, or the current owner or operator, shall notify the Zoning Administrator within sixty (60) days of the date when the telecommunication tower is no longer in operation.
- (l) **Separation and Setback Requirements.** Except for exempt facilities described in Subsection (f), the following standards shall be complied with regarding placement and separation of towers:
 - (1) **Minimum Separation Between Telecommunications Towers.**
 - a. Separation requirements:

Proposed Tower Types	Lattice	Guyed	Guyed Monopole 85 ft. in Height or Greater
Lattice	2,640 ft.	2,640 ft.	2,640 ft.
Guyed	2,640 ft.	2,640 ft.	2,640 ft.
Monopole 85 ft. in height or greater	2,640 ft.	2,640 ft.	2,640 ft.

Note: Notwithstanding the above separations, two (2) telecommunications towers may be permitted to be located within one hundred (100) feet of each other subject to conditional use review and approval, and subject to meeting the setback requirements.

- b. Camouflaged towers may be exempted from the separation between telecommunications towers requirement above by the Village Board as part of the conditional use permit approval process.
- (2) **Setbacks From Other Uses.** All setbacks shall be measured from the base of the structure or tower. Notwithstanding any other provisions of the Zoning Code, the following minimum setbacks shall be applicable unless a greater distance is established by the Village Board as part of a conditional use permit:
- a. Setbacks are required from all habitable residential buildings, except buildings located on the subject parcel. All new towers shall be set back a distance at least one hundred and twenty-five percent (125%) of the height of the tower. Setbacks shall apply to all components of the facility, including accessory structures and facilities.
 - b. All new towers shall be set back a distance at least one hundred and twenty-five percent (125%) of the height of the tower from historic sites and districts.
 - c. All new towers shall be set back from all streets a minimum as defined in each zoning district. Notwithstanding other provisions of the Zoning Code, a tower shall be set back from all traveled portions of a street or highway a distance not less than one hundred and twenty-five percent (125%) of its height, unless an engineer has provided a certified opinion that the mode of failure designed for said structure allows placement as close as one-half (1/2) the height of the tower from the traveled portion of said street or highway.
 - d. All new towers shall be set back a minimum of fifty (50) feet from all property lines. This setback requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.
 - e. All guy wire anchors shall be at least twenty-five (25) feet from all property lines.
- (m) **Structural and Design Standards; Indemnification and Insurance Requirements; Operational and Safety Standards.**
- (1) **Tower, Antenna and Facilities Requirements.** All telecommunications facilities, except exempt facilities as defined in Subsection (f), shall be designed to reduce the

negative impact on the surrounding environment by implementing the measures set forth below:

- a. All new towers will be stealth structures, unless the applicant is able to prove the technological impracticality of such.
- b. Telecommunications towers shall be constructed of corrosive-resistant metal or other nonflammable material, unless specifically permitted by the Village Board to be otherwise. A regular maintenance schedule shall be followed.
- c. All ground-mounted telecommunications towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted to the Village that a guyed tower is required.
- d. Telecommunications towers and antennas shall be of a neutral color, such as light gray or sky blue, except as dictated by the Federal Aviation Administration, and be designed to minimize visibility and to harmonize with the surrounding environment. New stand-alone towers must be camouflaged so their color allows them to blend with their surroundings.
- e. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions.
- f. Telecommunications support facilities (i.e., utilities, equipment rooms/enclosures, etc.) shall be constructed of nonreflective materials on visible exterior surfaces. Telecommunications support facilities shall be no taller than fifteen (15) feet in height, measured from the original grade at the base of the facility to the top of the structure, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping as required in the conditional use permit and approved by the Zoning Administrator, and shall be located or designed to minimize their visibility. Telecommunications support facilities for all tower users at one (1) telecommunications facility shall not exceed a total of one thousand (1,000) square feet of floor area.
- g. All utilities at a wireless telecommunications facilities site shall be installed underground and in compliance with all Village, State and Federal laws, ordinances, rules, and regulations, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- h. Roof-mounted wireless telecommunications antennas shall not be permitted on the roof of buildings with pitched roofs, unless they are stealth antennas incorporated into upward thrusting architectural elements, such a church steeple, spire or bell tower, or smokestack. On flat roofs, the maximum height of an antenna platform located on a roof top shall be twenty (20) feet above the highest point of the roof to which the antenna is attached.
- i. Telecommunications antennas structurally mounted on the sides of buildings shall be attached flush with the side of the building, and shall not protrude more than

three (3) feet from the side of the building. Structurally mounted antennas not affixed to the sides of buildings shall be made to blend into the design and contours of the structure.

- j. No signs unaffiliated with site operations or with an advertising message shall be affixed to the antenna or tower structure. Wireless telecommunications facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of an antenna that has radio frequency or microwave transmission capabilities and shall contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency telephone numbers. The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site. The sign shall not be lighted unless lighting is required by applicable law, rule or regulation.
 - k. Telecommunications facilities shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury. All antennas, towers and other supporting structures, including guy wires, shall be made inaccessible to unauthorized individuals. Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.
 - l. Wireless telecommunications facilities shall be effectively designed and grounded so as to protect persons and property and that appropriate surge protectors will be installed and maintained.
 - m. At a telecommunications facilities site, an access road, turn-around space, and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours of the land and be constructed or improved at the edge of fields and/or forests to assure minimal visual disturbance and reduce soil erosion. All erosion and stormwater control regulations shall be fully complied with.
- (2) **Environmental and Safety Standards; Construction Standards.** All telecommunications facilities, except exempt facilities as defined in Subsection (f), shall be designed to reduce the negative impact on the surrounding environment and the general welfare of area residents by implementing the measures set forth below:
- a. All telecommunications facilities shall comply at all times with all Federal Communications Commission (FCC) rules, regulations, and standards. To that end, no telecommunications facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communications Commission adopted standard for human exposure, as amended,

or any more restrictive standard subsequently adopted or promulgated by the Federal government.

