

**VILLAGE OF STOCKBRIDGE, WISCONSIN
CHAPTER 24
ZONING ORDINANCE**

The Board of Trustees of the Village Of Stockbridge does hereby ordain as follows:

Chapter 24, Zoning Ordinance, adopted on the 4th day of January, 1982, and any subsequent amendments thereto are hereby repealed, and the following replacement Chapter 24, Zoning Ordinance, is hereby adopted.

Section 24.100 Statutory Authority and Purpose

24.101 AUTHORITY

In accordance with the authority granted by Sections 61.35 and 62.23(7) of the Wisconsin Statutes and for the purpose listed in Section 62.23 (7)(c) of the Wisconsin Statutes, the Village Board of Stockbridge, Wisconsin does hereby ordain these zoning regulations

24.102 PURPOSE

The purpose of this Ordinance is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Village; and to regulate and restrict the height, number of stories and size of yards, the density of population, location and use of buildings, structures and land for trade, industry, residence or other purposes; and for said purposes to divide the Village into districts of such number, shape and area as are deemed best suited to carry out the said purposes.

24.103 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, impair, or interfere with any existing private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions on land use.

24.104 INTERPRETATION

The provisions of this Ordinance shall be interpreted and applied as minimum regulations, shall be construed in favor of the Village, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

24.105 TITLE

This Ordinance shall be known as and may be cited as the "Zoning Ordinance, Village of Stockbridge, Wisconsin."

Section 24.200 Definitions

24.201 GENERAL DEFINITIONS

For the purposes of this ordinance, certain words and terms are defined as follows. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be presumed to be interpreted by their customary dictionary definitions.

24.202 SPECIFIC WORDS AND PHRASES

Accessory Building. A building or portion of a building subordinate to the main building but not a part of the main building and used for a purpose customarily incidental to the permitted use of the main building. Any minor structure with a door, walls, and roof shall be considered an accessory building.

Alley. A street or thoroughfare affording only secondary access to abutting property.

Animals, Domestic Farm. Cattle, hogs, horses, queen bees, sheep, goats, chickens, and other commonly known farm animals.

Animal Unit. The following animals constitute one animal unit equivalency: one cow or steer, one horse, donkey, or burro, three sheep or 100 fowl, or an equivalent thereof.

Automotive Wrecking Yard. Any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

Basement. That portion of any structure located partly below the average lot grade.

Boardinghouse. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

Boathouse. Any structure designed and used exclusively for the storage of boats (and any associated equipment or supplies) for the private, non-commercial purposes of the specific property owner.

Building. Any structure used, designed, or intended for the protection, shelter, enclosure, or support of persons, animals or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Buildable Area of a Lot. That part of the lot bounded by the required building setback from the front, side, and rear yard line.

Building Height. The vertical distance from the top of the building roof to the average elevation at the front of the lot or the finished grade to the building line, which ever is higher.

Carport. A roofed, wall-less or semi-walled structure projecting from the side of a building and normally intended for the storage of a motor vehicle. For purposes of this ordinance, a carport shall be considered a garage and shall comply with all provisions related to garages.

Community-based Residential Facility (CBRF). A place where three (3) or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations are set forth in Chapter 50 of the Wisconsin Statutes.

Community Living Arrangement. The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes; child welfare agencies under Section 48.60; group foster homes for children under Section 48.02(7m); and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Sections 46.03(22), 59.97(15), 60.63, and 62.23(7)(i) of the Wisconsin Statutes.

Deck. An exterior appendage to a building forming an approach, whether covered or not, and having a floor. For purposes of this ordinance, a deck shall be considered a part of the structure to which it is adjacent and shall comply with all provisions relative to that structure. Any freestanding deck shall be considered an accessory structure.

Density. The number of living units per acre allowable under a schedule of district regulations.

Detached Structure. A structure surrounded by an open space on the same lot

District, Basic. A part or parts of the village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

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

Dwelling, Single-Family. A detached building designed for or occupied exclusively by one family. These dwellings shall include site built, manufactured, and modular homes, but no event shall a mobile home be considered a one-family dwelling.

Dwelling, Two-Family. A detached building containing two dwelling units, designed for occupancy by not more than one family per dwelling unit. These dwellings shall include site built, manufactured, and modular homes, but no event shall a mobile home be considered a two-family dwelling.

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

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

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

Family. A group of persons related by blood, marriage, or adoption and living together as a single housekeeping entity.

Family Day Care Home. A dwelling licensed as a day care center by the Department of Health and Social Services, where care is provided for not more than eight (8) children.

Floor Area. The total area bounded by the exterior walls of a building at the floor level usable as living quarters, but not including basement, garages, porches, breezeways, and unfinished attics.

Frontage. The smallest dimension of a lot abutting a street measured along the street line.

Garage, Private. Any accessory building or space for which the primary use is the storage of motor vehicles, limited to a maximum size of 1,008 square feet.

Garage, Public. Any building or premises, other than a private garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Home Occupation. A gainful occupation conducted by members of the family only within their place of residence where the space used is incidental to the residential use and no article is sold or offered for sale except such as is produced by such home occupation.

Hotel-Motel. A building in which lodging, with or without meals, is offered to transient guests for compensation.

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

Lodging House. A building other than a hotel where lodging only is provided for compensation for three or more persons not members of a family.

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

Lot Width. The distance between side lines of the lot measured at the front yard setback line.

Maintenance Repairs. Any work necessary to continue present use and upkeep of structure. If work involves replacement of materials, new material must be of comparable substance, style, use and proportional value as that being replaced.

Manufactured Home. A structure substantially completed off-site meeting minimum provisions for dwellings and meets all of the following criteria:

- (a) Transportable in one or more sections.
- (b) Built on a permanent chassis
- (c) Placed on a permanent foundation
- (d) Connected to utilities (plumbing, heating, gas, electrical).
- (e) Constructed on or after June 15, 1976 in accordance with U.S. Housing and Urban Development Standards and identified with a H.U.D. seal of approval.

Minor Structure. Any small, movable accessory structure or construction such as birdhouses, tool houses, ice shanties, pet houses, play equipment, arbors, and walls and fences under four feet in height.

Mobile Home. A structure which was constructed prior to June 15, 1976 and was designed to be transported as a single unit or in sections by any motor vehicle upon a public highway and is designed, equipped, and used exclusively for sleeping, eating, and living quarters, or is intended to be so used, and which has an overall length in excess of forty-five (45) feet.

Mobile Home Park. A parcel of land under single ownership designed, maintained intended or used for the purpose of providing a location and accommodations for two or more mobile homes on a year-round basis and including all buildings used or intended for

use as part of the equipment whereof, whether or not a charge is made for the use of the mobile home park or its facilities.

Mobile Home Subdivision. A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.

Modular Home. A dwelling for which panels are fabricated at a factory, transported to the building site, assembled on site, and placed on a permanent foundation. Excluding garages and other appurtenances, modular homes shall not exceed a length to width ratio of three to one. Also, a modular home shall not include any type of permanently attached undercarriage or chassis.

Nonconforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this ordinance or amendments thereto, which does not conform to the regulations of this ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements

Nonconforming Use. The use or occupancy of a building or premises, which is lawful at the time of the enactment of this ordinance or amendment thereto, but which use or occupancy does not conform to the provisions of this ordinance or any amendments thereto.

Ordinary High Water Mark. That point upon the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation, or other easily recognized characteristics.

Principal Building. The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.

Professional Home Office. Residences of real estate agents, insurance agents, clergyman, lawyers, artists, authors and other similar professions for the conduct of business activities. Such professional office shall not exceed 25% of the floor area of the residence and no more than one non-resident person shall be employed.

Recreational Vehicle. Any vehicle or trailer used for recreational purposes that is driven or towed and would include recreational vehicles, motor homes, boats that are trailered, snowmobiles and all-terrain vehicles that are driven or trailered, and other like vehicles.

Residence, Farm. Any structure and/or premises used for residential occupancy purposes, which can be clearly construed as having a direct and identifiable connection with an operating farm (limited to the residence of the farm owner, tenant operator or any person principally employed on the farm).

Residence, Non-farm. Any structure and/or premises used for residential occupancy purposes, which can be clearly construed as having no identifiable connection with an operating farm

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any protection thereof, excepting uncovered steps.

Sign. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known, and which are used to advertise or promote an individual, firm, association, corporation, professions, business, commodity, or product and which is visible from any public street or highway.

Sign Lighting, Direct. Any man-made illumination of a sign, where the actual source(s) of illumination is visible and identifiable.

Sign Lighting, Indirect. Any man-made illumination of a sign, where the actual source(s) of illumination is not visible and identifiable.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulations.

Street. All property dedicated or intended for public or private street purposes or subject to public easements.

Street Right-of-Way Line. The dividing line between a lot, trail or parcel of land and an abutting street

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

Structural Alteration. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders or any substantial change in the roof structure or in the exterior or interior walls.

Swimming Pool. An artificial structure, basin, chamber or tank containing a body of water for the primary purpose of swimming, diving, recreational, or therapeutic bathing. As used in this Ordinance the term is limited to in-ground and above-ground pools which are fitted with a filter for clarifying pool water, or which are designed to be fitted with a filter, whether installed or not. The term shall not include facilities located inside a residence, storable pools designed for seasonal setup and use which are stored at the end of the swimming season, or spas installed on decks or porches if a fitted hard cover designed to prevent entry is maintained in place at all times when the spa is not in use.

Temporary Structure. A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Tourist Home. A building in which lodging, with or without meals, is offered to transient guests for compensation, provided there are no more than five sleeping rooms

for such purpose and no cooking facilities are provided in the individual rooms or apartments.

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

Use, Accessory. A use customarily incidental to the principal use and on the same lot as the principal use. In building, customary family occupations and workshops not conducted for compensation shall be deemed accessory uses.

Use, Conditional. A "conditional use" is a use which, because of its unique characteristics and impact upon the environment, cannot be properly classified as a permitted use. It is allowable only after the issuance of a conditional use permit by the Planning Commission.

Use, Permitted. A use which may lawfully be established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

Use, Principal. The primary use of a property or structures.

Variance. A departure from the term of ordinance as applied to a specific building, structure, or parcel of land, which the Board of Appeals may permit, contrary to the regulations of this ordinance for the district in which such building, structure or parcel of land is located, when the board finds that a literal application of such ordinance would result in a particular hardship to the owner as distinguished from a mere inconvenience.

Vision Clearance. An unoccupied triangular space at the intersection of two or more streets or highways, or highways and railways, which is bounded by the street lines, highway or railway right-of-way lines and a setback line connecting points specified by measurement from the corner on each street, highway or railway line.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot, being the minimum horizontal distance between the nearest part of the main building, excluding uncovered steps, and the rear lot lines.

Yard, Side. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

Section 24.300 General Provisions

24.301 JURISDICTION

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Stockbridge.

24.302 COMPLIANCE

No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.

24.303 ACCESSORY BUILDINGS AND USES

A. Relationship to Principal Use Building

A principal use building must precede the construction of an accessory building.

B. Number

There shall be no more than two accessory buildings on a single lot except in the A-1 District. An attached garage is not considered an accessory building in determining the number of accessory buildings on a lot, but it is an accessory building in determining the total square footage covered by accessory buildings.

C. Size and Lot Coverage

Accessory buildings shall not occupy more than 1,508 square feet or thirty (30) percent of the required rear yard area, whichever is less, in an R1 District.
Accessory buildings shall not occupy more than 2,160 square feet or thirty (30) percent of the required rear yard area, whichever is less in an R2 District.
Accessory buildings shall not occupy more than 2,304 square feet or thirty (30) percent of the required rear yard area, whichever is less in an RR1 District.
Accessory buildings shall not occupy more than 2,880 square feet or thirty (30) percent of the required rear yard area, whichever is less in an RR2 District.
Accessory buildings shall not occupy more than 4,200 square feet or thirty (30) percent of the required rear yard area, whichever is less in an A1 District.
Accessory buildings in an R3 District are handled in an case by case basis.

Any accessory building projected forward of the rear building line of the principal building shall satisfy the same yard requirements as the principal building.

D. Materials and Foundation

Attached and unattached garages shall be constructed of a material comparable to the materials of the principal building. All accessory buildings shall be placed on a foundation of wood or concrete.

E. Swimming Pools

Access to private swimming pools shall be controlled to prevent unguarded entry to the pool. A fence shall surround all in-ground swimming pools of not less than four (4) feet nor more than six (6) feet in height with a self-closing and self-latching gate or by an automatic cover that must meet the performance specifications per the American Society for Testing and Materials standards which includes the required fastening mechanisms, static load, perimeter deflection, surface drainage and label requirements as detailed in ASTM F1346-9. Safety pool covers shall be fixed securely in place at all times when the pool is not supervised by a responsible adult and shall provide a continuous connection between the cover and the deck, so as to prohibit access to the pool when the pool is completely drawn.

Above-ground pools with sidewalls of at least four (4) feet in height and a tip-up ladder are not required to have a fence. Ladders must be tipped up or removed when not in use.

24.304 CONDITIONAL USES**A. Approval Required**

Any use listed as a conditional use in this Ordinance shall be permitted only upon successful completion of the following:

1. Application to the Village Planning Commission or Zoning Code Administrator.
2. Approval by the Planning Commission.
3. Issuance of a Conditional Use Permit.

B. Application

Application for conditional use permits shall be submitted in writing to the Village Planning Commission or Zoning Code Administrator on forms provided. The forms shall be accompanied by a plan showing the location, size, and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of the conditional use permits is established in **Section 24.503** of this Ordinance

C. Public Hearing

Before action is taken upon an application for a conditional use permit, the Village Planning Commission shall hold a public hearing. A class 1 notice shall be given as provided in Chapter 985. The Planning Commission shall report its decision in writing and the grounds for its decision.

D. Review

In all cases of proposed establishment of a conditional use specified in this Ordinance, the Planning Commission shall review the site, existing and proposed structures, intended use of structure, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, and other aspects of the proposed use.

E. Standards

No permit for a conditional use shall be granted unless the Planning Commission shall find that the following standards are met:

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
2. That the uses, values and enjoyment of other property in the neighborhood used for purposes already permitted shall be in no foreseeable manner, substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and traffic hazards in the public streets.

F. Conditions and Guarantees

Prior to granting a permit for a conditional use, the Village Planning Commission may stipulate such conditions and restriction upon the establishment, maintenance and operation of the conditional use as it may find necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards specified in **E. Standards** above. Establishment, maintenance and operation shall be construed to include, but shall not be limited to such factors as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing,

operation control, hours of operation, traffic circulation, deed restrictions, circulation, deed restrictions, access restrictions, yard and parking requirements, insofar as the Village Planning Commission shall find that conditions applying to these factors are necessary to fulfill the purpose and intent of this ordinance. In all cases in which a permit for conditional use is granted, the Village Planning Commission shall require such evidence and guarantees as it may deem necessary to fulfill the purpose and intent of this ordinance and as proof that the conditions stipulated in connection therewith are being and will be complied with.

G. Compliance with Other Provisions

Conditional uses shall comply with all other provisions of this ordinance such as lot width and area, yards, height, parking and loading.

H. Authorization of Permit

The Planning Commission may authorize the Code Administrator to issue a conditional use permit for conditional use specified in this ordinance after review and a public hearing, provided such uses are in accordance with the purpose and intent of this ordinance.

I. Resubmittal of Application

No application for a conditional use which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditional is included in the resubmitted application.

24.305 SANITARY AND STORM SEWER CONNECTIONS

A. Sewer Utility Commission Requirements

All property lying in areas served by the Sewer Utility must comply with Sewer Utility Commission requirements for hookup, installation and fees. Proof of payment of applicable fees to the Utility Commission must be provided prior to the issuance of a Land Use/Building Permit.

B. Use of On-Site Sewage Disposal Systems

In any zoning district where public sewerage is not available at the time of development, minimum lot width and area shall be sufficient to permit the use of an on-site sewage disposal system which is in full compliance with any applicable sections of the Wisconsin Administrative Code.

C. Sump Pump Connections

All buildings connected to the Village sanitary sewer system shall have a working sump pump installed thereon. No clear and/or surface waters shall be permitted to run into the sanitary sewer lines. Any construction on newly developed lots shall require piping connections from sump pumps to storm sewers, if available, along abutting street right-of-way.

24.306 BUILDING AND LOT REQUIREMENTS

- A.** All applicable State and Federal Codes shall apply to construction within the corporate limits of the Village.
- B.** No lot shall have more than one principal building or use unless otherwise specified in this ordinance.
- C.** All newly created lots shall abut upon a public or existing private street or road and have direct access to the public or existing private street.

24.307 SIGNS

(1) Signs are a permitted accessory use in all Zoning Districts, subject to the following regulations:

(A) DEFINITIONS.

1. SIGN. A name, identification, description, display, illustration, structure or device which is affixed to, or painted, or represented directly or indirectly upon a building or other outdoor surface or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization or business, and may be a single-face, double-face, or "V" type structure.
2. SIGN – ADVERTISING. A sign which directs attention to a business or profession or to the primary commodity, service or entertainment not sold or offered upon the premises where such sign is located or to which it is attached.
3. SIGN – BILLBOARD. A sign which advertises goods, products or facilities, or services not on the premises where the sign is located or directs persons to a different location from where the sign is located.
4. SIGN – BUSINESS. A sign which directs attention to a business or profession or to the primary commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is attached.
5. SIGN – BUSINESS (OFF-PREMISE BANNER OR PLATE). A sign which directs attention to an off-premise business or profession or to the primary commodity, service or entertainment sold or offered.
6. SIGN – IDENTIFICATION (NAMEPLATE). A sign identifying a resident, school, church, or other non-business use.
7. SIGN – ILLUMINATED. Any sign which has characters, letters, figures, design or outline illuminated by electric lights or luminous tubes as part of the sign proper.
8. SIGN – ILLUMINATED FLASHING SIGNS. Any illuminated sign on which the artificial light is not maintained stationary and/or constant in intensity and color at all times when such sign is in use.
9. SIGN – MOBILE. Any sign mounted on any type of frame, chassis, or trailer, whether on wheels, skids, or otherwise mounted, designed to be easily relocated or driven for the primary purpose of advertising. These are sometimes referred to as a mobile sign, portable sign or relocatable sign. These exclude signs such as real estate signs, garage/yard sale signs, or sandwich board signs directly adjacent to the business it advertises.
10. SIGN – REVOLVING. A sign, which does not remain stationary and revolves at a rate faster than one revolution per minute.
11. SIGN – TEMPORARY. A sign that is not solidly affixed to the ground or to a building and displayed not more than 60 days within a six (6) month period. This includes garage or yard sale signs, banners, and sale advertisements.

12. MURAL – Painted artwork constructed with the consent of the building owner that is Stockbridge historical, cultural in nature and is enhancing to the community.
- (B) A sign is considered a structure or a part of a structure for the purpose of applying yard and height regulations.
 - (C) Except for traffic control, signs and parts of the superstructure may not extend into the required yards and right-of-way without a revocable special permit for temporary signs and decorations granted by the Village, subject to the laws of the State of Wisconsin.
 - (D) Illuminated flashing signs or devices giving off an intermittent or rotating beam consisting of a collection or concentration of rays of light shall not be permitted in any district. (Note)- Does not mean a sign cannot be lighted, means it cannot have a beam or spot light.
 - (E) For the purpose of selling or leasing property in any district, a sign not in excess of 32 square feet per surface (10 square feet in Residential Districts) may be placed within the front yard of such property to be sold or leased. Such signs shall not be less than 15 feet from the right-of-way line unless flat against the structure.
 - (F) The area within the frame shall be used to calculate the square footage except that width of a frame exceeding 12 inches shall constitute advertising space, or should such letters or graphics be mounted directly on a wall or fascia or in such a way as to be without a frame, the dimensions for calculating the square footage shall be the area extending 6 inches beyond the periphery formed around such letters or graphics in a plane figure, bound by straight lines connecting the outer-most points thereof, and each surface utilized to display a message or to attract attention shall be measured as a separate sign. Any symbols, flags, pictures, wording, figures or other forms of graphics painted on or attached to windows, walks, awnings, free standing structures, suspended by balloons or kites or on persons, animals or vehicles shall be considered as a sign.
 - (G) Except for temporary signs, signs shall not be attached by an adhesive or painted on a building or fence but shall be on a separate frame or attached by a permanent fixture. Permanent window signs (painted or vinyl occupying no more than 25% of the glazed portion of a window) and awning signs are excluded.
 - (H) The source of light for any illuminated sign shall not be directed into any street or property used or zoned for residential purposes.
 - (I) Election signs are permitted in all districts; however, they shall be removed within 15 days following election days. Election signs shall not be greater than 32 square feet per surface (10 square feet in Residential Districts).
 - (J) No sign shall be placed in the vision triangle as described in 24.310 (D).
 - (K) Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Such signs shall not be more than 12 square feet in gross area. Where a common posting is provided all such signs shall be attached to the standard directional directory. The resulting composite signs shall not exceed 32 square feet in

- gross area. Signs may be placed at the right of way line of the street or highway but cannot cause a safety vision problem. Recreational directory signs are allowed in all zoning districts.
- (2) **MURAL STANDARDS.** Within all zoning districts, the following details regarding murals must be followed:
- (A) All mural artists, commissions or committees must attend a Village Board meeting with the following details:
 - 1. Written consent of the building owner to display the mural or the owner of the building must be in attendance at the Village Board meeting to verbalize consent.
 - 2. A draft or rendering of the mural artwork to present to the Village for review and approval.
 - 3. A description of the installation method of the mural, materials used and explanation of sealants that will resist vandalism and weathering.
 - 4. A warranty description of the mural.
 - (B) All murals must be installed in a manner to ensure that it is structurally sound if being anchored to a wall.
 - (C) All murals shall use material, coatings, and sealers that will resist vandalism, weathering by sun, water and rain to the greatest degree feasible.
 - (D) All murals must be historical or cultural in nature with no written advertising and be viewed as enhancing to the community.
 - (E) All murals must be maintained by the building owner for the life of the mural or until the mural is removed.
- (3) **RESIDENTIAL (R-1) (R-2) (R-3) (RR-1) (RR-2) DISTRICTS.** Within the R Districts, the following signs are permitted:
- (A) One (1) nameplate sign for each dwelling and such sign shall not exceed three (3) square feet in area per surface, and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.
 - (B) One (1) nameplate sign for each dwelling group of three (3) or more units, and such sign shall not exceed three (3) square feet in area per surface and no sign shall be so constructed as to have more than two (2) surfaces for advertising purposes.
 - (C) One (1) unlighted sign not over three (3) square feet in area for home occupations.
 - (D) Public and institutional uses within a Residential District may be allowed a sign in excess of three (3) square feet as a conditional use, taking into consideration the size, design, location and lighting of the sign, and its impact on the aesthetics of the neighborhood, visibility and any other safety factors.
 - (E) Symbols, statues, sculptures and integrated architectural features on non-residential buildings may be illuminated by flood lights provided the direct source of light is not visible from the public right-of-way or adjacent residential district.

- (F) Temporary signs shall not exceed three (3) square feet in area per surface.
 - (G) Signs near water and intended to be read from the water shall be set back a minimum of 50 feet from the normal highwater mark and shall not exceed 32 square feet in gross area per side of sign.
- (4) COMMERCIAL (C-1) (C-2) (C-3) DISTRICTS. Within the Commercial Districts, nameplate signs and business signs are permitted subject to the following regulations:
- (A) The aggregate square footage of signage per lot shall not exceed the sum of three (3) square feet for each front foot of building plus one square foot for each front foot of building siding on a street. Signs directing ingress, egress, and traffic flow (directional signs) are exempt from the aggregate square footage limits; however, each directional sign shall be no greater than three (3) square feet per surface.
 - (B) No individual sign shall exceed 200 square feet of area per surface.
 - (C) Any sign in the (C-1) Zoning District with no front yard setback shall have a clearance of (10) feet from the lowest point of the sign to the ground below the sign.
 - (D) Off-Premise Signs, Billboards, Displays and Devices shall be permitted only by Conditional Use subject to the following:
 1. Must be a minimum of 100 feet from Residential District property line.
 2. Must be a minimum of 100 feet from an intersection.
 3. Must be a minimum of 350 feet from a church or school.
 4. Must be a minimum of 1,000 feet from another billboard on the same side of the street.
 5. Must be a minimum of five (5) feet from the right-of-way and from any property line.
 6. Must be erected on a free-standing structure – no back bracing or guy wires are allowed.
 7. Must meet all federal, state and local requirements prior to issuance of permit.
 8. The maximum size shall be 32 square feet per side of sign.
 9. No off premise, sign shall be permitted within 60 feet of the right-of-way or 110 feet of centerline, whichever is greatest on all streets within the Village limits.
 10. Height of sign shall not exceed principal building on lot; if a vacant lot, the height of the sign shall not exceed fifteen (15) feet.
 - (E) Off-Premise Banner or Plate Signs shall be permitted only by Conditional Use subject to the following:
 1. Must be attached or affixed to a permanent building structure.
 2. The sign cannot exceed the set back of the principal building.
 3. The sign cannot exceed the height of the principal building.

4. The maximum size of the sign shall be 32 square feet, taking into consideration the size, design, location and lighting of the sign, provided it does not exceed the allowable square footage for signs in commercial or industrial zoning.
 5. The sign must be one sided.
- (F) Mobile Signs are limited to thirty-two (32) square feet per side and shall be setback from the right-of-way fifteen (15) ft. Mobile Signs may be lighted but cannot flash or strobe.
- (5) **INDUSTRIAL (I) DISTRICTS.** Within the industrial Districts, nameplate signs and business signs and advertising signs shall be permitted subject to the following regulations:
- (A) The aggregate square footage of sign space per lot shall not exceed the sum of 4 square feet per front foot of building, plus one square foot per front foot of property not occupied by a building. No individual sign surface shall exceed 250 square feet except advertising signs permitted as an accessory use shall not exceed 250 square feet of surface and shall be counted toward square footage permitted.
 - (B) Off-Premise Signs, Billboards, Displays and Devices shall be permitted only by Conditional Use.
 - (C) Mobile Signs are limited to thirty-two (32) square feet per side and shall be setback from the right-of-way fifteen (15) ft. Mobile Signs may be lighted but cannot flash or strobe. Mobile Signs shall not be in place more than 60 consecutive days in one year.
- (6) **AGRICULTURAL (A-1) DISTRICTS.** Signs on or attached to Agricultural, buildings advertising a business conducted or a service available on the premises, either attached to the building or a free standing pylon type sign. Such signs shall not be more than 200 square feet in total area. Those signs shall have 10 feet of vision clearance under them, frames or supports for those signs shall be counted against the square footage if they are more than 12 inches wide. Signs with more than 10 feet clearance under them may be allowed 5 feet from the right of way. Signs shall follow the setback in the district they are located in if they do not have the 10 foot vision clearance below them. No sign shall be higher than the allowed height in the (A-10) zoning district. No sign shall be allowed in the vision triangle 24.310 (D) and needs approval by the DOT if on a state highway. Scrolling or flashing signs must not be so bright as to cause a public safety hazard. Permit required.
- (7) **PUD DISTRICT (PUD)** All signs in the PUD district shall be approved as part of the PUD district.
- (8) **DANGEROUS AND ABANDONED SIGNS**
- (A) **REMOVAL.** Except as otherwise herein provided, all dangerous and abandoned billboards and/or sign messages shall be removed by the owner or lessee of the premises upon which a sign or billboard is located when the business it advertised is no longer conducted where advertised or when, in the judgment of the City, 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 lessee fails to remove the sign or billboard, the City Council or its designee, shall give the owner thirty (30) days written notice to

remove and sign or billboard. Thereafter, upon the owner's or lessee's failure to comply, the City Council or its designee, may remove such sign or billboard, 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 City Council, or its designee, may take any other appropriate legal action necessary to attain compliance. The owner may appeal the City's or its designee's decision to the Board of Appeals.

- (B) ALTERATIONS. For signs erected before the adoption of this Sign Code, said signs shall be rebuilt or relocated to conform to this Article if the cost of reconstruction or relocation is fifty percent (50%) or more of its replacement value.
- (C) VIOLATIONS. All signs maintained in violation of any of the provisions of this Code are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the above penalty provisions for violation of this Chapter, the Village Board or its designee may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

(9) VIOLATIONS OF SIGN CODE

- (A) Any person, firm or corporation who begins, erects or completed the erection or construction of any sign controlled by this Code prior to the granting of a permit shall be in violation of this Chapter.
- (B) If the Village finds any sign regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner to bring the sign to a safe condition.
- (C) If such sign owner fails to remove or alter the sign so as to comply with the standards herein set forth within thirty (30) days after such notice, the Village Board may cause such sign to be removed or altered at the expense of the owner of the sign or the owner of the property upon which it is located so as to comply with the provisions of this Code.
- (D) Any person, firm or corporation who violates any provision of this Code shall be subject to the penalties prescribed in 24.504. Each day, or portion thereof, that such violation continues is hereby deemed to constitute a separate offense.