- b. All telecommunications facilities, towers and antenna(s), and their operations, shall meet or exceed the standards and regulations of the Federal Aviation Administration (FAA), the Wisconsin State Bureau of Aeronautics, the Occupational Safety and Health Administration (OSHA), the Federal Communications Commission (FCC), Wisconsin Public Service Commission (PSC), and any other agency of the Federal or State government with the authority to regulate telecommunications facilities, towers and antennas. Determinations by the State or Federal agencies responsible for enforcing the regulations set forth above shall be binding on the permittee and Village of Bristol.
- c. All telecommunications facilities, towers and antennas shall be designed, constructed and operated so that they fully comply with harmonic distortion limits within electrical power systems as required in the rules of the Wisconsin Public Service Commission (PSC) prescribed in PSC 113.0701 through PSC 113.0705, Wis. Adm. Code. The standards identified to be utilized when corrective action is necessary are outlined by the Institute of Electrical and Electronics Engineers (IEEE) in the 1992 IEEE Standard 519, or as amended in the future. Strobe lights are required to incorporate features to prevent or significantly minimize emission of radio frequencies from such strobe lights. Demonstration of compliance shall be documentation from an electrical engineer or qualified electrical technician, or from the utility/operator, that the electrical system meets the prescribed limits for harmonic distortion and/or demonstration of installation of appropriate harmonic filter equipment to bring the distortion into compliance. If the Village Board determines, upon the recommendation of the Plan Commission, that additional measures are necessary to verify compliance with the above provisions, it may hire an electrical expert of the Village's choice for such verification and the tower owners or the parties responsible for the equipment shall pay a fee equal to the actual costs incurred by the Village of Bristol of such verification.
- d. Telecommunications facilities, towers and antennas shall be designed and constructed in accordance with the following standards in place at the time of construction/manufacture or later modification; the owner of a telecommunications facility, tower or antenna shall submit to the Zoning Administrator a statement of compliance with such codes and standards:
 - 1. Wisconsin Uniform Building Code;
 - 2. National Electrical Code;
 - 3. Uniform Plumbing Code;
 - 4. Uniform Mechanical Code;

5. Uniform Fire Code;
 6. Village Land Division Ordinance;
 7. County Sanitation Ordinance (non-sewered parcels);
 8. Electronic Industries Association (EIA) standards;
 9. American National Steel Institute (ANSI) Standards;
 10. American National Standards Institute (ANSI) standards;
 11. Electronic Industry Association/Telecommunication Industry Association (EITTTIA); and
 12. All related fire, electric, plumbing and building codes adopted by the Village of Bristol.
- e. Telecommunications facilities shall not interfere with or obstruct existing or proposed public safety, fire protection, or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunications facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the Village of Bristol.
 - f. The holder of a conditional use permit under this Section shall adhere to and comply with all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA, FCC and Wisconsin Public Service Commission. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, and electrical and radio frequency emissions standards. To the extent that such applicable Federal and State rules, regulations, standards and provisions are modified during the duration of the conditional use permit, then the holder of the conditional use permit shall conform to the modified regulation within twelve (12) months of the effective date of the changed regulation, rule, standard or provision, or sooner as may be required by the issuing entity.
- (3) ***Height and Colocation Standards.***
- a. The height of a telecommunications tower/antenna shall be measured from the original grade at the base of said tower/antenna to the highest part of the tower/antenna itself. In the case of building mounted towers/antennas, the height calculation includes the height of the portion of the building on which it is mounted. In case of adjustable or other towers/antennas whose height can be adjusted, the height of the tower/antenna shall be the maximum height to which it is capable of being raised.
 - b. Towers shall be permitted to a maximum height of two hundred (200) feet, not including antennas. Unless permitted by the Village Board after review, towers shall be constructed so as to accommodate a minimum of three (3) colocation sites. Colocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified maximum height later addition of at least three (3) colocation sites. Notwithstanding the height

and colocation sites on the tower as initially placed or constructed, the tower design approved and permitted shall be for a tower capable of extension to two hundred (200) feet in height, including the required colocation sites. The Village Board may vary the above requirements if use of a monopole is a condition of the permit.

- (4) **Lighting.** Telecommunications towers shall be lighted in accordance with rules of the Federal Aviation Administration, administrative rules of the Wisconsin Public Service Commission, and other applicable Federal, State and Municipal regulations. The Village Board may require lighting of towers in areas subject to localized air traffic concerns such as crop dusting.
- (5) **Site Development, Roads and Parking.**
 - a. A leased parcel intended for the location of new telecommunications facilities and telecommunications support facilities shall be located so as to permit expansion for telecommunications support facilities to serve all potential colocators. A parcel owned by the telecommunications carrier and/or provider and intended for the location of new telecommunications facilities and telecommunications support facilities shall meet the minimum size requirements of the underlying zoning district.
 - b. All sites shall be served by an easement sufficient to provide a turnaround and shall use existing access points and roads whenever possible. The access point to the site shall be approved by the Village Board, and, if applicable, the County Highway Department and the Wisconsin Department of Transportation.
- (6) **Facility Screening; Vegetation Protection.**
 - a. Except for exempted facilities under Subsection (f), all telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where deemed necessary by the Village. For purposes of this Subsection, "mature landscaping" shall mean trees, shrubs, or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation.
 - b. Upon project completion, the owner(s) and operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunications facility is maintained on the site.
- (7) **Fire Prevention.** All telecommunications facilities shall be designed and operated in accordance with all applicable codes regarding fire safety and prevention.
- (8) **Noise and Traffic.** All telecommunications facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. The following measures shall be implemented for all telecommunications facilities, except exempt facilities defined in Subsection (f):
 - a. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holidays) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair.

- b. Backup generators shall be operated only during power outages and for testing and maintenance purposes.

(9) **Liability Insurance.**

- a. The holder of a conditional use permit for wireless telecommunications facilities shall secure and maintain at all times public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the conditional use permit in amounts as set forth below:
 - 1. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000.00 per occurrence/\$2,000,000.00 per aggregate;
 - 2. Automobile/Vehicle Coverage: \$1,000,000.00 per occurrence/\$2,000,000.00 per aggregate;
 - 3. Workers' Compensation and Disability Coverage: Statutory amounts.
- b. The Commercial General Liability insurance policy shall specifically include the Village of Bristol and its officers, boards, employees, committee members, professional staff, and consultants as additional named insureds.
- c. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in Wisconsin. The insurance policies shall contain an endorsement obligating the insurance company to furnish the Zoning Administrator or Clerk-Treasurer with at least thirty days (30) prior written notice in advance of the cancellation of the insurance. Renewal or replacement policies or certificates shall be delivered to the Zoning Administrator or Clerk-Treasurer at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- d. Before construction of a permitted wireless telecommunications facility is commenced, but in no case later than fifteen (15) days after the grant of a conditional use permit, the holder of the conditional use permit shall deliver to the Zoning Administrator or Clerk-Treasurer a copy of the policies or certificates representing the insurance issuance in the required coverage amounts.

(n) **Use of Streets and Pole Attachments.**

- (1) **Written Approval Requirement.** Before commencing construction of wireless telecommunications facilities in, above, over, under, across, through or in any way connected with the streets, public ways or public places of the Village, the permittee shall first obtain the written approval of, and all other necessary permits from, all appropriate Village agencies, including, but not limited to, the Zoning Administrator, Village Engineer, and the Department of Public Works.
- (2) **Notice of Start of Construction.** Upon obtaining such written approval, the permittee shall give the Village Engineer and any other appropriate agency written notice within a reasonable time for proposed construction, but in no event shall such notice be given less than ten (10) days before commencement of such construction, except for emergency repairs of existing lines and cables.
- (3) **Use Agreements.** Any entity that submits a request for a conditional use permit in accordance herewith shall include therein proposed agreements for the use of existing

towers and antennas, if applicable, with the owner(s) of such facilities to be used or affected by the construction of the proposed wireless telecommunications facilities.

- (4) **Approval to be Obtained Prior to Disturbing Public Streets and Ways.** It shall be unlawful for the permittee or any other person or entity to open or otherwise disturb the surface of any street, sidewalk, driveway, public way or other public place for any purpose whatsoever without first obtaining approval to do so after proceeding in the manner described in Subsection (e)(1) and (2). Violation of this Subsection shall subject the permittee to all penalties and remedies prescribed herein and to all other remedies, legal or equitable, which are available to the Village of Bristol.
- (5) **Restoration Requirements.** The permittee shall restore any street or sidewalk it has disturbed in accordance with the provisions of the Village's standard specifications for streets and sidewalks, and shall at its own cost and expense, restore and replace any other property disturbed, damaged or in any way injured, by or on account of its activities, to as good as the condition such property was immediately prior to the disturbance, damage or injury, or pay the fair market value of such property to its owner(s), or shall make such other repairs or restoration as outlined in the approved permit.
- (6) **Obligations of Permittee.** The permittee shall, at its own cost and expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from such street or other public place, any of its property when required to do so by the Village because of street or other public excavation, construction, repair, regrading or grading, traffic conditions, installation of sewers, drains, water pipes, Village-owned power or signal lines, tracts, vacation or relocation of streets or any other type of construction or improvement of a public agency, or any type of improvement necessary for the public health, safety or welfare, or upon termination or expiration of the permit.
- (7) **Protection of Utility Lines; Insurance; Performance Bond.** The permittee shall maintain all utility lines, wires, conduits, cables or other real and personal property and facilities in good condition, order and repair. The permittee shall provide indemnity insurance and performance bonds or demonstrate financial responsibility as shall comply with all rules and regulations issued by the Village Engineer governing the construction and installation of wireless telecommunications facilities.
- (8) **As-Built Plans.** The permittee shall keep accurate, complete and current maps and records of its system and facilities which occupy the streets, public ways and public places within the Village and shall furnish, as soon as they are available, two (2) complete copies of such maps and records, including as-built drawings, to the Village Engineer.
- (9) **Additional Requirements From the Village Engineer.** The permittee shall comply with all rules and regulations issued by the Village Engineer governing the construction and installation of wireless telecommunications facilities.

(o) **Violations and Penalties.**

- (1) **Forfeitures.** After seven (7) days from notification by certified letter to the conditional use permittee of violations of this Section and requirements imposed with the issuance of the conditional use permit, the owner and/or operator of the wireless telecommunications facilities shall be subject to a minimum forfeiture of Five Hundred Dollars (\$500.00) and a maximum forfeiture of One Thousand Dollars (\$1,000.00) for each day the telecommunications facilities remain out of compliance. Each day any violation continues shall be deemed a separate, chargeable offense.
- (2) **Verification Costs.** Such forfeitures shall continue until the owners and/or operator of the telecommunications facilities notify the Village of Bristol by certified letter that the facility is in compliance. The owners and/or operator of the telecommunications facilities shall also be responsible for paying for any re-verification costs, including those of the Village, in determining compliance. The Village may employ the services of outside professionals in verifying compliance.
- (3) **Additional Legal Actions to Effect Compliance.** If compliance is not achieved within sixty (60) days of notification by certified letter of violation of this Section and any requirements imposed with the issuance of the conditional use permit, the Village of Bristol may take further legal action to compel compliance. The owners and/or operators of the telecommunications facility shall be responsible for the legal costs incurred by the Village of Bristol.
- (4) **Conditional Use Permit Revocation; Other Remedies; Actions By Private Parties.** In addition to imposition of forfeitures in the event of a violation(s), the Village may take action to revoke the conditional use permit under the procedures in Article E of the Village Zoning Code. The Village may also take other appropriate legal actions, including, but not limited to, injunctive relief, nuisance abatement enforcement and requesting review of the operations in question by federal and state regulatory bodies for compliance with their standards. The penalties and remedies in this Subsection are nonexclusive and shall not be interpreted as a limitation or prohibition against non-Village parties commencing private legal actions or requesting review by federal and state regulatory authorities.
- (5) **Forfeitures Not to Offset Other Penalties or Financial Obligations.** Notwithstanding anything in this Subsection, the conditional use permittee for the wireless telecommunications facility may not use the payment of fines, forfeitures, liquidated damages, required financial obligations, or other penalties to evade or avoid compliance with this Section. An attempt to do so shall subject the holder of the conditional use permit to proceedings for the termination and revocation of the permit.

(p) **Restrictions on Assignment, Transfer, Sale and Subleasing.**

- (1) **Termination of Permits; Limits Upon Encumbering Rights.** The rights and privileges hereby granted are considered personal, and if the permittee, without the prior consent from the Village Board, sells, assigns, transfers, leases or pledges such rights or privileges, or both, in whole or in part, either directly or by operation of the law, then

the Village of Bristol shall have the right to commence proceedings to terminate any and all permits issued hereunder for no other cause. Upon determination, the Village shall terminate such permits in writing, by certified mail, return receipt requested, to the permittee, and such termination shall be effective sixty (60) days from said date of mailing. The rights and privileges hereby granted shall not be mortgaged or encumbered without the prior consent and approval of the Village of Bristol given by written resolution.

- (2) ***Change in Ownership.*** In addition to the compliance standards and the provisions for termination provided for elsewhere in this Section, the Village of Bristol shall have the right to terminate any and all permits issued hereunder upon any actual or pending change in, or transfer of, acquisition by any other party, or control of the permittee. The word "control" as used in this context is not limited to major stockholders, but includes actual working control in whatever manner exercised. The permittee shall annually submit to the Village of Bristol a list of all shareholders and a list of all officers and directors, or agent in the case of a limited liability corporation. By acceptance of the conditional use permit, the permittee specifically agrees that any violation of this Section shall, at the Village's option, cause any and all permits granted the permittee to be revoked.