24.308 OFF STREET PARKING

A. General Requirements

1. In all districts, and in connection with every use, there shall be provided off-street parking stalls at the time any use or structure is erected, moved, or enlarged.
2. Adequate access to a public street shall be provided for each parking space.
3. The size of each parking space shall be not less than 190 square feet exclusive of the space required for ingress and egress.
4. Location of parking stalls or driveway except in residential districts shall not be closer than 25 feet to a residential district lot line. The parking stalls

shall be located on the same lot as the principal use but not over 400 feet from such use.

5. All recreational vehicles parked or stored in the residential districts shall be parked or stored either in a garage or accessory building or in the side or rear yards, subject to the side and rear yard requirements of the residential district. No more than two such vehicles may be stored outdoors.

B. Off-Street Loading and Unloading Space

On every lot on which a business, trade, or industrial use is hereafter established, 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.

1. **Retail Business** - One (1) space of a least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.
2. **Wholesale and Industrial** - One (1) space of at least 10 x 50 feet for each 10,000 square feet of floor area or part thereof.
3. **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.

C. Number of Parking Spaces Required

Use	Minimum Number of Spaces
Single-, two-, and multi-family dwellings and mobile homes	2 spaces for each dwelling unit
Hospitals, dormitories, lodging and boarding houses	1 space for each 2 beds plus 1 space for each 3 employees
Hotels, motels	1 space for each guest room plus 1 space for each 3 employees
Sanitarium institutions, rest and nursing homes	1 space for each 5 beds plus 1 space for each 3 employees
Medical and dental clinics	10 spaces for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly.	1 space for every 5 seats
Colleges, secondary and elementary schools	1 space for each 2 employees plus 1 space for each 10 students of 16 years of age or more.
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 space for each 150 square feet of floor area and 1 space for each 2 employees
Manufacturing & processing plants, laboratories and warehouses	1 space for each 2 employees

Financial institutions, business, government, and professional offices	1 space for each 300 square feet of floor area and 1 space for each 2 employees
Funeral Homes	1 space for each 4 seats
Bowling Alleys	5 spaces for each alley
Lodges and clubs	1 space for each 5 members
Automobile repair garages	1 space for each regular employee plus 1 space for each 250 square feet of floor area used for repair work.
Gasoline Filling Stations	3 spaces for each grease rack or similar facility plus 1 space for each attendant

24.309 NONCONFORMING USES, STRUCTURES, AND LOTS**A. Intent**

Within the districts established by this Ordinance or amendment that may later be adopted, there exist uses, structures and lots, which were lawful before this Ordinance was passed or amended but would now be prohibited, regulated, or restricted under the terms of this Ordinance. It is the intent of this ordinance to permit these nonconforming uses, structures, and lots to continue until they are removed, but not to encourage their survival.

B. Nonconforming Uses of Land

Nonconforming uses of land shall not be enlarged or increased to occupy a greater area of land than was occupied at the effective date of adoption of this Ordinance.

C. Nonconforming Structures

1. Nonconforming structures shall not be enlarged or altered in a way that would increase its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. If any nonconforming structure or nonconforming portion of a structure, other than a single-family residential structure, is destroyed by any means to an extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
3. If a nonconforming single-family residential structure, or nonconforming portion of a single-family residential structure, is damaged or destroyed by any means, it may be reconstructed subject to the following:
 - a) The plans for reconstruction shall be reviewed and approved by the Zoning Administrator. The objective in reviewing the plans will be to identify where an increase in the conformity of the structure is possible without increasing an existing nonconformity or creating a nonconformity. For example, if the floor area of the structure was less than the minimum floor area standard for the district, the floor area of the reconstructed building can be increased if the increase in floor area does not increase any other nonconformity such as yard setbacks or building height.
4. If any nonconforming structure is moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. It is understood that there are many nonconforming structures that were constructed before the adoption of guidelines for front yard setbacks. An owner of a nonconforming structure with respect to a front yard setback

may make a request to the Zoning Administrator for permission for the repair or replacement of steps, entrances, entrance lighting, etc. Requests will be reviewed on case-by-case basis. The approval of a request is applicable only to the nonconforming structure for which the request was made. The consideration of a request does not include increasing the actual size of the structure that would increase the structure's nonconformity.

D. Abolishment

1. If a nonconforming use or structure is discontinued for a period of twelve (12) months, any future use of the land or structure shall conform to the provisions of this Ordinance.
2. A current file of all nonconforming uses of structures and land shall be maintained by the Code Administrator listing the owner's name and address, use of land or structure(s), and value of property at the time of its becoming a nonconforming use.

E. Substandard Lot

1. In any residential district, a one family dwelling and its accessory structures may be erected on any legal lot or parcel providing such lot or parcel was on record in the County Register of Deeds office prior to the effective date of this Ordinance (or, of any applicable amendments thereto).
2. Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following:
 - a) Minimum lot area – 7,000 square feet
 - b) Minimum lot width – 50 feet
 - c) Minimum front yard setback – 25 feet
 - d) Minimum side yard setback – 6 feet
 - e) Minimum rear yard setback – 20 feet

24.310 STANDARDS

A. Standards Applicable in Districts

Standards such as setback, lot size and other dimensional requirements applicable to the various zoning districts are indicated, by district, in **Section 24.400 Zoning Districts and Maps** of this ordinance. Standards listed for each zoning district

shall apply to permitted, accessory, and conditional uses in that district unless otherwise specified.

B. Yard Requirements

1. In the case of a corner lot which abuts any two (or more) streets, the frontage upon which the main entry of a principal building faces shall be deemed "front yard" and shall meet the required front yard setback. The other frontage(s) shall be deemed the "side yard(s)" and the minimum setback shall be sixty (60) percent of the required front yard setback for the same lot.
2. Every part of the required area of a yard shall be open and unobstructed except for permitted accessory buildings and the ordinary projections of sills, cornices and ornamental features. Fire escapes may project into a required yard area not more than five feet.
3. The front yard building setback requirements of this ordinance shall not apply to any structure proposed after the effective date of this ordinance if there are any pre-existing structures located wholly, or in part, within one hundred (100) feet of the proposed structure, on separate lots, which are already setback less than the required distance. In such cases, the proposed structure may be setback either a distance equal to one-half of the required setback, or a distance equal to the average of the setback(s) of the aforementioned existing nonconforming structure(s) and the required setback, whichever distance is greater.

C. Exception to Maximum Building Height

The maximum building height standards of this ordinance shall not apply to church spires, church belfries, water towers or any type of power or communication utility tower or pole.

D. Vision Clearance Triangle

In each quadrant of any street intersection or street-railroad intersection, there shall be designated a vision clearance triangle bounded by the interior street (and/or railroad) right-of-way lines and a line connecting points on them fifty (50) feet from their intersection. Within this triangle no structure or object of natural growth, except annually harvested crops (except fruit trees), shall be constructed, maintained or permitted to grow beyond the height of three (3) feet above the elevation of the highway or railroad grade at the centerline if it obstructs the view across the triangle. This provision shall be construed to mean that a sufficient number of trees may have to be removed to render clear visibility across the vision clearance triangle, the intent being to provide for the public safety; but it shall not be necessarily be construed to mean that every tree in a given triangle must be removed. In a like manner, this restriction shall not apply to an open wire fence provided that such fence does not obstruct the view across the triangle.

E. Structures Prohibited Within Setback Lines

No new buildings, new sign, or other new structure, including cemeteries, nor any part thereof, shall be placed between the setback lines established by this ordinance and the highway right-of-way except as provided by this ordinance and no such building, sign or structure or part thereof existing within such setback lines of the effective date of this ordinance, shall be moved, except outside such setback lines, or altered, enlarged or added to in any way that increases or prolongs the permanency thereof.

F. Structures Permitted Within Setback Lines

The following kinds of structures may be placed between the setback line and the highway right-of-way:

1. Open fences.
2. Underground telephone, telegraph and energy transmission lines may be constructed within the setback lines.
3. Underground structures not capable of being used as foundations for future prohibited overground structures.
4. Signs permitted within setback lines as provided in Section VIII of this ordinance.
5. Access or service highways constructed according to plans approved by the village street dept. In giving such approval, the village street department shall give due consideration to highway safety and maximum sight distances.
6. Temporary structures permitted in the commercial and industrial districts.

This subsection shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided that no such crops, shrubbery or trees shall obstruct the view across the sectors of any intersection.

24.311 SOLAR ACCESS PROTECTION

Within one hundred (100) vacant feet of any existing or passive solar powered structure, no proposed new structures may be placed (erected or moved); and no trees, bushes, hedges or other items of natural growth shall be allowed to grow beyond a height of ten (10) feet, until the Zoning Board of Appeals has first issued a Solar Access Release, stating that the proposed new structure(s) will not, in any manner, infringe upon or interfere with the normal solar operation of the existing solar structure(s). Solar Access Release forms shall be provided by the Village and, once executed, shall be considered a permanent release allowing construction (or moving) of such new structure(s) and/or such natural growth beyond a height of ten (10) feet. This provision shall, in no way, exempt any new structures from complying with any other minimum dimensional requirements of this ordinance.

24.312 FENCES**A. Definition**

A barrier of posts, wire, rails, etc., or hedge type plantings, used as a boundary or means of protection or confinement.

B. Fence Types

1. **Open** - Any fence constructed so as not to create a view block or obstruction of vision. An open fence may be placed within the setback areas using the guidelines of placement for each zoned area as designated in this ordinance.
2. **Closed** - Any fence that is constructed which provides a view block or obstruction of view. No closed fence shall be constructed more than six feet in height. For the purpose of this ordinance a hedge planted in such a fashion as to obstruct the view shall be considered a closed fence.

C. General Regulations for Fence Placement

1. No fence either open or closed or part thereof shall be constructed within any road right of way or alleyway within the Village of Stockbridge.
2. All fences shall be constructed in such a fashion that the finished side faces the neighboring property or roadway, and the unfinished side (pole side) faces the enclosed property.
3. Fences, hedges and walls, except retaining walls, shall not exceed 3.5 feet in height when located in a front yard or in the street side yard of a corner lot; provided further that no such fence or wall located in an interior side yard shall exceed 6 feet in height.
4. In the instance of an interior side and back yard, both open and closed fences may be placed within the building set-back area, but shall be located no closer than 18 inches off of the lot line in order to provide maintenance area for both sides of the fence by the property owner of the land on which the fence is located. Both sides of fences and the area they are located on must be maintained by the property owner in a manner that is complementary to the surrounding area.
5. An exception to the 18 inch setback may be made for placement of an open or closed fence on an interior side or back yard where the adjoining property owners have agreed that they would like to place a "common fence" between the properties with both property owners utilizing the fence, and both agreeing to maintain the fence. A "common fence" may be placed closer than the 18 inch setback required above, however, the fence must be located on one property in order to establish ownership. Written agreement signed by both property owners shall be filed with the application to construct the fence, and it shall be the property owners'

responsibility to so inform any future owners of the involved properties of such an agreement prior to the sale of the properties.

6. Fences, walls, and hedges shall not exceed 2.5 feet in height when located within a vision clearance triangle; provided that retaining walls may exceed such height when used to support ground at or below its natural level; and provided further that a fence having a ratio of solid portion to open portion of not more than 1 to 3 may be located above a retaining wall, within a vision triangle. For the purpose of this paragraph, the height of fences, walls and hedges shall be measured from the intersection of the street center lines or the intersection of the inside sidewalk lines, whichever is higher.
7. Open fences constructed for the purpose of normal farming or agricultural practices, such as "barbed wire" or "line fences", may be placed within the setback line of any property zoned Agricultural. Placement of closed fences within the agricultural zoned area must follow the above listed regulations for closed fences.
8. No fence, either open or closed, shall be placed within the 75 foot setback from the high water mark. However, in the instance where a retaining wall has been installed under the approval of the Wisconsin Department of Natural Resources, and such retaining wall imposes a safety hazard, an open fence may be installed along such retaining wall with a maximum height of 3.5 feet. Such fence shall be constructed of a material to be as least obstructive to the view as possible.

24.313 ADULT-ORIENTED ESTABLISHMENTS

A. Intent

It is recognized that there are some uses of property which, because of their very nature, are recognized as having serious objectionable operational characteristics thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are set forth in this Ordinance. The primary control or regulation is for the purpose of preventing the location of these uses in close proximity to churches, schools and residential areas.

B. Definitions

Adult Book Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined below, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Motion Picture Theater. An enclosed building with a capacity of 50 persons or more used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined below, for observation by patrons therein.

Adult Mini Motion Picture Theater. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined below, for observation by patrons therein.

Specified Sexual Activities. Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Specified Anatomical Areas. Less than completely and opaquely covered human genitals pubic region, buttock, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

C. Restrictions Applicable to the Operation of Adult Establishments

No adult establishments, as defined in **Section 24.313(B)**, may be operated within 1,000 feet of any church or other place of worship or within 1,000 feet of any school (either nursery school, grade school or high school), and no adult establishment may be operated within 1,000 feet of any area zoned for residential use or any existing residence.

D. Waiver of Restrictions

The Zoning Commission may waive the 1000 feet restrictions if it finds:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance is observed.
2. That the proposed use will not enlarge or encourage the development of a skid row area.
3. That the establishment of a regulated use in the area will not be contrary to any program of neighborhood conservation nor will it interfere with any program of urban renewal.
4. That all applicable regulations of this ordinance will be observed.

24.314 PROPERTY MAINTENANCE**A. Intent**

It is recognized that property that is not maintained may have a deleterious effect on the value of adjacent property and may potentially result in conditions that are unhealthy and not sanitary. Special regulations relating to the maintenance of property in the Village of Stockbridge are necessary to provide for the protection of property values and the general health of the residents.

B. Definitions

For the purpose of this ordinance, the following words and phrases shall have the meanings assigned to them in this section. Words and phrases not herein otherwise defined shall have the meanings accepted by common use.

Debris. Broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery, boxes; lumber (new or .used), posts, sticks, or other wood; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded household goods or appliances, junk lawn mowers, tar paper, residues from burning or any similar materials, any of which have an adverse effect upon surrounding properties, neighborhood or Village property values(s), health, safety or general welfare.

Junk. Worn out or discarded material of little or no value including, but no limited to, household appliances or parts thereof, machinery and equipment or parts thereof, tools, discarded building materials, or any other unsightly material, the accumulation of which has an adverse effect upon surrounding properties, neighborhood or Village property value(s), health, safety or general welfare.

Rubbish. Combustible and non-combustible waste materials, including the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tin cans, metals, mineral matter, glass crockery and dust, and other similar materials. This definition does not include recyclable or garbage properly disposed of in approved containers.