Sec. 13-1-363 through Sec. 13-1-399 Reserved for Future Use.

Article K: Accessory Uses and Structures; Screening
 and Landscaping; Fences and Hedges

Sec. 13-1-400 Accessory Uses or Structures.

(a) **Accessory Building Zoning Permit Required for Accessory Buildings.**

(1) **Permit Required.** No owner shall, within the Village of Bristol, build, construct, use or place any type of an accessory structure or building, including prefabricated accessory buildings, until an accessory building zoning permit shall have first been obtained. Application for an accessory structure permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the Village fee schedule and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory structure with respect to adjoining alleys, lot lines and buildings.

(2) **Applicability to Temporary, Movable and Permanent Buildings.** For purposes of this Zoning Code, no regulatory distinction is made between temporary, permanent, prefabricated or movable accessory buildings (such as those mounted on skids).

(b) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction, unless a special limited-duration one-time waiver is granted by the Village Board due to unique circumstances. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

(c) **Locational Requirements and Exceptions for Accessory Buildings.** The location requirements stipulated elsewhere in this Chapter may be modified for accessory buildings as follows:

(1) **Agricultural (Farm) Buildings.**

- a. Agricultural buildings, used for agricultural purposes only, such as barns, silos, bins, sheds, and farm machinery sheds in the A-1, A-2, A-3 and A-4 Agricultural Districts, shall not be considered accessory buildings. Such buildings are principal agricultural buildings and shall comply with the yard and height requirements of the agricultural districts. There shall be a building separation of at least ten (10) feet between buildings.
- b. Non-agricultural accessory buildings are permitted only after the residence is present on the parcel.

(2) **Detached Accessory Buildings on Nonconforming Agricultural Parcels.**

- a. Detached accessory buildings on nonconforming agricultural parcels greater than five (5) acres but less than ten (10) acres in area shall conform to the accessory building standards for the R-1 and C-2 Districts.
- b. Detached accessory buildings on nonconforming agricultural parcels less than five (5) acres but greater than forty thousand (40,000) square feet in area shall conform to the accessory building standards for the R-2 and R-7 Districts.

- c. Detached accessory buildings on nonconforming agricultural parcels less than forty thousand (40,000) square feet in area shall conform to the accessory building standards for the R-3 and R-8 Districts.
- (3) ***Detached Accessory Buildings in the R-1 and C-2 Districts.***
- a. Detached accessory buildings in the R-1 Rural Residential District and the C-2 Upland Resource Conservancy District are permitted, provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of ten (10) feet from any side or rear lot line.
 - b. There shall be a maximum of three (3) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of one hundred and fifty (150) square feet in area and fifteen (15) feet in height. The other two (2) buildings shall be limited to one thousand eight hundred (1,800) square feet in area and shall not exceed twenty (20) feet in height.
 - c. There shall be a minimum separation of ten (10) feet between accessory buildings.
- (4) ***Detached Accessory Buildings in the R-2 and R-3 Districts.***
- a. Detached accessory buildings in the R-2 Suburban Single-Family Residential District and the R-7 Suburban Two-Family and Three-Family Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, are located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot line.
 - b. There shall be a maximum of two (2) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area, and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of one thousand five hundred (1,500) square feet in area, and a maximum of twenty (20) feet in height. The second building shall be limited to a maximum of one hundred and fifty (150) square feet in area and a maximum height of fifteen (15) feet. The two (2) buildings shall not exceed a total of one thousand six hundred and fifty (1,650) square feet in area.
 - c. There shall be a minimum separation of ten (10) feet between accessory buildings.
- (5) ***Detached Accessory Buildings in the R-3 and R-8 Districts.***
- a. Detached accessory buildings in the R-3 Urban Single-Family Residential District and the R-8 Urban Two-Family Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot line. There shall be a minimum of two (2) detached accessory buildings, excluding gazebos and pool houses not more than one

hundred and fifty (150) square feet in area and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of one thousand (1,000) square feet in area and a maximum of twenty (20) feet in height. The second building shall be limited to a maximum of one hundred and fifty (150) square feet in area and a maximum height of fifteen (15) feet. The two (2) buildings shall not exceed a total of one thousand one hundred and fifty (1,150) square feet.

- b. There shall be a minimum separation of ten (10) feet between accessory buildings.

(6) ***Detached Accessory Buildings in R-4, R-5, R-6 and R-12 Districts.***

- a. Detached accessory buildings in the R-4 Urban Single-Family Residential District, the R-5 Urban Single-Family Residential District, the R-6 Urban Single-Family Residential District, and the R-12 Mobile Home/Manufactured Home Park/Subdivision Residential District are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot line. There shall be a maximum of two (2) detached accessory buildings, excluding gazebos and pool houses not more than one hundred and fifty (150) square feet in area and fifteen (15) feet in height. One (1) accessory building shall be limited to a maximum of seven hundred and twenty (720) square feet in area and a maximum of seventeen (17) feet in height. The second building shall be limited to a maximum of one hundred and fifty (150) square feet in area and a maximum height of fifteen feet. The two (2) buildings shall not exceed a total of eight hundred and seventy (870) square feet in area.
- b. There shall be a minimum separation of ten (10) feet between accessory buildings.

(7) ***Detached Accessory Buildings in the R-9, R-10 and R-11 Districts.***

- a. Detached accessory buildings in the R-9, R-10 and R-11 Multiple-Family Residential Districts are permitted provided that all accessory buildings are located in the side or rear yard only, shall be located at least ten (10) feet from the principal structure, and a minimum of five (5) feet from any side or rear lot line. However, when abutting a single-family residential district, accessory buildings shall be a minimum of ten (10) feet from any side or rear lot line.
- b. Permitted detached accessory buildings shall not exceed twenty (20) feet in height.

(8) ***Detached Accessory Buildings in All Other Districts.*** Detached accessory buildings in all other districts shall meet the minimum setback requirements as outlined in each district.

- (9) ***Total Number of Accessory Buildings.*** If the total number of detached accessory buildings existing on a parcel exceeds the total number permitted in the zoning district, no additional buildings or additions to existing buildings shall be permitted unless buildings in excess of the district standard are removed. When a pre-existing accessory building(s) is present on a parcel, the square footage of such building(s) shall be deducted from the total square footage for accessory buildings permitted in that district.

- (10) **Boathouses.** Boathouses accessory to permitted uses used strictly for the storage of boats and water-related recreational accessories to be used by the owner or occupant of any given parcel may be located within a shore yard but:
- Shall not be closer to a lake, stream, pond, or wetland than the ordinary high water mark; shall not exceed one (1) boathouse on the premises for each shoreland lot; shall not exceed the height of twelve (12) feet above the existing shoreline grade except when bluff and/or steep slope conditions exist (in such cases, it shall not exceed the height of the top grade elevation of said shoreland lot);
 - Shall not exceed five hundred and seventy-six (576) square feet in horizontal area covered;
 - Shall not be closer than three (3) feet to any side lot line; and
 - The boathouse shall be constructed in such manner as to orient the main opening of the boathouse toward the lake.
- (11) **Carports.** For purposes of this Section, a carport shall be considered to be a garage.
- (d) **Accessory Buildings/Structures Requiring a Conditional Use Permit.** The accessory building and structure sizes accumulations in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts set forth in Table D shall require that a conditional use permit be required to be reviewed and approved by the Village Board, subject to recommendation by the Plan Commission.
- (e) **Application Requirements and Standards for Conditional Use Accessory Buildings and Structures in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts.** The following are application requirements and other standards for conditional use accessory buildings and structures located on a lot or parcel in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts:
- (1) The applicant shall submit at the time application for the conditional use permit by the applicant a plat of survey prepared by a Wisconsin registered land surveyor which accurately depicts and depicts dimensions for the proposed location of the accessory building or accessory structure. Said accessory building or accessory structure shall be located as depicted as the same relates to the property or as approved by the Village Board.
 - (2) The application materials submitted by the applicant for the accessory building or accessory structure shall specifically indicate all of the exterior building dimensions of the accessory building or structure, including height.
 - (3) The following specific requirements and standards *shall be considered and may be applied* as deemed appropriate by the Plan Commission and/or Village Board when considering the granting of conditional use permits for accessory buildings and structures located on a lot or parcel in the A-2, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-12, C-2, and RC Districts:
 - a. The accessory building or accessory structure shall be code compliant meeting all building regulations required by the Village of Bristol.

- b. No business operation of any kind shall be allowed as part of the use of the accessory building or accessory structure allowed herein.
 - c. No additional accessory buildings and/or structures shall be allowed on the parcel.
 - d. No reduction of land area through land divisions of any kind (including transfers of land between abutting property owners) shall be allowed as the size of the accessory building and/or accessory structure allowed herein was based, in part, upon the size of the property represented by the applicant unless the accessory structure is reduced in size prior to the land division occurring to meet the dimensional requirements of the applicable zoning district within which the property is located.
 - e. The materials for construction of the accessory building or accessory structure shall be consistent with the materials represented by the applicant to the Plan Commission and Village Board which shall remain consistent throughout the useful life of the accessory building or accessory structure.
 - f. The property owner and the property owner's successors and assigns shall maintain any Village-required landscaping and screening consistent with a plan for said accessory building or accessory structure approved by the Village Board and shall remain as a condition for said conditional use permit throughout the useful life of the accessory building or accessory structure.
 - g. Construction of the accessory building or accessory shall not be issued a building permit or construction commenced until an approved landscape plan [meeting the requirements of Sec. 13-1-445 of this Chapter) is submitted to the Village and approved by the Village Board, as may be required by the Village Board.
 - h. The property owner and his/her successors and assigns are hereby precluded from any outdoor storage of any kind including, but not limited to, boats, snowmobiles, motorcycles, all-terrain vehicles, cars, farm equipment, campers, trucks, vans, horse trailers, flatbed trailers, personal watercrafts, or any other personal property other than for purposes of landscaping.
 - i. The accessory structure shall not be rented or leased to any person nor may the same be used by any person other than the property owner upon which said accessory building or accessory structure is located.
 - j. The Plan Commission may recommend to the Village Board, or the Village Board may, increase the minimum required setbacks of the accessory structure(s) as deemed necessary.
 - k. The maximum height limitations for accessory structures in the residential zoning districts set forth under the Village of Bristol Zoning Code notwithstanding, the Plan Commission may recommend to the Village Board, or the Village Board may allow an increase in the height of the accessory structure(s) not to exceed thirty (30) feet.
- (4) In no case shall the cumulative floor area of all accessory buildings and structures exceed the building coverage area as set forth in Table L. Table L indicates the

maximum allowable cumulative building coverage area which may be allowed as determined by the Village Board, upon recommendation of the Plan Commission, on a case-by-case basis.

(f) **Standards for Attached Accessory Buildings/Garages.**

- (1) **Setback Requirements.** All accessory buildings which are attached to the principal building shall comply with the yard/setback requirements of the principal building.
- (2) **Determination of Attached Status.** When accessory buildings are attached to the principal building by a breezeway, passageway or similar means, or are separated by a nominal gap, they are considered to be a part of the principal building and shall comply in all respects with the yard/setback requirements and local building code requirements for the principal building.
- (3) **Square Footage Limits.** Accessory structures attached to the principal building shall not exceed the square footage of the non-accessory portion of the principal building.

(g) **Standards for Detached Accessory Buildings.**

- (1) **Exterior Finishes.** Galvanized exterior finishes are not permitted on detached accessory structures. Setbacks shall be as prescribed by district regulations. All accessory structures and garages shall be constructed of durable materials and shall not utilize fabric/plastic/rubber materials used in such a fashion or manner so as to be a substitute for building walls and/or roof or roofs of said accessory structure or garage.
 - (2) **Lot Area Determination.** The dimensions of any swimming pool, children's play structure, detached garage, tennis court and other detached accessory buildings/structures shall be included in the determination of available lot area coverage for accessory structures.
 - (3) **Required Roof Overhangs.** All detached structures over one hundred fifty (150) square feet in size, in a residential district, must have a minimum one (1) foot overhang with fascia and soffit on all sides, unless an alternative option is approved by the Village Board, upon the recommendation of the Plan Commission.
- (h) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (i) **Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than three (3) feet to the side line of the adjacent structure.
- (j) **Landscaping Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, fountains, statuary, bird baths, trees, shrubs and flowers and gardens, pursuant to Subsection (m) below.
- (k) **Temporary Accessory Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator.