Noxious Weeds and Rank Growth. All noxious weeds and other rank growth of vegetation.

- Noxious weeds shall be defined as in Wisconsin Statutes, Section 66.96 and 66.955 to include: Canada Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), and non-native members of the genus Lithium (Purple Loose Strife) or hybrids thereof, Multiflora Rose.
- Rank Growth shall be defined as lawns, grasses, and other vegetative growth on undeveloped lots or platted parcels of land which exceed twelve (12) inches in length except for property

located in designated flood plain, wetland, or storm water detention areas.

Abandoned Refrigerators. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

Junk Vehicles. All junked, disassembled, inoperable or wrecked motor vehicles or parts thereof, which have been allowed to remain outside of any building upon public or private property for a period in excess of three (3) days, unless in connection with an automotive sales or repair business located in a properly zoned area. All vehicles kept within the Village of Stockbridge must carry a valid State registration and current license.

C. Property Maintenance Requirements

All exterior areas of any premises shall be kept in a clean and sanitary condition. No person or entity shall accumulate, store or allow any debris, junk or rubbish outside of any building on any real estate located in the Village of Stockbridge.

D. Powers and Duties of Building Inspector, Building & Land Use Committee, and Village Code Administrator

The Building Inspector, Building & Land Use Committee, and Village Code Administrator shall have the authority to enforce the provisions of this ordinance and may make inspections either in response to a complaint that an alleged violation of this ordinance exists; or when there is good reason to believe that a violation is being committed. The Building Inspector, Building & Land Use Committee, and the Village Code Administrator shall all have the authority to cause a citation to be issued to the property owner and/or the occupant of the property upon which such debris, junk or rubbish is located.

E. Penalties

Penalty for violation of this ordinance shall be controlled by Chapter 11 Public Nuisance, of the Village Code of Ordinances as established in Section 11.05.

24.315 MAN-MADE BODY OF WATER**A. Intent**

To regulate the design, maintenance and use of a "Man-Made Body of Water" and providing a penalty for the violation thereof.

B. Definitions

Man-Made Body of Water. Any excavation or mounding of earth or other material which would create a reservoir in which water can collect or travel and which is created after the effective date of this ordinance. "Man-Made Body of Water" from here on shall be referred to as a pond. This shall not limit the scope of this ordinance but shall be for ease of use only.

C. Conditional Use

Ponds shall be a conditional use in all zoning districts.

D. Exemptions

Swimming pools as defined in **Section 24.202** of this Zoning Ordinance and water gardens of less than 400 square feet in surface area.

E. Approvals and Submittals

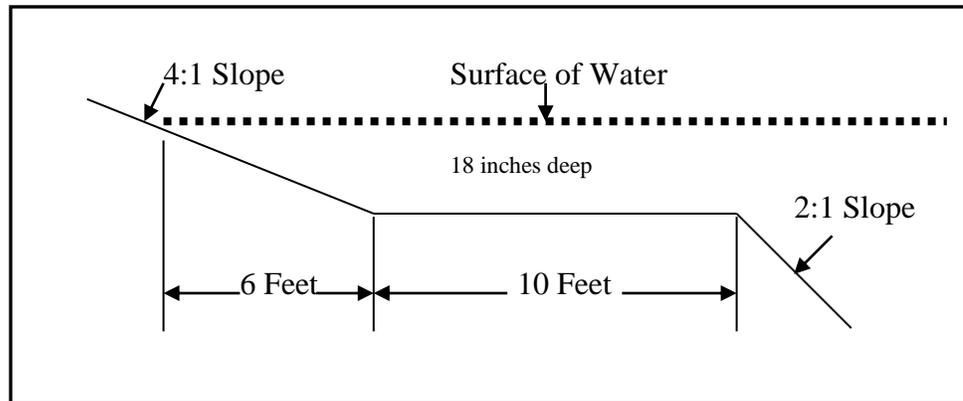
1. A permit is required from the Village of Stockbridge for all excavations or mounding which will result in a "Man-Made Body of Water" as defined herein. To obtain such a permit, an application shall be made to the Village of Stockbridge Building Inspector on the proper forms provided by the Village. Applications shall include a site plan scaled to at least 1 inch equaling 200 feet, with the following:
 - a) A map showing the location of the premises and the adjoining properties within 500 feet.
 - b) Any existing or future buildings, easements, property lines, and setbacks.
 - c) Any existing waterways or floodway.
 - d) A scaled section view of the pond with slopes, depths, high and low water levels.
 - e) Outflow design with calculations.
 - f) Fencing.
 - g) Methods of maintaining low water levels.
 - h) Proposed truck and machinery access to the site.
 - i) Approximate amount of earth material to be excavated or removed at the site.

- j) Proposed regrading and revegetation of the site after completion of the excavating.
- k) Designated hours of operation.
- l) Contour intervals of the proposed site at intervals of 20 feet when available.
- m) If the excavation site shall fall within a county floodplain, shoreland, or conservancy zone district, the regulations as set forth in the Shoreland-Floodplain Protection Ordinances for Calumet County shall apply. Calumet County and Department of Natural Resource permits must accompany application if required.
- n) Applications shall be approved or denied within sixty (60) days from the date all information is received in order. No application shall be processed or approved without adequate information.

F. Design Standards

- 1. All ponds shall be designed within the scope of this Ordinance. The slope around the perimeter of the pond shall not exceed 4:1 to a depth of 18 inches, where a safety shelf with no slope shall extend 10 feet toward the center of the pond, at which point a maximum slope of 2:1 shall be constructed (see Diagram A).

Diagram A



- 2. All ponds shall have an armored outflow to maintain the maximum normal water level. The size of this outflow shall be determined by design and shall be capable of returning the water level to normal water level elevation within 24 hours of the end of the storm. Calculations shall be provided with the permit application. Outflows shall not flow directly onto adjacent parcels of property. Outflow discharge may cross adjacent parcels through a natural existing waterway only, but in no case shall this discharge create a waterway or a nuisance. A safety buffer area with a slope of 4:1 or less shall be established and maintained from the normal

high water level, this area shall be no less than four (4) feet measured from the water's edge.

3. All ponds that have minimum water levels established as a result of slope angles greater than 3:1 shall seal the bottom and sides to prevent excess seepage. This seal shall be provided in one or more of the following ways: 1) existing clay soils, 2) clay blanket, 3) compaction, 4) waterproof liners.
4. The minimum side and rear setback shall be 25 feet, front setbacks and corner side setbacks shall be 50 feet.

G. Other Requirements

1. The Village of Stockbridge Planning Commission may at their discretion require fencing. Where such fencing is required the following criteria shall be used:
 - a) A structural fence no less than four (4) feet in height and no less than four (4) feet from the water's edge at the high water line shall be provided. It shall be constructed as not to have openings, holes, or gaps larger than 4" in any dimension except for doors or gates. If a picket fence is erected or maintained the horizontal dimension shall not exceed 4". All gates or doors 48" or less in width opening through such enclosure shall be equipped with a self closing and self latching device for keeping the gate or door securely closed at all times when not in actual use. All gates or doors over 48" in width opening through such enclosure shall be kept securely latched at all times when unsupervised.
2. The groundwater table in the surrounding area and adjacent to the pond shall be protected.
3. Village and State permits shall be required if high capacity wells are drilled on the site. Location of all wells shall be provided on the site plans, well logs shall be provided to the Village after completion of well.
4. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.
5. Temporary fencing shall be provided as soon as slopes of greater than 3:1 are developed during construction and shall be maintained until minimum water level is obtained.
6. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises unless it is located more than 500 feet from a residential dwelling.
7. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
8. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Village to revoke the permit.

9. Trucks and Machinery: No fixed machinery shall be erected or maintained within 200 feet of any property or street line. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.
10. The perimeter of the pond shall be landscaped and seeded with a perennial ground cover within three months after completion of the excavation.
11. The Village of Stockbridge retains the right to require any other and or future restrictions as deemed necessary to protect the health, safety, and welfare of the community.

H. Inspections

Owner/agent shall call for the following required inspections 24 hours in advance. Other periodic inspections shall be granted to the Village of Stockbridge Building Inspector, Village Board & Planning Commission during normal working hours.

1. A site inspection shall be made prior to any excavation. Property lines adjacent to the excavation, proposed excavation boundaries, and outflow termination point shall be marked clearly for site approval.
2. An excavation inspection shall be made after all slopes are established.
3. Final inspection shall be made when all fencing is in place and the pond has reached its minimum water level.

I. Maintenance

The owner of any land on which a man-made body of water shall exist is required to maintain that land and body of water within the limits of this ordinance.

J. Permit Fees

Permit fees shall be established and charged as per fee schedule.

K. Construction Deposit.

A construction deposit shall be required.

L. Performance Bond

A performance bond shall be required. The following schedule shall be used:

Square Feet of Surface Area	Bond Amount
0 to 1,000	\$500
1,001 to 2,500	\$1,000
2,501 to 43,560	\$5,000
43,561 and larger	\$5,000/acre of fraction thereof

M. Penalty

Any person, firm, company or corporation who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance, shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00, together with the cost of the prosecution; and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail of Calumet County, Wisconsin, for a period of not more than 30 days for each violation or until the payment of such forfeiture and costs of prosecution have been paid. Each day that a violation is permitted to exist shall constitute a separate offense and may be punishable as such.

This section shall not preclude the Village of Stockbridge from maintaining any appropriate action to prevent or remove a violation of this section.

24.316 TELECOMMUNICATIONS TOWERS AND ANTENNAS**A. Intent**

The intent of this section is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas, and related facilities. The regulations are designed to protect and promote public health, safety, community welfare, aesthetic quality of the Village of Stockbridge, and encourage managed development of telecommunication infrastructure. The section shall:

1. Provide a process for obtaining necessary permits for telecommunication facilities, while at the same time protecting the interests of the citizens of the Village of Stockbridge.
2. Ensure that a non-discriminatory, competitive, and broad range of telecommunication services and high quality telecommunications are provided to serve the community.
3. Minimize conflicting uses of the land and adverse visual effects.
4. Protect environmentally sensitive areas of the Village of Stockbridge by regulating the location, design, and operation of telecommunication towers, antennas, and related facilities.
5. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers.

B. Definitions

Antenna. Any device or equipment used for the transmission or reception of electromagnetic waves, which may include omni-directional antenna (rod), directional antenna (panel), or parabolic antenna (disc).

Co-Location. The location of more than one antenna or set of antennas on the same tower structure.

Height. The distance measured from the original grade at the base of the tower to the highest point of the tower.

Lattice (Self-Support) Tower. A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole. A telecommunication tower of single pole design.

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.

Satellite Dish. A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallowish, 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, TVROs and satellite microwave antennas

Telecommunication Facility. A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunication signals, excluding those facilities exempted under **Section 24.316(C)**.

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including guy towers, monopole towers, and self-supporting lattice towers.

Tower, Camouflaged. Any telecommunication tower that, due to design or appearance, hides, obscures, or conceals the presence of the tower and antenna.

Tower, Guyed. A telecommunication 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.

Tower Accessory Structure. Any structure located at the base of a tower for housing, receiving or transmitting equipment.

C. Exemptions

This Ordinance shall not govern the installation and or use of:

1. Television antennas, satellite dishes, and receive-only antennas, provided that they are for personal use of the landowner, the primary use of the property is not a "telecommunication facility", and the antenna use is accessory to the primary use of the property.
2. Amateur radio antenna and their supporting towers, poles, and masts that are owned and/or operated by a federally-licensed amateur radio operator or is used exclusively for receive-only antennas.
3. Mobile services providing public information coverage of news events of a temporary or emergency nature.
4. Any other devices not mentioned above that are exempt according to Section 704 of the Telecommunications Act of 1996.

D. General Requirements

These provisions shall apply to all telecommunications facilities located within the Village of Stockbridge.

1. All telecommunication facilities shall comply with Federal Communication Commission (FCC), Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), and Federal Aviation Administration (FAA) rules and regulations. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
2. All telecommunication facilities shall comply with the manufacturer's specifications as it relates to design and installation.
3. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where

the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

4. The landowner shall provide written authorization for siting the telecommunication facilities on a leased property.
5. All towers and antennas must be adequately insured for injury and property damage.
6. Any required federal, state, or local agency licenses shall be provided prior to the issuance of the building permit for proposals to erect new telecommunication facilities.
7. No sign, other than warning, permit number, or equipment information, shall be affixed to any telecommunication facilities.
8. No telecommunication facility shall be artificially illuminated or have strobe lights attached to it unless required by FCC or FAA regulations. Light, if required, shall be shielded from the ground.
9. Camouflaged telecommunication facilities are encouraged and may be required in historical, environmental; or other sensitive areas as determined by the Village of Stockbridge.
10. All telecommunication towers shall be self-supporting monopoles or lattice towers except where satisfactory evidence is submitted that a guyed tower is required.
11. Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety or fire protection telecommunication facilities. The applicant at no cost to the Village shall correct any actual interference and/or obstruction.
12. A bond with a corporate surety, duly licensed in the State of Wisconsin, in the amount of twenty thousand dollars (\$20,000) to assure that the applicant, its representatives, its agents, and its assigns will comply with all the terms, conditions, provisions, requirements, and specifications contained in this ordinance, including abandonment.

E. Prohibited Areas for Telecommunication Facilities

1. No telecommunication facility may be located in the following areas:
 - a) Floodplains
 - b) Wetlands
 - c) Shorelands
 - d) Residential-zoned districts
 - e) Conservancy-zoned districts
2. Notwithstanding the above, the Zoning Administrator shall issue a land use (building) permit in all residential, agricultural, commercial, and industrial zoning districts provided:
 - a) The applicant requests to attach an antenna to an existing tower, structure, or utility pole, and,

- b) The antenna does not extend more than twenty (20) feet above the highest point of an existing tower, structure, or pole.

F. Zoning Districts Permitting Telecommunication Facilities with Conditional Use Permit Review and Approval:

Telecommunication facilities may be allowed in the following zoning districts, provided they meet the requirements of the district and the requirements of this chapter:

1. All agricultural-zoned districts.
2. All commercial-zoned districts.
3. All industrial-zoned districts.

G. Conditional Use Permit Requirements

All applications for conditional use permits shall include the following information:

1. A report from a registered professional engineer and/or other professionals which:
 - a) Describes the facility's height and design, including a cross-section and elevation;
 - b) Certifies the facility's compliance with electrical standards and structural standards that allow it to accommodate at least three (3) antennas;
 - c) Describes the tower's capacity, including the potential number and type of antennas that it can accommodate;
 - d) Describes the lighting to be placed on the facility if required by the FCC or FAA;
 - e) Certifies that the facility will not cause destructive interference with previously established public safety communication system;
 - f) A plat of survey showing the parcel boundaries and a legal description, support facilities, location, access, landscaping and fencing;
 - g) Federal Communication Commission (FCC) license and registration numbers, if applicable. Also copies of Findings of No Significant Impacts statement from FCC or Environmental Impact Study, if applicable;
 - h) Proof of liability coverage that is satisfactory to the Planning Commission;
 - i) An alternatives analysis shall be prepared by the applicant which identifies all reasonable, technically feasible alternative locations and/or facilities which could provide the proposed

telecommunication service. The intention of the alternatives 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 Village. The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. The Village may require independent verification of this analysis at the applicant's expense.

- j) A tabular and map inventory of all the applicant's existing telecommunication towers that are located within the Village of Stockbridge and includes all of the applicant's towers within fifteen hundred (1,500) feet of the Village's corporate boundary. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication towers and the ability of the tower or antenna structure to accommodate additional co-location antennas.
2. Each application shall include a facility plan. The Village will maintain an inventory of all existing and proposed telecommunication facility installations. All applicants shall provide the following information in each plan:
 - a) Written description of the type of consumer services each applicant will provide to its customers (cellular, PCS, SMR, ESMR, paging, or other anticipated telecommunication services), the carrier provider, applicant, landowner, and service provider.
 - b) Provide a list of the applicant's existing telecommunication sites, existing sites to be upgraded or replaced, and proposed facility sites as they are determined and requested within the Village and within fifteen hundred (1,500) feet of the Village's corporate boundary.
 - c) Provide a map of the area that shows the geographic service areas for the provider of the existing and proposed facility sites as they are determined and requested by the provider.
 - d) The name, address, and telephone number of the officer, agent, and/or employee responsible for the accuracy of the application.
 3. Written acknowledgement by the landowner of a leased site that he/she will abide by all applicable terms and conditions of the building permit or conditional use permit.
 4. Additional Information and Analysis

- a) The Code Administrator or the Planning Commission may, at his/her or its discretion, require visual impact demonstrations, including mock-ups and/or photo montages, screening and painting plans, network maps, alternative site analysis, lists of other nearby wireless telecommunication facilities, or facility design alternatives for the proposed facilities.
- b) The Code Administrator or Planning Commission may employ, on behalf of the Village, an independent technical expert to review technical materials submitted by the applicant or to prepare any technical materials required but not submitted by the applicant. The applicant shall pay the costs of such review and/or independent analysis.

H. Performance Standards

1. General

- a) Except as provided in this subchapter, all telecommunication facilities shall meet the dimensional standards of the zoning district in which they are located. Where the facilities are the principal use on a separate parcel, the parcel shall meet the minimum lot size requirements of the respective zoning district. On a parcel of land that already has a principal use, the facilities shall be considered an accessory use and a smaller area of land may be leased provided that all requirements of this ordinance can be met.

2. Setbacks and Separation

- a) The tower shall be set back from the nearest property line a distance equal to the height of the facility. This setback may be reduced to one-half the height of the facility if the applicant submits an engineering report from a registered professional engineer that certifies that the facility is designed and engineered to collapse upon failure within the distance from the facility to the property line. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.)
- b) The tower shall not be located within five hundred (500) feet of any residence other than the applicant's residence.
- c) Towers shall be set back from the nearest road right-of-way a distance equal to the height of the tower or the setbacks established in: **Section 24.400 Districts** of this ordinance, whichever is greater.

- d) All guy wire anchors shall be at least twenty-five (25) feet from all property lines except on leased parcels.

3. Co-Location/Sharing of Facilities

- a) No new facility shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing facility tower or structure can accommodate the applicant's proposed antenna. Supporting evidence may consist of any of the following conditions:
 - 1) No existing facility towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - 2) Existing facility towers or structures are not of sufficient height to meet the applicant's engineering requirements.
 - 3) Existing facility towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - 4) The applicant's proposed system would cause electromagnetic interference with the system on the existing tower or structure, or the system on the existing facility tower or structure would cause interference with the applicant's proposed system.
 - 5) The fees, cost, or contractual provisions required by the owner to share an existing facility tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are considered unreasonable.
 - 6) The applicant demonstrates that there are other limiting factors that render existing facility towers or structures unsuitable.
- b) New facilities shall be designed structurally and electrically to accommodate the applicant's antennas and comparable antennas for at least two (2) additional users if the tower is one hundred thirty (130) feet or more in height. Towers must also be designed to allow for future rearrangement of antennas on the tower and accept antennas mounted at different heights.

4. Screening and Landscaping

The tower location shall provide for the maximum amount of screening of the facilities. The site shall be landscaped with a buffer of plant materials that effectively screens the view of all tower accessory structures,

equipment, and improvements at ground level from adjacent properties. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the area where tower accessory structures and equipment are located at ground level. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived by the governing authority. Existing mature vegetation and natural landforms on the site shall be preserved to the maximum extent possible.

5. Security Fencing and Lighting

- a) All towers shall be reasonably protected against unauthorized access. The bottom of the tower shall be enclosed with a minimum of an 8 foot high fence with a locked gate.
- b) Security lighting for on-ground facilities equipment is permitted as long as it is down-shielded to keep light within the boundaries of the site.

6. Color and Materials

- a) All towers and antennas shall use building materials, colors, textures, screening, and landscaping that blends the facilities with the surrounding natural features to the greatest extent possible. The tower shall be painted light blue or other color that is demonstrated to minimize visibility. Galvanized towers may be permitted.
- b) All metal towers shall be constructed or treated with corrosion resistant material.

7. Parking and Access

Adequate parking spaces shall be provided on each site so that parking on public road right-of-ways will not be necessary. Access must be provided by an all-weather driveway, and access must be approved by the applicable highway offices.

8. Height

The applicant shall identify the height of the proposed tower and provide justification for the height chosen. The Planning Commission can modify the height after review of the application. Satellite dishes and parabolic antennas shall be situated as close to the ground as possible to reduce the visual impact without compromising their function.

I. Revocation

1. Grounds for Revocation

Grounds for revocation of the conditional use permit shall be limited to one of the following findings as determined by the Village of Stockbridge Planning Commission:

- a) The owner of such site, service provider, and/or tower owner fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the conditional use permit.
- b) The permittee has failed to comply with the conditions of approval imposed.
- c) The facility has not been properly maintained.
- d) A permit shall expire twelve (12) months after issuance if the tower and/or supporting facilities have not been erected. An extension of time may be granted by the Planning Commission upon request.

2. Revocation Process:

- a) If one of the findings exist, the Village shall notify the permittee of the noncompliance. The permittee will be given an opportunity to present their position to the Planning Commission or a minimum of 30 days to comply.
- b) If compliance is not received within 30 days, the Planning Commission shall hold a hearing to review the noncompliance. Notice shall be given, testimony received, and a written decision made by the Planning Commission based on substantial evidence.

J. Abandonment

The owner of a telecommunication facility under this ordinance shall notify the Village of Stockbridge when the facility is no longer in operation. All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within twelve (12) months of the cessation of operations unless the Village approves a time extension. After the facilities are removed, the site shall be restored to its original or an improved condition, and anchoring elements shall be removed from the ground to within five (5) feet of ground level. If removal and/or restoration is not completed, the Zoning Administrator may order removal utilizing a performance bond which shall be provided by the telecommunication provider to the amount of \$20,000. The Village of Stockbridge will be named as obligee in the bond and must approve the bonding company.

K. Appeals Procedure

Appeals may be taken by aggrieved party as provided under **Section 24.502**.

L. Fees

Fees for permits are provided under **Section 24.503**.

M. Penalties

Penalties for violations are provided under **Section 24.504**.

Section 24.400 Districts

24.401 ESTABLISHMENT OF DISTRICTS

For the purpose of this ordinance, the Village of Stockbridge is hereby divided into the following Districts:

- A-1 Agricultural
- R-1 Urban Residential Single Family
- R-2 Urban Residential Two Family
- R-3 Urban Residential Multi-Family
- RR-1 Rural Residential
- RR-2 Rural Residential
- C-1 General Commercial
- C-2 Highway Service Commercial
- C-3 Extensive Commercial
- I-1 Industrial
- PUD Planned Unit Development
- WWT Wastewater Treatment Overlay
- LCON Lowland Conservancy Overlay
- UCON Upland Conservancy Overlay

24.402 ZONING DISTRICT MAP

The boundaries of the above listed zoning districts are hereby established as shown on the Official Zoning District Map which is considered, legally, as an integral part of this ordinance. This map, entitled "Village of Stockbridge Official Zoning Map", shall be certified by the Village Clerk and available for public inspection at the Village Hall. Any change in zoning district boundaries which may occur shall be recorded (shown graphically) on the map. No such change(s) shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

24.403 ZONING DISTRICT BOUNDARIES

A. Depiction of Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts shown on the zoning district map the following shall apply:

1. Where the district boundaries are depicted as approximately following the centerlines of streets or highways, centerlines of streams, drainage ways, or street or highway right-of-way lines, such centerlines, or right-of-way lines, shall be construed to be such boundaries.
2. Where district boundaries are so depicted that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

3. Where district boundaries are so depicted that they are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
4. Where district boundaries are so depicted that they approximately follow section lines, quarter section lines or other government survey lines; or that they approximately follow political subdivision lines such as county lines, town lines or corporate limits; such government survey lines or political subdivision lines shall be construed to be said district boundaries.
5. Where a district boundary line, as appearing on the zoning map, divided a lot in single ownership at the time of enactment of this ordinance, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extension shall not include any part of such lot more than thirty-five (35) feet beyond the district boundary lines.

24.404 A-1 AGRICULTURAL**A. Intent**

The A-1 Agricultural District is intended to help conserve good farming and natural areas and to prevent uncontrolled, uneconomical spread of residential development that results in excessive costs to the community for premature provision of essential public services, such as sewer and water lines.

B. Permitted Uses

1. Single-family farm residences limited to two in number per operating farm. Any additional such residences must be placed on separately created lots, meeting the minimum lot area.
2. Single-family non-farm residences.
3. Family day care home.
4. Home occupations and professional home offices.
5. Crop farming, grazing, nurseries, orchards, and truck farming.
6. Agricultural buildings on parcels of land 40 acres or greater. Use of building must be limited to active farm operations.

C. Accessory Uses

1. **As noted in 24.303**, a principal use building must precede the construction of an accessory building.
2. Unattached private garages and accessory buildings.
3. Private swimming pools and tennis courts.
4. Signs as regulated in **Section 24.307**

D. Conditional Uses

1. Raising of domestic farm animals for non-commercial purposes not to exceed one (1) animal unit per two acres. Hogs and fur bearing animals are not allowed.
2. Private stables with a density not exceeding one horse per two acres.
3. Public buildings or facilities.
7. Public parks and recreation areas.
4. Unattached garages and accessory buildings with a total combined area of more than 4,200 square feet.
5. Water storage facilities, sewage treatment plants, and power stations.
6. Trap or skeet shooting facilities, target ranges, gun clubs, shooting reserves.
7. Golf courses and driving ranges.
8. Telephone buildings, exchanges, lines, and transformer stations, but excepting service garages and storage yards.
9. Man-made body of water.

10. Telecommunication antennas and towers.

E. Standards

1. Minimum lot area - five (5) acres.
2. Minimum frontage - 250 feet.
3. Minimum lot width - 250 feet.
4. Front yard setback - 30 feet for residential dwelling and garage and accessory building except for accessory buildings sheltering domestic farm animals and horses where it shall be 250 feet from the lot line or the edge of an adjacent residential district, whichever is greater.
5. Side yard setback - 20 feet for residential dwelling and garage and accessory building except for accessory buildings sheltering domestic farm animals and horses where it shall be 250 feet from the lot line or the edge of an adjacent residential district, whichever is greater.
6. Rear yard setback - 25 feet for residential dwelling and garage and accessory building except for accessory buildings sheltering domestic farm animals and horses where it shall be 250 feet from the lot line or the edge of an adjacent residential district, whichever is greater.
7. Fences to control domestic livestock and horses adjacent to the R districts shall have a minimum setback of 100 feet from the lot line.
8. Maximum building height – 35 feet for residential dwelling including an attached garage, 15 feet for accessory building, and 50 feet for agricultural building.
9. Maximum sidewall height – 10 feet for accessory building.
10. Minimum floor area for farm residential dwelling - single story is 2,000 square feet, two story is 2,500 square feet, and three levels or more is 2,700 square feet.
11. Minimum floor area for non-farm residential dwelling – single story is 2,000 square feet, two story is 2,500 square feet, and three levels or more is 2,700 square feet.
12. All single-family residential dwellings shall have a garage of a minimum 400 square feet and a maximum of 1,008 square feet with no dimension less than 20 feet.
13. All accessory buildings shall be located in the rear yard. An exception is an unattached garage which may be forward of the rear yard provided that it meets the front and side yard setback requirements, that it is located in line with or to the rear of the principal building, and that it is located at least six feet from the principal building (unless of fireproof construction).
14. Parking as regulated in **Section 24.308 Off-Street Parking**.

24.405 R-1 URBAN RESIDENTIAL SINGLE FAMILY**A. Intent**

The R-1 Urban Residential Single-Family District is intended to provide quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

B. Permitted Uses

1. Single-family dwellings.
2. Home occupations and professional home offices.
3. Family day care home.
4. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
5. Foster family home.

C. Accessory Uses

1. **As noted in 24.303**, a principal use building must precede the construction of an accessory building.
2. Unattached private garages and accessory buildings.
3. Carports.
4. Private swimming pools located on same lot as principal residential structure.
5. Signs as regulated in **Section 24.307**.

D. Conditional Uses

1. Public parks and recreation areas.
2. Public and parochial schools.
3. Churches and their affiliated uses.
4. Cemeteries of one acre or less area adjacent to a church
5. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
6. Water storage facilities and their accessory structures.
7. Recreational or community center buildings and grounds.
8. Libraries, museums and art galleries.
9. Hospitals and clinics.
10. Colleges and vocational schools.
11. Academies and other such private educational facilities.
12. Telephone buildings, exchanges, lines, and transformer stations, but excepting service garages and storage yards.
13. Funeral homes.
14. Golf courses and driving ranges.