- (l) **Garages in Embankments in Front Yards.** Where the natural undisturbed topography requires such placement and the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (m) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties and shall not register more than one-half foot candles at the property line.
- (n) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line. However, in the R-6 District, driveways may be constructed up to the property line, provided drainage problems would not be created, upon the mutual agreement of the property owners; each property shall have a deed restriction recorded documenting consent for such placement.
- (o) **Children's Play Structures.** For purposes of this Section, children's play structures, including play houses, tree houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section, specifically setback standards, whether such play structures are placed on a foundation or not. Swing sets, slides and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for the construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
- (p) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Title 6, Chapter 2 of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.
- (q) **Offensive Uses Prohibited.** No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall it impair the use, enjoyment or value of any property.
- (r) **Prohibited Dwelling Use.** No accessory dwelling unit in any Residential District shall be used or let for living purposes, whether for compensation or not.
- (s) **Gardening.** Home gardening is a permitted accessory use on any residential lot with a dwelling or the principal use on any vacant lot or parcel.

- (t) **Dog Houses/Runs.** Dog houses and/or runs shall comply with the setback requirements in Section 13-1-402(n).
- (u) **Tents; Fabric-Covered Structures; Hoop-Supported Structures.**
 - (1) ***Prohibited Use as Permanent Accessory Structure.*** No tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, may be used as a permanent accessory structure in a non-agricultural district; such structures may be erected and used no more than six (6) months per year without being removed. An exception is that a plastic or fabric-covered hoop-supported or tubular greenhouse may be maintained if used exclusively for personal greenhouse use.
 - (2) ***Anchoring Requirement.*** Any permitted tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame shall be fastened or anchored in a stable manner to the ground.
 - (3) ***Limitations on Utility Service.*** No plumbing, electrical, heating or other utility service may be installed in a tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame except for seasonal use in personal greenhouses. A tent shall not be used as a dwelling other than for temporary recreational use.
 - (4) ***Compliance with Accessory Building Requirements.*** Any tent, plastic or fabric-covered structure, or a structure supported by hoops or a tubular frame, shall comply with the dimensional and yard/setback requirements of this Section.

Sec. 13-1-401 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation. Any structures erected to shelter firewood are accessory structures subject to the standards in Section 13-1-400.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-402 Fences.

- (a) **Fence Permit Required; Regulations Compliance Required.** No fence, except those fences exempted under Subsection (l) below, shall be located, directed, moved, reconstructed, extended, enlarged, converted or structurally altered without a fence permit and without being in conformity with this Section and the Wisconsin Statutes. The fence shall also meet all applicable structural requirements of State and Village building codes. No person shall install a fence in the Village of Bristol without complying in all respects with the terms and conditions of this Section.
- (b) **Responsibilities of Property Owner; Location Determination.**
- (1) **Proper Location Responsibility.** The property owner installing a fence is solely responsible for ensuring that the fence is properly located on his/her property, and is in compliance with height, setback, vision clearance and materials requirements. If uncertainty exists regarding the actual location of lot lines, it is the owner's responsibility to secure a lot survey.
 - (2) **Covenant/Easement Compliance.** The property owner is responsible for complying with any private subdivision covenants or deed restrictions or utility easement(s) restrictions, including any applicable plan review/approval requirements.
- (c) **Fence Installation General Requirements.** No fence shall be installed except in strict compliance with this Section:
- (1) **Digger's Hotline.** Prior to fence installation, the applicant shall contact Diggers Hotline service to have the project site marked.
 - (2) **Good Neighbor Placement Requirement.** Structural and support components of a fence shall face internally into the applicant's lot, facing away from adjacent properties. Fences shall be installed with the finished side facing adjacent properties or the public right-of-way. Fence posts shall be located on the inside of the fence facing the property on which the fence is located, except when the style of fence is of a design commonly known as a "Good Neighbor Fence."
 - (3) **Grade; Contour.** Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
 - (4) **Height.** Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the fence site shall require approval by the Building Inspector prior to installation. The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height will be measured vertically from the base of the berm.
- (d) **Approved Fence Materials.**
- (1) **Proper Materials.** Fences located in side and/or rear yards of residential parcels shall be constructed using materials suitable for residential-style fencing, including, but not limited to: brick, fieldstone, wrought iron, vinyl, chain link [with a required top rail

support and a minimum nine (9) gauge thickness], split rail wood, stockade or board-on-board wood.

- (2) **Open Visibility Standard.** Residential front yard fences shall be fifty percent (50%) open (see-through) and be of wrought iron, picket or split rail design. Chain link fencing is permitted in side or rear yards only and its use is not permitted in residential front yards.
- (3) **Agricultural Fences.** Agricultural/farm fences shall only be permitted in agriculturally-zoned or used districts, as determined by the Village, and shall comply with Ch. 90, Wis. Stats.
- (4) **Improper Materials.** No fence shall be constructed of used, discarded or scrap materials in disrepair, including, but not limited to, pallets, tree branches/stumps, crates, vehicle parts, refuse or other similar items. Materials not specifically manufactured for fencing, such as doors, railroad ties, landscape timbers or utility poles shall not be used in fences. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials.
- (5) **Finish.** All fences, including privacy fences, shall only be painted or stained in neutral colors.
- (e) **Modifications to Existing Fences.** All modifications to a pre-existing fence shall comply with this Section. Any existing fence shall not be enlarged, extended or replaced for more than sixteen (16) linear feet in a three (3) year period except in compliance with this Section.
- (f) **Height and Placement of Residential Fences Regulated.**
 - (1) **Height.** Residential fences six (6) feet or less in height are permitted along rear and side lot lines, but shall not continue beyond the front of the principal structure or the required front yard setback, whichever is furthest from the street right-of-way. Residential fences less than or equal to four (4) feet in height are permitted in the street/front yard setback area but shall not be closer than two (2) feet to any public right-of-way and shall not exceed two (2) feet in height in a vision clearance triangle [see Subsection (i) below].
 - (2) **Double Frontage and Corner Lots.** Residential fences or walls may be six (6) feet in height in the rear yard of a double frontage lot, or in the side street yard or in the street yard of a corner lot not closer than fifteen (15) feet to the right-of-way of the side street yard per Subsection (i) below.
 - (3) **Non-Residential Fences Adjacent to Residential Parcels.** No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding ten (10) feet.
- (g) **Setbacks for Residential Fences.**
 - (1) **Residential Fence Setbacks From Property Lines.** Fences or walls in or adjacent to a residential district property (or property primarily residential in use) are permitted

up to side and rear lot lines and not closer than two (2) feet to any public right-of-way.