15. Man-made body of water

E. Standards

1. Minimum lot area – 10,500 square feet.
2. Minimum frontage – 45 feet.
3. Minimum lot width – 80 feet.
4. Maximum building area – 1,508 square feet for garage and accessory buildings or 30% of the rear yard, whichever is less.
5. Front yard setback – 30 feet for residential dwelling and 6 feet behind the rear of the residential dwelling unit for an unattached garage and accessory buildings.
6. Side yard setback – 8 feet on one side and 20 feet total for residential dwelling and 3 feet for unattached garage and accessory building.
7. Rear yard setback – 25 feet for residential dwelling and 5 feet for unattached garage and accessory building.
8. Maximum building height – 35 feet for residential dwelling including an attached garage and 15 feet for accessory buildings.
9. Maximum sidewall height – 10 feet for accessory buildings
10. Minimum floor area - single story residential dwelling is 1,200 square feet, two story house is 1,500 square feet, and three level or more is 1,500 square feet.
11. All single-family residential dwellings shall have a garage of a minimum 400 square feet and a maximum of 1,008 square feet with no dimension less than 20 feet.
12. All accessory buildings shall be located in the rear yard. An exception is an unattached garage which may be forward of the rear yard provided that it meets the front and side yard setback requirements, that it is located in line with or to the rear of the principal building, and that it is located at least six feet from the principal building (unless of fireproof construction).
13. Parking as regulated in **Section 24.308 Off-Street Parking**.

24.406 R-2 URBAN RESIDENTIAL TWO FAMILY**A. Intent**

The R-2 Urban Residential Two-Family District is intended to provide quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

B. Permitted Uses

1. Single- and two-family dwellings.
2. Home occupations and professional home offices.
3. Family day care home.
4. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
5. Foster family home.

C. Accessory Uses

1. **As noted in 24.303**, a principal use building must precede the construction of an accessory building.
2. Unattached private garages and accessory buildings.
3. Carports.
4. Private swimming pools located on same lot as principal residential structure.
5. Signs as regulated in **Section 24.307**.

D. Conditional Uses

1. Public parks and recreation areas.
2. Public and parochial schools.
3. Churches and their affiliated uses.
4. Cemeteries of one acre or less area adjacent to a church
5. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
6. Water storage facilities and their accessory structures.
7. Recreational or community center buildings and grounds.
8. Libraries, museums and art galleries.
9. Hospitals and clinics.
10. Colleges and vocational schools.
11. Academies and other such private educational facilities.
12. Telephone buildings, exchanges, lines, and transformer stations, but excepting service garages and storage yards.
13. Funeral homes.
14. Golf courses and driving ranges.

15. Man-made body of water.

E. Standards

1. Minimum lot area – 15,000 square feet.
2. Minimum frontage – 55 feet.
3. Minimum lot width – 100 feet.
4. Maximum building area – 2,160 square feet for garage and accessory buildings or 30% of the rear yard per dwelling unit, whichever is less.
5. Front yard setback – 30 feet for residential dwelling and 6 feet behind the rear of the house for an unattached garage and accessory buildings.
6. Side yard setback – 8 feet on one side and 20 feet total for residential dwelling and 3 feet for unattached garage and accessory building.
7. Rear yard setback – 25 feet for residential dwelling and 5 feet for unattached garage and accessory building.
8. Maximum building height – 35 feet for residential dwelling including an attached garage and 15 feet for accessory buildings.
9. Maximum sidewall height – 10 feet for accessory buildings
10. Minimum floor area – single story residential dwelling is 950 square feet per unit, two story is 1,100 square feet per unit, and three levels or more is 1,100 square feet per unit.
11. All two-family residential dwellings shall have a garage of a minimum 400 square feet per unit and a maximum of 1,008 square feet with no dimension less than 20 feet.
12. Total garage and accessory building space shall not exceed 1,508 square feet.
13. All accessory buildings shall be located in the rear yard. An exception is an unattached garage which may be forward of the rear yard provided that it meets the front and side yard setback requirements, that it is located in line with or to the rear of the principal building, and that it is located at least six feet from the principal building (unless of fireproof construction).
14. Parking as regulated in **Section 24.308 Off-Street Parking**.

24.407 R-3 URBAN RESIDENTIAL MULTI-FAMILY**A. Intent**

The R-3 Urban Residential Multi-Family District is intended to provide for living areas that are pleasant but not so spacious or quiet as the R-1 or R-2 Districts.

B. Permitted Uses

1. Multi-family dwellings.
2. Home occupations and professional home offices.
3. Family day care home.
4. Community living arrangements and community-based residential facilities which have a capacity of fifteen (15) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
5. Foster family home unit.
6. Rooming and boarding houses.
7. Charitable institutions, rest homes, convalescent homes, nursing homes, child care homes, aged care homes, homes for the indigent, and similar institutions.

C. Accessory Uses

1. Unattached private garages and accessory buildings.
2. Carports.
3. Private swimming pools located on same lot as principal residential structure.
4. Signs as regulated in **Section 24.307**.

D. Conditional Uses

1. Recreational or community center buildings and grounds.
2. Public parks and recreation areas.
3. Libraries, museums and art galleries.
4. Hospitals and clinics.
5. Colleges and vocational schools.
6. Academies and other such private educational facilities.
7. Telephone buildings, exchanges, lines, and transformer stations, but excepting service garages and storage yards.
8. Funeral homes.
9. Golf courses and driving ranges.
10. Man-made body of water.
11. Mobile home parks, as defined in **Section 24.200 Definitions** of this ordinance, subject to the condition that such mobile home parks shall conform to all ordinances of the Village of Stockbridge regulating mobile

homes and mobile home parks; and to all Wisconsin Administrative Code provisions relating to mobile homes or mobile home parks.

12. Mobile homes within a mobile home subdivision, as defined in in **Section 24.200 Definitions** of this ordinance, provided that such mobile homes conform to all ordinances of the Village of Stockbridge regulating mobile homes, and to all Wisconsin Administrative Code provisions relating to mobile homes.

E. Standards

1. Per Zoning Resolution 2016-01, To Amend Section 24, Zoning Ordinance, of the Village of Stockbridge Code of Ordinances – adopted May 4, 2016.
 - i. Accessory buildings and the size there of allowed therein shall be reviewed on a case by case basis in a R-3 Urban Residential Multi-Family district.
2. Minimum lot area – 12,000 square feet for the first four units and 2,000 square feet for each unit above four.
3. Minimum frontage – 70 feet.
4. Minimum lot width – 110 feet.
5. Front yard setback – 30 feet for residential dwelling and 6 feet behind the rear of the residential dwelling for an unattached garage and accessory building.
6. Side yard setback – 15 feet for residential dwelling, unattached garage, and carport and 3 feet for accessory building.
7. Rear yard setback – 30 feet for residential dwelling and 5 feet for unattached garage and accessory building.
8. Maximum building height – 45 feet for residential dwelling and 15 feet for accessory buildings including detached garages.
9. Maximum sidewall height – 10 feet for accessory buildings
10. Minimum floor area – 700 square feet per unit.
11. All accessory buildings shall be located in the rear yard.
12. Parking as regulated in **Section 24.308 Off-Street Parking**.

24.408 RR-1 RURAL RESIDENTIAL**A. Intent**

The RR-1 Rural Residential District is intended to provide for the development of residential uses not exceeding 2.9 units per net acre and to provide for relatively quiet, pleasant and spacious living areas. All structures shall be connected to municipal sewer and water services where available and served by on-site septic and well systems where they are not.

B. Permitted Uses

1. Single-family dwellings.
2. Home occupations and professional home offices.
3. Family day care home.
4. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
5. Foster family home.

C. Accessory Uses

1. **As noted in 24.303**, a principal use building must precede the construction of an accessory building.
2. Unattached private garages and accessory buildings.
3. Carports.
4. Private swimming pools on the same lot as the principal building.
5. Signs as regulated in **Section 24.307**.

D. Conditional Uses

1. Public and parochial schools.
2. Public parks and recreation areas.
3. Churches and their affiliated uses.
4. Cemeteries of one acre or less area adjacent to a church
5. Recreational or community center buildings and grounds.
6. Recreational trails, public or private
7. Institutional recreation camps.
8. Libraries, museums and art galleries.
9. Hospitals and clinics.
10. Colleges and vocational schools.
11. Academies and other such private educational facilities.
12. Telephone buildings, exchanges, lines, and transformer stations, but excepting service garages and storage yards.
13. Golf courses and driving ranges.

14. Public swimming pools (provided there is no commercial activity beyond user fee collection).
15. Man-made body of water.
16. Private clubs and lodges.
17. Sportsmens' club and lodges.
18. Campgrounds.
19. Resorts, hotels or motels.
20. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
21. Water storage facilities and their accessory structures.

E. Standards

1. Minimum lot area – 16,000 square feet.
2. Minimum frontage – 45 feet.
3. Minimum lot width – 100 feet.
4. Maximum building area – 20% of the lot area for the principal building and 2,304 square feet or 30% of the rear yard for accessory buildings, including attached and unattached garages, whichever is less.
5. Front yard setback – 30 feet for residential dwelling and 6 feet behind the rear of the house for an unattached garage and accessory buildings.
6. Side yard setback – 10 feet on one side and 25 feet total for residential dwelling and 5 feet for unattached garage and accessory building.
7. Rear yard setback – 25 feet for residential dwelling and 10 feet for unattached garage and accessory building.
8. Maximum building height – 35 feet for residential dwelling including attached garages and 15 feet for accessory buildings.
9. Maximum sidewall height – 10 feet for accessory buildings
10. Minimum floor area - single story residential dwelling is 1,400 square feet, two story is 1,700 square feet, and three level or more is 1,900 square feet.
11. All residential dwellings shall have a garage of a minimum 400 square feet per unit and a maximum of 1,008 square feet with no dimension less than 20 feet.
12. All accessory buildings shall be located in the rear yard. An exception is an unattached garage which may be forward of the rear yard provided that it meets the front and side yard setback requirements, that it is located in line with or to the rear of the principal building, and that it is located at least six feet from the principal building (unless of fireproof construction).
13. Parking as regulated in **Section 24.308 Off-Street Parking**.

24.409 RR-2 RURAL RESIDENTIAL**A. Intent**

The RR-2 Rural Residential District is intended to provide for the development of residential uses not exceeding 2.2 units per net acre and to provide for quiet, pleasant and spacious living areas protected from traffic hazards and the intrusion of incompatible land uses. All structures shall be connected to municipal sewer and water services where available and served by on-site septic and well systems where they are not.

B. Permitted Uses

1. Single-family dwellings.
2. Home occupations and professional home offices.
3. Family day care home.
4. Community living arrangements and community-based residential facilities which have a capacity of eight (8) or fewer persons, subject to the limitations set forth in Section 62.23(7)(I) of the Wisconsin Statutes.
5. Foster family home.

C. Accessory Uses

1. **As noted in 24.303**, a principal use building must precede the construction of an accessory building.
2. Unattached private garages and accessory buildings.
3. Carports.
4. Boathouses.
5. Private swimming pools on the same lot as the principal building.
6. Signs as regulated in **Section 24.307**.

D. Conditional Uses

1. Public and parochial schools.
2. Public parks and recreation areas.
3. Churches and their affiliated uses.
4. Cemeteries of one acre or less area adjacent to a church
5. Recreational or community center buildings and grounds.
6. Recreational trails, public or private
7. Institutional recreation camps.
8. Libraries, museums and art galleries.
9. Hospitals and clinics.
10. Colleges and vocational schools.
11. Academies and other such private educational facilities.
12. Telephone buildings, exchanges, lines, and transformer stations, but not service garages and storage yards.

13. Golf courses and driving ranges.
14. Public swimming pools (provided there is no commercial activity beyond user fee collection).
15. Man-made body of water.
16. Private clubs and lodges.
17. Sportsmens' club and lodges.
18. Campgrounds.
19. Resorts, hotels or motels.
20. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
21. Water storage facilities and their accessory structures.

E. Standards

1. Minimum lot area – 20,000 square feet.
2. Minimum frontage - 45 feet.
3. Minimum lot width - 100 feet.
4. Maximum building area – 20% of the lot area for the principal building and 2,880 square feet or 30% of the rear yard for accessory buildings, including attached and unattached garages, whichever is less.
5. Front yard setback - 30 feet for residential dwelling and 6 feet behind the rear of the house for an unattached garage and accessory buildings.
6. Side yard setback – 10 feet on one side and 25 feet total for residential dwelling and 5 feet for unattached garage and accessory building.
7. Rear yard setback - 25 feet for residential dwelling and 10 feet for unattached garage and accessory building.
8. Setback from ordinary high water mark along the shoreline of a lake, pond or stream – 75 for all buildings.
9. Maximum building height – 35 feet for residential dwelling including attached garages and 15 feet for accessory buildings.
10. Maximum sidewall height – 10 feet for accessory buildings
11. Minimum floor area - single story residential dwelling is 1,800 square feet, two story is 2,100 square feet, and three level or more is 2,300 square feet.
12. All residential dwellings shall have a garage of a minimum 400 square feet per unit and a maximum of 1,008 square feet with no dimension less than 20 feet.
13. All accessory buildings shall be located in the rear yard. An exception is an unattached garage which may be forward of the rear yard provided that it meets the front and side yard setback requirements, that it is located in line with or to the rear of the principal building, and that it is located at least six feet from the principal building (unless of fireproof construction).
14. Boathouses shall not, under any circumstances, be used for any form of human habitation; shall not exceed two (2) feet in total height above the grade of the site; and may be within 75 feet of the Ordinary High Water Mark. No temporary structure of any kind, whether for seasonal use or for

any purpose, regardless of the type of materials used, may be erected above said boathouse or in the setback area.

15. Parking as regulated in **Section 24.308 Off-Street Parking**.

24.410 C-1 GENERAL COMMERCIAL**A. Intent**

The C-1 General Commercial District is intended to provide an area for the business and commercial needs of the community which can be most suitably located in a compact and centrally located business district.

B. Permitted Uses

1. Hardware stores (retail).
2. Electrical supply stores (retail).
3. Electrical appliance sales, service and repair establishments.
4. Paint, glass, and wallpaper stores (retail).
5. Department stores, variety stores, general merchandise stores.
6. General grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, and miscellaneous retail food stores.
7. Retail dairy products stores, including ice cream stores and parlors.
8. Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products for sale through separate outlets or home delivery.
9. Candy, nut or confectionery stores (retail).
10. Clothing and shoe stores (retail).
11. Furniture, home furnishing or floor covering stores (retail).
12. Restaurants, lunch rooms and other eating places, except for drive-in establishments.
13. Taverns
14. Retail drug stores and pharmacies.
15. Package liquor stores (retail).
16. Antique and second hand stores (retail).
17. Book and stationery stores (retail).
18. Sporting good stores (retail).
19. Bicycle shops, including facilities for the repair of non-motorized bicycles only.
20. Jewelry stores (retail).
21. Gift, novelty and souvenir shops.
22. Florist shops (retail).
23. Camera and Photographic supply stores (retail).
24. Retail tobacco and smoking supplies stores.
25. News dealers and news stand.
26. Banks and other financial institutions.
27. Offices of insurance companies, agents, brokers, and service representative.
28. Office of real estate companies agents, brokers, managers and title companies.
29. Photographic studios and commercial photography establishments.

30. Barber shops.
31. Shoe repair shops and shoe shine parlors.
32. Coin-operated laundry and dry cleaning establishments (laundromats).
33. Tailor shops, dressmakers shops and garment repair shops, but not garment pressing establishments, hand laundries or hat cleaning or blocking establishments.
34. Advertising agencies, news agencies, employment agencies.
35. Duplicating, blueprinting, photocopying, addressing, mailing and stenographic services.
36. Commercial parking lots, parking garages, and parking structures.
37. Watch, clock and jewelry repair.
38. Hotels, except those with more than 8,700 square feet of parking space not contained within or under the primary building structures.
39. Rooming and boarding houses.
40. Motion picture theaters, except drive-in theaters.
41. Billiard and pool establishments.
42. Public transportation passenger stations, taxicab company offices, taxicab stands, but not vehicle storage lots and garages or service facilities.
43. Doctors and dentists offices, but not veterinarian's offices.
44. Law offices.
45. Accounting, auditing and bookkeeping firms or services.
46. Engineering and architectural firms.
47. Professional, scientific or educational firms, agencies, offices or services, except research laboratories of manufacturing operations.
48. The offices or meeting places of professional, civic, social, business or fraternal associations, labor unions, and political religious, charitable or other non-profit organizations.
49. The offices of governmental agencies and post offices.
50. Public buildings or facilities.
51. Telephone and telegraph offices.
52. Signs as permitted under **Section 24.307 Signs** of this ordinance.
53. Any other uses that are customarily incidental to any of the above uses (including public utilities); provided that no such use generates traffic or noise that would create a public or private nuisance.

C. Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of businesses or for occupants of the premises.
2. Off-street parking and loading areas
3. Residential quarters for the owner or proprietor, located in the same building as the business.
4. Rental efficiency and one-bedroom apartments on a non-ground floor level provided there shall be a minimum floor area of 350 square feet for an efficiency apartment and 420 square feet for a one-bedroom apartment.

D. Conditional Uses

1. Motorcycle and other small engine or motor sales, service and repair establishments.
2. Garment pressing, hand laundries, and hat cleaning or blocking establishments.
3. Establishments engaged in the publishing and printing of newspapers, periodicals, or books.
4. Man-made body of water.
5. Telecommunication antennas and towers.

E. Standards

1. Minimum lot area – 10,000 square feet.
2. Minimum lot width - 45 feet.
3. Maximum building area – 75% of the lot area for the principal building and 30% of the rear yard for accessory building
4. Front yard setback – none
5. Side yard setback – 10 feet when abutting a residential district or when the building is not of fireproof construction and none if the building is of fireproof construction.
6. Rear yard setback – 25 feet for the principal building and 10 feet for an accessory building.
7. Maximum building height – 55 feet for any building.

24.411 C-2 HIGHWAY SERVICE COMMERCIAL**A. Intent**

The C-2 Highway Service Commercial District is intended to provide for those business activities which would be most appropriately located along major thoroughfares or highways.

B. Permitted Uses

1. Any use permitted in the C-1 District.
2. Gasoline service stations, provided that all gasoline pumps, storage tanks, and accessory equipment be located at least thirty (30) feet from any existing or officially proposed street right-of-way line.
3. Automobile repair shops including shops for general mechanical repairs, body repair and tire repair, but not including the rebuilding, retreading, recapping, vulcanizing or manufacturing of tires and not including establishments for painting automobiles.
4. Establishments engaged in specialized automobile repairs, such as electrical, battery, or radiator repair, glass replacement or repair, carburetor repair, or wheel alignment.
5. Stores for the sale of tires, batteries, or other automotive accessories.
6. Automobile washing, cleaning or polishing
7. New passenger automobile and truck sales.
8. Used passenger automobile and truck sales.
9. Automobile passenger trailer, mobile home, or camper sales.
10. Daily or extended term rental or leasing of motor vehicles.
10. Hotels, motels, motor hotels, tourist courts, tourist rooms, etc.
11. restaurants and other eating places, including drive-in establishments.
12. Tourist-oriented retail shops including souvenir and curiosity shop.
13. Commercial parking lots, parking garages, or other parking structures.
14. Taverns
15. Signs as permitted under **Section 24.307 Signs** of this ordinance.
16. Public buildings.

C. Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of businesses.
2. Off-street parking and loading areas

D. Conditional Uses

1. All Conditional Uses listed in the C-1 District.
2. Seasonal roadside stands for the sale of farm produce only.

3. Establishments or facilities for the sale, rental, service, repair, testing, demonstration or other use of motorcycles, motorized bicycles, go-carts, snowmobiles, aircraft, motorboats, other watercraft, or any other motorized vehicles or their components.
4. Wholesale merchandise establishments
5. Warehouses.
7. Motor carrier facilities.
8. Man-made body of water.
9. Telecommunication antennas and towers.
10. Mobile home parks, provided that they conform to all ordinances of the Village of Stockbridge regulating mobile home parks and to all Wisconsin Administrative Code provisions relating to mobile home parks.

E. Standards

1. Minimum lot area – 20,000 square feet.
2. Minimum lot width - 75 feet.
3. Minimum street frontage – 75 feet.
4. Maximum building area – 50% of the lot area for the principal building and 30% of the rear yard for accessory building
5. Front yard setback – 30 feet for any building.
6. Side yard setback – 10 feet for the principal building and 10 feet for an accessory building.
7. Rear yard setback – 50 feet for the principal building and 10 feet for an accessory building.
8. Maximum building height – 35 feet for any building.

24.412 C-3 EXTENSIVE COMMERCIAL**A. Intent**

The C-3 Extensive Commercial District is intended to provide a suitable location for those businesses which require a fairly large area of land, or for which it is desirable that they be located an appreciable distance from other activities.

B. Permitted Uses

1. Any use permitted in the C-2 District.
2. The sale or storage of lumber or other building materials.
3. Construction firms and construction equipment or materials storage.
4. Plumbing, heating and air-conditioning equipment dealers.
5. Farm or garden equipment or supplies dealers.
6. Greenhouses and nurseries.
7. Fuel oil dealers.
8. Liquid petroleum gas (bottle gas) dealers.
9. Equipment (construction, industrial, etc.) rental and leasing services.
10. Bowling alleys.
11. Skating rinks.
12. Commercial sports clubs, athletic fields, arenas, and similar facilities.
13. Golf courses, open to the public.
14. Miniature golf, golf driving range, archery range, and similar facilities.
15. Private golf or-country club.
16. Drive-in motion picture theaters.
17. Amusement parks.
18. Research and testing laboratories.
19. Signs as permitted under **Section 24.307 Signs** of this ordinance.

C. Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of businesses.
2. Off-street parking and loading areas

D. Conditional Uses

1. All Conditional Uses listed in C-2
2. District.
3. Resorts, tourist cottages or cabins, commercial camping, ski lodges, group camps, and similar facilities.
4. Circuses, carnivals, musical or theatrical performances, public lectures, religious meetings or other similar public functions which are customarily held for short periods of time, which are customarily held in temporary

structures, and for which an admission is charged or a collection is requested.

5. Veterinary offices and facilities, and/or boarding facilities for domestic animals.
6. Riding stables or schools.
7. Food storage and/or packaging facilities including rental food lockers.
8. Man-made body of water.
9. Telecommunication antennas and towers.

E. Standards

1. Minimum lot area – 20,000 square feet.
2. Minimum lot width – 100 feet.
3. Minimum street frontage – 100 feet.
4. Maximum building area – 50% of the lot area for the principal building and 30% of the rear yard for accessory building
5. Front yard setback – 40 feet for any building.
6. Side yard setback – 10 feet for any building.
7. Rear yard setback – 50 feet for the principal building and 10 feet for an accessory building.
8. Maximum building height – 45 feet for any building.

24.413 I-1 INDUSTRIAL**A. Intent**

The I-1 Industrial District is intended to provide open area for manufacturing and industrial activities. It is also intended to provide an area for a variety of uses which require relatively large installations, facilities or land areas; or which would create or intend to create conditions of public or private nuisance, hazards, or other undesirable conditions; or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate or shield the public from such conditions.

B. Permitted Uses

1. Manufacturing establishments, usually described as factories, mills, plants, in which raw materials are transformed into finished products, and establishments engaged in assembling component parts of manufactured products.
2. Fabrication establishments, including but not limited to lumber and building material sales, contractors supply sales and storage yards including equipment storage, and bulk storage yards, excluding petroleum products.
3. The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening. This includes but is not limited to lumber and building materials sales, contractors supply sales and storage yard including equipment storage, and bulk storage yards, excluding petroleum products.
4. Wholesaling, warehousing, truck terminals and transshipment facilities.
5. Railroads, including right-of-way, railroad yards, and structures normally incidental to the operation of railroads, including station houses, platforms, and signal towers.
6. Public service installations, including public utility buildings and structures for gas, water and electrical service, telephone exchanges, transformer stations, substations, power generating plants including storage of equipment vehicles.
7. Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
8. Signs as permitted under **Section 24.307 Signs** of this ordinance.
9. Uses customarily incidental to, or similar to, the above uses.
10. A dwelling unit provided for a caretaker or superintendent in the case of an industrial use that requires constant supervision.

C. Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of businesses.
2. Off-street parking and loading areas

D. Conditional Uses

1. Acid manufacture.
2. Aircraft land field, hangar, or accessory structures.
3. Automobile wrecking yards, junk yards and salvage yards.
4. Cement, lime gypsum or plaster of paris manufacture.
5. Explosives manufacture or storage.
6. Fat rendering.
7. Fertilizer manufacture.
8. Glue manufacture.
9. Petroleum or petroleum products storage or refining.
10. Refuse disposal sites, dumping grounds, sanitary landfill operations or similar uses; provided that such uses comply with solid waste disposal standards and pollution control requirements of the State of Wisconsin.
11. Mineral extraction and mining, including processing and storage.
12. Slaughterhouses.
13. Smelting.
14. Stockyards.
15. Man-made body of water.
16. Telecommunication antennas and towers.

E. Standards

1. Minimum lot area – 45,000 square feet.
2. Minimum lot width – 100 feet.
3. Minimum street frontage – 100 feet.
4. Maximum building area – 50% of the lot area for the principal building and 30% of the rear yard for accessory building
5. Front yard setback – 50 feet for any building.
6. Side yard setback – 20 feet for any building.
7. Rear yard setback – 50 feet for the principal building and 20 feet for an accessory building.
8. Maximum building height – 45 feet for any building.

24.414 PUD PLANNED UNIT DEVELOPMENT**A. Intent**

The PUD District is intended to provide for large-scale combined use development. It is especially applicable to a development in which a number of different land uses, for example, residential, commercial, open space, etc., are combined in a design which provides for desirable and convenient living conditions and which minimizes conflicts between the various land uses involved.

B. Standards

This zoning district shall have no definite and measurable boundaries until a specified Planned Unit Development shall be approved by the Village Board in accordance with the procedures prescribed for zoning amendments in Wisconsin Statutes, Section 62.23. Plans for the proposed development shall be submitted to the Village Board, and shall show the location, size and proposed use of all structures and land included in the area involved. The plans may provide for a combination of single-family, two-family, and multiple-family residential development as well as other compatible uses.

1. Each separate Planned Unit Development shall consist of an area of not less than five acres.
2. All land uses in the Planned Unit Development District shall be conditional uses, subject to the consideration and approval of the Village Board with regard to its acceptability under this Section.
3. The following criteria shall be applied to every proposed Planned Unit development as a basis for determining its consistency with the letter and spirit of this ordinance.
 - a) Its compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
 - b) Its overall compatibility with existing land uses in vicinity and with probable future land uses in the vicinity.
 - c) The internal compatibility of the various land uses proposed to be included within the development.
 - d) Its compatibility with existing probable future transportation facilities in the vicinity, and its tendency to increase the demand upon those facilities.
 - e) The provision of adequate internal circulation facilities including streets and sidewalks, and parking facilities within the development.
 - f) Its compatibility with existing and probable future provision of public utility services such as sewer and water facilities, and its tendency to increase the demand upon these facilities.

- g) Its compatibility with existing and probable other public services, such as schools, police protection, fire protection, street maintenance, etc., and its tendency to increase the demand upon these services.
- h) The provision of adequate open space, the provision of public access to streams and bodies of water, the preservation of environmental and aesthetic values, and the provision of adequate and appropriate arrangements of the continuing preservation of the aforesaid features, including legal restrictions and other legal devices, and the provision of adequate and appropriate institutional arrangements for continued maintenance.
- i) The long-term economic stability of the proposed development and its economic impact on other properties in the vicinity.
- j) The presentation of an adequate and practicable implementation schedule for completion of the development, whether by stages or all in one period, in order to insure that the adverse results of failure to complete the development may be effectively avoided.

24.415 WWT WASTEWATER TREATMENT OVERLAY DISTRICT**A. Intent**

The Wastewater Treatment Overlay District is intended to delineate that area where the principal use will be as a site for the wastewater stabilization lagoons and other wastewater treatment facilities for the Village of Stockbridge. The Wastewater Treatment Overlay District is created to meet the requirements of NR110.15(3)(d) of the Wisconsin Administrative Code for the separation distances of sewage treatment facilities and other property

B. Permitted Uses

Sewage treatment facilities including but not limited to stabilization lagoons, mechanical treatment facilities and effluent holding and polishing ponds and all other related structures or mechanical devices necessary to treat wastewater, including all essential uses to operate the sewage treatment facilities.

C. Conditional Uses Requiring a Village Building Permit

There must be a 500 foot separation zone from the Village's existing "mechanical" plant and adjacent residential and commercial development. The following conditional uses within the 500 foot separation zone may be allowed if they will not be unreasonably affected by the proximity of the stabilization ponds and treatment plant and will not interfere with any future expansion needs of the ponds or plant.

1. Additions, enlargements, remodeling and replacement of lawful nonconforming structures existing at the time of the creation of this district and not changing the principal use of the structure.
2. Construction, additions, enlargements, remodeling, and replacement of accessory structures with a use customarily incidental of the principal use of any lawful nonconforming structure or use existing at the time of the creation of this district and located on and proximate to such nonconforming residential structure.

In reviewing requests for conditional uses, the Village will utilize the standard of review that will require the conditional use to be compatible with any present and future wastewater treatment facility in the Wastewater Treatment Facility Overlay District.

D. Prohibited Uses

No structures are permitted except those using essential services accessory to the principal permitted use, and all uses not specifically permitted.

E. Review Requirements

In light of the State of Wisconsin changing requirements for the Department of Natural Resources and Wastewater Treatment Regulations and the specific areas of land effected by this district, this ordinance shall be reviewed by the Village of Stockbridge no later than January 1st, 2006.

24.416 LOWLAND CONSERVANCY OVERLAY DISTRICT**A. Intent**

This district is intended to preserve the environmentally sensitive areas as delineated and mapped in the Stockbridge Sewer Service Area Plan prepared by the East Central Wisconsin Regional Planning Commission and certified by the Wisconsin Department of Natural Resources in 2001.

B. Boundaries

The boundaries of this overlay district are not intended to follow property lines or other street or railroad right-of-way lines. The boundaries are determined by the location of the wetland, stream, or pond identified and mapped in the Stockbridge Sewer Service Area Plan. They will range from a minimum of fifteen (15) feet to on either side of the wetland, stream or pond to a maximum distance determined by the area shown as a floodway as mapped by the Federal Emergency Management Administration Flood Boundary and Floodway Maps.

C. Permitted Uses

1. Harvesting of wild crops, such as marsh hay, berries, and tree fruits.
2. Forestry and forest management.
3. Wildlife preserves.
4. Wildlife management including waterfowl, fish and other similar lowland animals and nonresidential buildings used solely in conjunction with such activities.
5. Nature preserves or arboretums.
6. Hunting, fishing and trapping as permitted by the Department of Natural Resources.
7. Hiking trails and bridal paths.
8. Preservation of areas of scenic, historic or scientific value.
9. Soil and Water Conservation programs, approved and administered by the Calumet County Soil and Water Conservation District Board.
10. The maintenance, repair, replacement, and reconstruction of existing street, roads, and bridges.

D. Conditional Uses

1. Dams, flowages, ponds, and water storage and water pumping facilities.
2. Hydro-electric power plants, transmission lines and other facilities accessory thereto.
3. Utilities such as, but not limited to telephone, telegraph, power or other transmission lines.
4. Piers, docks and boathouses.

5. Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted pursuant to Section 59.971 of the WI Statutes.
6. Removal of topsoil.
7. Relocation or other alteration of any watercourse.

E. Prohibited Uses

Any use not listed as a permitted use or conditional use is prohibited regardless of the permitted, accessory, and conditional uses of the underlying district.

24.417 UPLAND CONSERVANCY OVERLAY DISTRICT**A. Intent**

This district is intended to preserve all significant woodlands, wildlife habitat areas, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote the natural beauty of the Village, while not interfering with the development rights perceived by the Village Planning Commission and Village Board and assigned by the underlying basic use district.

B. Boudaries

The boundaries of this overlay district are not intended to follow property lines or other street or railroad right-of-way lines. The boundaries are determined by the location of the environmental feature and natural resource to be protected.

C. Permitted Uses

1. Harvesting of wild crops, such as marsh hay, berries, and tree fruits.
2. Forestry and forest management.
3. Wildlife preserves.
4. Nature preserves or arboretums.
5. Hunting, fishing and trapping as permitted by the Department of Natural Resources.
6. Hiking trails and bridal paths.
7. Preservation of areas of scenic, historic or scientific value.
8. Soil and Water Conservation programs, approved and administered by the Calumet County Soil and Water Conservation District Board
9. Any use of the land, except development involving structures, that is permitted in the basic underlying district, providing that such development does not destroy the natural resource feature protected by the overlay district.

C. Conditional Uses

1. Ponds
2. Water storage and water pumping facilities.
3. Utilities such as, but not limited to telephone, telegraph, power or other transmission lines.
4. Removal of topsoil.

Section 24.500 Administration and Enforcement**24.501 CODE ADMINISTRATION****A. Village Board Building Committee**

A duly appointed standing committee of the Village Board with overall responsibility for enforcement of village codes related to building, zoning, etc.

B. Village Planning Commission

A Planning Commission appointed under applicable sections of Wisconsin Statutes.

C. Responsibilities

The Village Board Building Committee and Village Planning Commission shall be responsible for administration and enforcement of the provisions of this ordinance. Designated village staff shall act on behalf of the committee and commission when so authorized.

D. Duties

The duties of the Building Committee, Planning Commission or designated staff include:

1. Provide necessary forms and applications for permits.
2. Issue zoning and sign permits where the provisions of this Ordinance have been complied with.
3. Issue conditional use permits and certificates of compliance.
4. Identify and keep an accurate file of all nonconforming uses and structures.
5. Review at public hearings all petitions for rezoning and amendments to this ordinance and make recommendations to the Village Board.
6. Maintain complete files of applications, permits, and other relevant information.
7. Upon reasonable cause to revoke any land use 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 Ordinance.

E. Village Code Administrator

The Village Code Administrator shall be the enforcement officer under this ordinance. He shall administer the provisions of this Ordinance and shall issue, after inspection, permits required by this Ordinance.

F. Building Inspector

The Village Board shall appoint a building inspector who shall have the power and duty to enforce the construction and building inspection provisions of this ordinance and of all other ordinances, laws and orders of the State of Wisconsin and Village of Stockbridge which relate to building construction, plumbing, heating ventilation, air conditioning, and electrical installations and for these purposes shall have the right at all reasonable times to enter buildings and premises. He shall have the power to pass upon any questions arising under the provisions of this ordinance relating to buildings, subject to conditions contained in this ordinance. Any person interfering with the said inspector while in the performance of the duties prescribed in the ordinance shall be fined as hereinafter provided. Any person feeling himself aggrieved by any order or ruling of the building inspector may within twenty days thereafter appeal from such order or ruling to the Village Board, such an appeal to be in writing. The Building Inspector of the Village of Stockbridge shall inspect all buildings for which a permit has been issued. The inspection shall include the areas of plumbing, heating, ventilation, air conditioning, and electrical alteration or addition plus a general structural inspection. The inspection shall be done prior to the "closing in". Reinspections shall be done if deemed necessary by the Building Inspector and/or Building Committee of the Village Board.

G. Land Use/Building Permits

1. No land use shall be substantially altered, and no building or structure or any part thereof, except as herein provided, shall hereinafter be erected, enlarged, altered, repaired or moved within the areas subject to the provision of this ordinance until a Land Use/Building Permit shall have been applied for in writing and obtained from the Village Code Administrator or overseeing authority. Such permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, repair or moving.
2. All applications for a Land Use/Building Permit shall be accompanied by a sketch showing the location, actual shape and dimensions of the lot to be built upon, a stormwater drainage plan, the exact size and location of the building on the lot, the existing and intended use of the building, the number of families to be accommodated, its situation with reference to the street or highway; and such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this Ordinance.
3. All applications for a Land Use/Building Permit for structures intended for human habitation and/or occupancy on parcels not served by a public sewage system shall be accompanied by evidence of an approved on-site sewage disposal permit.

4. No Land Use/Building Permit fee shall be required in any of the following cases, however, before any construction or alteration is started, the owner or his authorized agent shall notify the code administrator in writing of such proposed construction or alteration, giving the address and exact nature of the work proposed to be done, by whom it will be done, when it will be started and the estimated project value. The code administrator may require that a drawing of the proposed work be submitted to him if he deems it necessary to the proper understanding of the work.
 - a) For building an accessory building with a value of less than \$500.
 - b) For any improvement or alteration to an existing building with a value of less than \$500, which does not effect a change in use.
 - c) For any maintenance repairs regardless of the value. A project that involves any structural change shall not be considered as maintenance repairs.

All other provisions of this Ordinance shall apply.

5. The term "Land Use/Building" as used in this section shall include any building, structure or use of land which is governed by the requirements of this Ordinance; also any material alteration in the heating plant, sanitary facility or mechanical equipment of any such building which may effect a change in its use.
6. Any Land Use/Building or Conditional Use permit issued under the provisions of this Ordinance, shall lapse and become void if the work described in such permit is not commenced within one year from its date of issuance.

H. Certificate of Occupancy

1. No vacant land shall be occupied or used and no building or structure hereafter erected, altered or moved shall be occupied or used until a certificate of occupancy shall have been used by the Village Code Administrator. Such certificate shall be applied for coincidental with the application for a land use permit and shall be issued within ten days after the erection, alteration, repair or moving of such building. Such building shall have been completed in conformity with the provisions of this Ordinance and in conformity with the statements on the application for the Land Use/Building Permit.
2. Upon written request from the owner, the Village Code Administrator shall issue a certificate of occupancy for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent of any kind of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

24.502 BOARD OF APPEALS**A. Establishment and Composition**

As specified in Chapter 62.23(7)(e) of the Wisconsin Statutes, the Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for three (3) years, except that of those first appointed, one member shall serve one (1) year, two members for two (2) years and two members for three (3) years. The members shall serve at such compensation to be fixed by Ordinance, and shall be removable by the Village President for cause upon written charges and after public hearing.

The Village President shall designate one of the members Chairman. The Board may employ a secretary and other employees. Vacancies shall be filled for the unexpired terms of members whose terms become vacant

B. Rules for Government and Procedure

The Board of Appeals shall adopt rules for its government and procedure. The meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

C. Minutes and Records

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

D. Appeals

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village of Stockbridge affected by any decision of the Code Administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties of interest, and shall decide the same within a reasonable time.

E. Powers of the Board of Appeals

Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district. The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Code Administrator.
2. To authorize, upon appeal in specific cases, such variance from the terms of this Ordinance, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. In every case where the Board of Appeals has granted a variance from these regulations, the minutes of the Board shall affirmatively show that an "unnecessary hardship" or "practical difficulty" has been created.
3. To hear and decide upon appeals for interpretation of provisions of this ordinance.
4. To determine the precise location of zoning districts boundary lines where there is appeal upon such a decision by the Village Code Administrator.

F. Application for Variance and Notice of Hearing

An application for a variance shall be filed in writing with the Village Code Administrator. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation and also by mailing notice thereof to the parties in interest, said publication and mailing to be made at least 10 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.

G. Standards for Variance

The Board of Appeals shall not vary the regulations of this Ordinance, unless it shall make findings based upon the evidence presented to it in each specific case that:

1. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience of the strict letter of the regulations were to be carried out.
2. The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable generally, to other property within the same zoning classification.
3. The purpose of the variance is not based exclusively upon a desire to make more money out of the property.

4. The alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
5. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property valued within the neighborhood.

24.503 AMENDMENTS, PUBLIC HEARINGS, AND FEES

A. Amendments

The regulations imposed and the zoning districts created under authority of this ordinance may be amended from time to time. An amendment (or rezoning) to the Ordinance may be initiated by any resident or owner of property or by the Village Board or Planning Commission. The petitioner, in the case of a zoning map amendment (rezoning), shall submit, with the application, a list containing names and addresses of all owners of property within 200 feet of the property or properties proposed to be rezoned.

B. Public Hearings

After a petition for amendment, rezoning, or conditional use has been filed, the Planning Commission shall review the petition at a public hearing and report its findings and recommendations to the Village Board. A class 1 notice shall be given also provided in Chapter 985 of the Wisconsin Statutes prior to the holding of the hearing. Property owners within 200 feet of the proposed change or conditional use shall be notified by mail at least ten (10) days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any resulting action.

C. Fees

All persons, firms, or corporations performing work, which by this Ordinance shall require the issuance of a permit or the holding of a public hearing, shall pay a fee for such permit or hearing to the Planning Commission or its administrative staff (code administrator) to help defray the cost of administration, investigation, processing and legally required advertising.

The schedule of fees shall be as shown below:

1. Land Use/Building Permit

- a) The fee for issuance of the permit shall be as outlined on the Village of Stockbridge “General Permit Application”, Form No. 97-BP01, Building Permit Fee Schedules.
- b) The above fee shall cover the cost of all prescribed inspections of said permit.
- c) Should more than the prescribed number of inspection be necessary in the judgment of the Building Inspector and/or Building Committee, an additional charge of \$10.00 per inspection shall be payable to the Clerk/Treasurer upon completion of the inspection. Should the owner fail to pay any additional inspection charges, the delinquent amount will be returned to the Clerk Treasurer who shall enter such amount on the next annual tax roll as a special charge against the property and such sum shall be levied and collected as other special charges against real estate.

2. Sign Permit

The fee is \$5.00.

3. Conditional Use Permit

The fee is \$10.00.

4. Public Hearing for Amendment to Ordinance (map or text)

The fee is \$50.00.

5. Public Hearing for Variance, Special Exception, Appeal, or Conditional Use

The fee is a minimum of \$350.00. Anytime the cost of holding the public hearing and processing the application exceeds the minimum fee, the applicant shall be responsible for such costs.

24.504 ENFORCEMENT AND PENALTIES

A. Unlawful Structure or Use

Any building or structure hereafter erected, moved, placed, or structurally altered or any use hereafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) shall be deemed an unlawful structure or use.

B. Authority to Bring Action

The Village Planning Commission, and/or Village Board Building Committee, may direct the Village's legal counsel to bring action to enjoin, remove, or vacate any use, erection, moving, placement, or structural alteration of any building or use in violation of this Ordinance.

C. Fine for Violation of Ordinance

Any person violating this ordinance or any part thereof, shall be forced to comply with the ordinance and shall pay all expenses involved in correcting the same. A fine of not less than Ten Dollars nor more than Two Hundred Dollars for each offense together with the cost of prosecution shall be levied and in the event of nonpayment of the fine, and/or the costs of prosecution, the violator shall be imprisoned in the County Jail of Calumet County until such fine has been paid not to exceed thirty days. Each day that a violation shall continue to exist shall constitute a separate offense.

24.505 LEGAL STATUS PROVISION**A. Annexation**

All territory annexed to the Village of Stockbridge shall automatically become a part of the Agricultural District until definite boundaries and regulations are adopted by the Village Board, such adoption to be completed within 90 days of the annexation.

B. Severability

The provisions of this ordinance are severable. If any Court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not effect any other provisions of this Ordinance not specifically included in said judgment. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure; such judgment shall not effect the application of said provision to any other property, building, or structure, not specifically included in said judgment.

C. Conflicting Provision

All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

D. Effective Date

This Ordinance shall be in force from and after its passage, approval, publication, and recording according to law.

As Provided By Statute

ADOPTED this _____ day of _____, 2003

Approved:

Roman J. Kappus, Jr. President
Village of Stockbridge

Attest:

Karen Ott, Clerk
Village of Stockbridge