- (2) **Shore Yard Areas.** Residential fences may be constructed or placed within the required shore yard in any district, provided the fence is not more than four (4) feet in height, is a split-rail or board-type fence with minimum openings of at least one (1) foot by eight (8) foot, and is at least two (2) feet from the ordinary high water mark of any navigable body of water.
- (h) **Industrial/Commercial Security Fences.** Security fences or walls are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to chain link wire or wrought iron fencing. Security fences or walls shall not be located closer than two (2) feet to a public right-of-way line. No security fence or wall greater than two (2) feet shall be placed within the vision triangle. Security fences shall not be constructed or placed within the required shore yard in any zoning district or within the one hundred (100) year recurrence interval floodplain.
- (i) **Corner Lot Vision Clearance Requirements.**
 - (1) **Standards.** In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:
 - a. A minimum of fifteen (15) feet from the intersection of the two street property lines;
 - b. A minimum of fifteen (15) feet from the intersection of the two alley property lines; or
 - c. A minimum of ten (10) feet from the intersection of the two driveway property lines.
 - (2) **Determination.** Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.
- (j) **Prohibited Fences.**
 - (1) **Dangerous Condition; Barbed Wire.** No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area and on agricultural parcels conforming to the requirements of Chapter 90, Wis. Stats.
 - (2) **Electric Fences.** Although fences which conduct electricity or are designed to electrically shock are generally prohibited, such fences using smooth wire are allowed for the limited purpose of deer control if located five (5) feet from a lot line or on agricultural lands for livestock confinement.

- (3) **Improper Wire Fencing.** No woven, twisted, welded or interlaced wire fence or farm-type woven wire, such as using chicken wire, shall be located in a non-industrial or non-agricultural district, unless such fencing is ornamental in character.
 - (4) **Improper Wood-Slat Fencing.** No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (m).
 - (5) **Post-Only Fences.** No fence shall consist solely of fence posts or be maintained as an incompletely constructed fence consisting only of posts and supporting members.
- (k) **Fences to be Repaired; Corrective Action.**
- (1) **Good Repair Requirement.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.
 - (2) **Compliance Standards for Existing Fences.** Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence or the standard in Subsection (f) above, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
 - (3) **Failure to Maintain.** All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. Failure to maintain a fence in good condition and repair will result in the Village issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.
- (l) **Fences Not Requiring a Fence Permit; Temporary Fences.**
- (1) **Temporary Signs for Landscaping Plantings; Construction Warning Fences.** Fences erected for the protection of plantings or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices/signage at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a fence permit shall not be necessary for temporary landscaping protection plantings or construction warning fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
 - (2) **Seasonal Fences (Garden; Snow).**
 - a. This Section is not intended to require a fence permit for seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists.

- b. Snow fences shall be permitted in all zoning districts when comprised of wooden pickets bound together by wire or molded plastic mesh. Snow fences shall not exceed (4) four feet in height and shall be removed between May 1 and November 1 of each year. No privately owned snow fence shall extend beyond the highway right-of-way line.
- (3) **Agricultural Fences.**
 - a. Agricultural fences in the A-1, A-2, A-3 and A-4 Districts shall be permitted without a fence permit, provided that such agricultural fences do not extend beyond the highway right-of-way. All agricultural fences shall comply with the criteria in Chapter 90, Wis. Stats.
 - b. Wire strand fences for agricultural purposes may be constructed or placed within a required shore yard, one hundred (100) year floodplain and/or C-1 Lowland Resource Conservancy District.
- (m) **Special Purpose Fences.**
 - (1) **Swimming Pool/Hot Tub Fences.** Swimming pool and hot tub fences shall comply with the requirements of Section 13-1-403.
 - (2) **Pet Enclosures; Dog Runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:
 - a. No fence permit is required prior to installation of a pet enclosure or dog run.
 - b. No pet enclosure or dog run shall be in excess of two hundred and fifty (250) square feet in area, or be more than six (6) feet in height above the surface of the ground.
 - c. Pet enclosures and dog runs may be constructed of any material permitted for a residential fence.
 - d. No pet enclosure or dog run shall be constructed contrary to required vision clearance area requirements.
 - e. Pet enclosures and dog runs shall be located no closer than ten (10) feet to a side or rear lot line, and shall not be located to the front of the principal structure.

State Law Reference: Chapter 90, Wis. Stats.

Sec. 13-1-403 Swimming Pools and Hot Tubs.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, having an area greater than one hundred fifty (150) square feet, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances,

equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. Such pool is installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land.

- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of twenty-four (24) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section. Inflatable pools of all types are exempt.

- (c) **Swimming Pool/Outdoor Hot tub Permit; Construction Requirements.**

(1) **Permit Required.**

- a. Before work is commenced on the construction, installation, enlargement, alteration or erection of any swimming pools or outdoor hot tubs, an application for a swimming pool or hot tub permit to construct, erect, alter, remodel or add must be submitted in writing to the Zoning Administrator for examination and approval as to proper location and construction..
- b. Plans and specifications and pertinent explanatory data shall be submitted to the Zoning Administrator at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee shall accompany such application.
- c. All such plans and drawings shall be drawn to scale and indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the pool/hot tub, sidewalks, deck, fence construction, access, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool/hot tub. Such plans shall indicate the vertical elevations of the pool.
- d. All private residential swimming pools and outdoor hot tubs and accessories thereto, water supply and drainage systems shall be constructed in conformity with the approved plans.

- (2) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Zoning Administrator, the Zoning Administrator shall not issue a permit for construction or installation of a swimming pool or hot tub unless the following construction requirements are observed and the fee as prescribed in Section 1-3-1 is paid:

- a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements for pool or hot tub installation shall be in accord with all state regulations and with any and all Ordinances of the Village of Bristol now in effect or hereafter enacted.
- b. All plumbing work shall be in accordance with all applicable Ordinances of the Village of Bristol and all state codes. Every private or residential swimming pool or hot tub shall be provided with a suitable draining method and, in no case, shall

waters from any pool or hot tub be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

- c. All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool or hot tub shall be in conformance with the state laws and Village Ordinances regulating electrical installations.

(d) **Setbacks and Other Requirements.**

- (1) **Permissible Locations.** Private swimming pools or hot tubs shall only be erected or constructed in rear yards and only on a lot occupied by a principal building. No swimming pool or hot tub shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot, said lot is occupied by a principal building, and the two (2) lots then consolidated.
- (2) **Setbacks.** No portion of a swimming pool or hot tub/spa outside of a building, including a surrounding deck and required fence, pumps, filters, and related pool equipment, shall be located at a distance of less than eight (8) feet from the side or rear property line or building line, measured at the water line.
- (3) **Prohibited Placement Areas.** Swimming pools and hot tubs shall not be constructed in the front yard or in a side yard. Such pool or hot tub shall also comply with any State and local regulations with respect to the distances from an on-site sewage disposal absorption system and/or private well.
- (4) **Area Calculations.** Swimming pools either open or enclosed shall be considered the same as accessory buildings for purposes of calculating the maximum area they may occupy in a required rear yard.

(e) **Enclosure.**

- (1) **Fence; In-Ground Pools.** All outdoor, below grade swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening(s) therein (other than doors or gates) larger than four (4) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.
- (2) **Fence; Above-Ground Pools.**
 - a. With above-ground pools, a good quality safety fence shall be erected and maintained of not less than four (4) feet in height, completely surrounding the pool or surrounding the yard in which the pool is located; or
 - b. The above-ground pool's total wall height of the swimming pool and surrounding deck/railing shall be a minimum six (6) feet above the yard grade.
- (3) **Hot Tub/Spa Cover.** In the case of a hot tub/spa, a locked safety cover meeting American Society for Testing Materials (ASTM) standards may be used in place of

fencing, or the hot tub/spa shall be completely enclosed in a structure with locking windows and doors.

(4) **Miscellaneous Requirements.**

- a. Swimming pools and hot tubs surrounded in whole or in part by a deck which has steps leading to the swimming pool or hot tub shall be equipped with a gate a minimum of four (4) feet in height and capable of being latched and locked with a combination lock or by a lock worked by a key to secure access to the swimming pool or hot tub when not in use.
 - b. Service gates and gates which are part of a fence or wall enclosing a swimming pool or hot tub which are located across a driveway shall be kept closed and latched at all times by the property owner or occupier when not in use for ingress or egress. When such areas are not in use, such gates shall be locked with a combination lock or by a lock worked by a key.
 - c. The swimming pool shall not be filled until all safety features are in place.
- (f) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property or over or near any septic tank, septic field or well. Provisions may be made for draining the contents of any swimming pool into a storm sewer, where available, but such installation shall be subject to prior approval by the Plumbing Inspector.
- (g) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.
- (h) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.
- (i) **Compliance.** All swimming pools and outdoor hot tubs existing at the time of original passage of this Code of Ordinances not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

Sec. 13-1-404 Retaining Walls.

- (a) **Purpose.** The purpose of this Section is to protect public and private property from the effects of poorly designed and constructed retaining walls.
- (b) **Permit Required.** A permit shall be required for all retaining walls constructed that exceed twenty-four (24) inches in height, including terraced retaining wall projects where the total height of all walls exceeds twenty-four (24) inches, and are closer than fifteen (15) feet to a property line.

- (c) **Application.** Application shall be made to the Zoning Administrator on forms provided and shall include a site plan and a set of construction plans. Plans sealed by a professional engineer registered in the State and/or other information necessary to adequately review the proposed retaining wall may also be required by the Zoning Administrator.
- (d) **Performance Standards.** A retaining wall shall be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practice. Walls retaining drained earth may be designed for pressure equivalent to that exerted by an equivalent fluid weighing not less than thirty (30) pounds per cubic foot and having a depth equal to that of the retained earth. Any surcharge shall be in addition to the equivalent fluid pressure.
- (e) **Setbacks.** Setbacks for retaining walls shall be the same as for fences under Section 13-1-402(c).

Sec. 13-1-405 through Sec. 13-1-439 Reserved for Future Use.

Article L: Administration

Sec. 13-1-440 General Administrative System.

This Chapter contemplates an administrative and enforcement officer entitled the Zoning Administrator, and his/her deputies, authorized to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-441 Zoning Administrator.

- (a) **Appointment.** The Village Board shall designate the Zoning Administrator as the administrative enforcement officer for the provisions of this Chapter. The Village Board may assign the duties of Zoning Administrator to another Village official. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, which may follow an on-site inspection, all permits required by this Chapter.
- (b) **Duties.** In enforcing and administering this Chapter, the Zoning Administrator shall perform the following duties:
 - (1) Issue the necessary building permits and occupancy and zoning use permits required by the provisions of this Chapter, provided its provisions have been complied with.
 - (2) Keep an accurate record of all permits, numbered in the order of issuance, in a record book for this purpose.
 - (3) In case of any finding of a violation of a provision of this Chapter, notify, in writing, the actual violator where known, the owner of the property on which the violation has taken place and the Village Board, indicating the nature of the violation and the action necessary to correct it.
 - (4) Receive, file and process for action all applications for conditional uses, variances and amendments to this Chapter which are filed in the zoning office.
 - (5) Initiate, direct and review, from time to time, a study of the provisions of this Chapter and make reports of the recommendations to the Plan Commission and Village Board for investigation and appropriate action.
 - (6) Carry out such additional responsibilities as are hereinafter set forth by the provisions of this Chapter.
- (c) **Authority.** In the enforcement of this Chapter, the Zoning Administrator shall have the power and authority for the following:
 - (1) At any reasonable time and for any proper purpose to enter upon any public or private premises and make inspection thereof.

- (2) Upon reasonable cause or question as to proper compliance, to revoke any building or occupancy permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Chapter, such revocation to be in effect until reinstated by the Zoning Administrator or the Zoning Board of Appeals, or take any other action as directed by the Village Board to insure compliance with or to prevent violation of its provisions.
- (3) In the name of the Village of Bristol and with authorization of the Village Board commence any legal proceedings necessary to enforce the provisions of this Chapter, Floodplain Zoning requirements, or related provisions of the Building Code.

Sec. 13-1-442 Role of Specific Village Officials in Zoning Administration.

(a) **Plan Commission.**

- (1) The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the Comprehensive Plan and development of the Village of Bristol to the Village Board, other public officials and interested organizations and citizens.
- (2) In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily to make recommendations to the Village Board pursuant to the procedures set forth in this Chapter as to various matters and, always, being mindful of the intent and purposes of this Chapter and the Comprehensive Plan. All recommendations from the Plan Commission shall be in writing and provide reasons for actions taken. A recording thereof in the Commission's minutes shall constitute the required written recommendation.
- (3) The Plan Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing. The Plan Commission shall have the powers to conduct and hold public hearings on all proposed amendments to the Village Zoning Ordinance as provided in Sec. 62.23(7)(d), Wis. Stats., and when so required by this Chapter or as delegated by the Village Board.

(b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings, has ultimate authority to grant planned unit development applications, issue conditional use permits, make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.

(c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative