

Chapter 480

ZONING

[HISTORY: Adopted by the Village Board of the Village of Francis Creek 6-4-1985 (Secs. 7.04 to 7.13 of the 1984 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Adult-oriented establishments — See Ch. 145.
Building construction — See Ch. 177.
Official Map — See Ch. 321.
Shoreland-wetland zoning — See Ch. 400.
Subdivision of land — See Ch. 445.
Annexations — See Ch. A500.

ARTICLE I Introduction

§ 480-1. Title.

This chapter shall be known, cited or referred to as the "Francis Creek Village Zoning Ordinance" except as referred to herein where it shall be known as "this chapter."

§ 480-2. Statutory authority.

This chapter is adopted pursuant to and under the authority of §§ 61.35 and 62.23, Wis. Stats.

§ 480-3. Purpose.

The purpose and intent of this chapter are to promote the public health, safety and general welfare. It is the further purpose of this chapter to regulate, prohibit, and restrict the erection, construction, and reconstruction of structures and buildings and uses of land in the Village of Francis Creek according to their specific purposes and characteristics; to regulate and limit the height of structures and determine the uses of land by dividing the Village of Francis Creek into districts of such number, size, and shape as are deemed best suited to carry out the regulations of this chapter; to create a Board of Appeals and define and limit the powers and duties of said Board; and to provide the means for enforcing said chapter and prescribe penalties for the violation of the provisions thereof.

§ 480-4. Jurisdiction.

This chapter shall be administered and be in force on all lands within the corporate limits of the Village of Francis Creek.

§ 480-5. Abrogation and greater restrictions.

The regulations of this chapter shall be construed as being supplementary to the regulations imposed on the same lands by any existing ordinances. It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. When these regulations conflict with other applicable zoning ordinance provisions, the most restrictive combination of such regulations shall control.

§ 480-6. Interpretation and definitions.

A. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements necessary for the promotion of the public health, safety, morals and welfare and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

B. As used in this chapter, the following terms shall have the meanings indicated:¹

PERMIT ISSUER — The Village Clerk-Treasurer or Building Inspector.

ARTICLE II
General Regulations

§ 480-7. Applicability; conflicting requirements.

General regulations apply to all districts except as noted herein. When requirements of a general regulation and a district regulation differ, the more restrictive combination of regulations shall prevail.

§ 480-8. Compliance required.

No structure, building or land shall hereafter be used and no structure shall be located, erected, converted, extended, enlarged, reconstructed, or altered nor shall any change of use of any structure or land hereafter be made within areas included under the jurisdiction of this chapter unless it shall be in full compliance with the terms and provisions of this chapter and other applicable regulations.

§ 480-9. Height, density, lot area and yards.

No building shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller front yards, rear yards, or side yards than is specified herein for the district in which such building is located.

§ 480-10. Yard and open space requirements.

No part of a yard or open space about any building required for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open

¹. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

space similarly required for another building. An open porch or terrace may occupy a front yard, provided that the unoccupied portion of the front yard furnishes a depth of not less than 15 feet. A one-story bay window may project not more than three feet beyond the front line of the building.

§ 480-11. Substandard lots.

- A. Any lot in single ownership, which ownership was of record at the time of the adoption of this chapter, that does not meet the requirements of this chapter for yards, courts, or other area of open space may be utilized for single residence purposes, provided that the requirements for such yard or court area, width, depth or open space are within 75% of that required by the terms of this chapter.
- B. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided.

§ 480-12. Frontage.

Every building shall front upon a public street which street shall have a minimum right-of-way width of 50 feet.

§ 480-13. Visibility.

No wall, fence, or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility.

§ 480-14. Dwellings in industrial districts.

No dwelling shall be erected in the I-1 or I-2 Industrial District. However, the sleeping quarters of a watchman or caretaker may be permitted.

§ 480-15. Accessory buildings; breezeways.

An accessory building attached to the principal building on a lot shall be made structurally a part thereof and shall comply in all respects with the requirements of this chapter applicable to the principal building. Breezeways, for the purposes of this chapter, as an attachment between the garage and the main building shall be considered as part of the main building, but breezeways shall not be considered as constituting dwelling space.

§ 480-16. Basement, garage or trailer dwellings.²

Basements, garages and trailers shall not be used for dwelling purposes except as specifically provided in this chapter. This section is not intended to prevent use of the basement of a residence for dwelling purposes.

§ 480-17. Floor area. [Amended 3-7-2000]

². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. Single-family detached dwellings will have a minimum of 1,200 square feet; duplexes a minimum of 900 square feet; and townhouses a minimum of 900 square feet.
- B. In addition, the square footage of two-bedroom apartments will be a minimum of 800 feet; one-bedroom apartments require 700 square feet; and efficiency apartments require 500 square feet.
- C. All square footage is exclusive of basements, cellars, and unfinished attics.

§ 480-18. Building grades.

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a new building is constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit runoff of surface water to flow onto the adjacent properties. Grades shall be approved by the Village permit issuer.

§ 480-19. Moving buildings. [Amended 11-21-2000]

Any building or structure which has been wholly or partially erected on any premises located either within or outside of the Village shall not be moved to and be placed upon any other premises in the Village until a permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of this chapter in the same manner as a new building or structure. The Building Inspector of the Village of Francis Creek shall inspect the same and shall determine if it is in a safe condition to be moved and whether it complies with all applicable building codes for new buildings as issued by the State of Wisconsin and the Village of Francis Creek. If these conditions are met, a permit shall be issued for the moving of said building or structure.

§ 480-20. Excavations or holes.

The construction, maintenance, or existence within the Village of Francis Creek of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells or of any excavations, holes, or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare is hereby prohibited; provided, however, that this section shall not prevent any excavation under a permit issued pursuant to this chapter or the building code of the Village where such excavations are properly protected and warning signs posted in such manner as may be approved by the permit issuer, and provided further that this section shall not apply to lakes, streams, or other natural bodies of water or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of any government agency.

§ 480-21. Removal of soil, sand or other material.

The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any district, except under a temporary certificate from the permit issuer issued upon approval of the Village Board and on condition that such removal of soil will not be below the normal building grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the permit issuer. A temporary certificate may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect or leave the surface of the land at the expiration of such certificate in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the permit issuer and a building permit has been issued upon a contract let for said building development.

§ 480-22. Storage or dumping of used materials, junk and other waste.

The use of land for the storage or collection or accumulation of used lumber and other used materials or for the dumping, disposal or salvage of automobiles, scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except that sand, rock or other material excavated from the earth is permitted in any district, provided that the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district.

§ 480-23. Effect on existing construction.

Nothing in this chapter shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the adoption of this chapter and upon which actual construction has been diligently carried on.

§ 480-24. Approval of plats.

No proposed plat of a new subdivision shall hereafter be approved by either the Village Board or the Village Comprehensive Planning Commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this chapter and unless such plat fully conforms to the statutes of the State of Wisconsin and the ordinances of the Village of Francis Creek.³

§ 480-25. Essential services.

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the State of Wisconsin or any ordinance of the Village of Francis Creek, it being the intention hereof to exempt such essential services from application of this chapter.

³. Editor's Note: See Ch. 445, Subdivision of Land.

§ 480-26. Lot reduction.

After adoption of this chapter, no lot area shall be so reduced that the dimensions and yard requirements imposed by this chapter cannot be met.

§ 480-27. Corner lots.

In the case of a corner lot, the standards specified for front yard setback for that zoning district shall apply to those sides of the lot which abut both streets forming the corner.

§ 480-28. Lot use.

Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot, and in no case shall there be more than one main building or use on one lot, except as provided in specific sections of this chapter.

§ 480-29. Yard and height exceptions.

Every part of the required area of a yard shall be open to the sky, unobstructed, except for 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. Maximum building height standards specified in this chapter shall not apply to church spires or church belfries, nor to water towers.

§ 480-30. Nuisances.

No provisions of this chapter shall be construed to bar an action to enjoin or abate the use or occupancy of any land, buildings or other structures as a nuisance under the appropriate laws of the State of Wisconsin.

§ 480-31. Accessory uses.

Accessory uses are permitted only when preceded by or accompanied by a permitted principal use.

**ARTICLE III
Establishment of Districts**

§ 480-32. Zoning districts.

To carry out the purposes of this chapter, the Village of Francis Creek is hereby divided into the following zoning districts:

- A. A-1 Agricultural District.
- B. R-1 Single- and Two-Family Residential District.
- C. R-2 Multiple-Family Residential District.
- D. B-1 General Business District.
- E. I-1 Light Industrial District.

- F. I-2 General Industrial District.
- G. C-1 Conservancy District.
- H. PUD Planned Unit Development District.

§ 480-33. Zoning Map. ⁴

The boundaries of these districts are shown on the map accompanying this chapter. This map is designated as the "Zoning Map for the Village of Francis Creek" together with all notations, references, and other information shown thereon and they are a part of this chapter having the same force and effect as if said Zoning Map and all such notations, references and other information shown thereon were fully set forth. The Zoning Map is on file and available for inspection in the office of the Village Clerk-Treasurer.

§ 480-34. Interpretation of district boundaries.

- A. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center lines of right-of-way lines of highways, 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.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Questions concerning the exact location of district boundary lines shall be determined by the Village Board of Appeals.

ARTICLE IV
Zoning District Regulations

§ 480-35. A-1 Agricultural District.

This district is intended to help conserve good farming and natural resource areas and ensure that development that does occur outside of water and sewer service areas will have lots sufficiently large enough to safely accommodate on-site sewage disposal and wells.

- A. Permitted uses.

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Farming and dairying, provided that buildings in which farm animals are kept shall be at least 100 feet from the nearest residential or business district.
 - (2) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, and truck farming.
 - (3) Harvesting of wild crops and management of wildlife, including nonresidential buildings used solely in conjunction with such activity.
 - (4) In-season roadside stands for the sale of farm products produced on the premises and up to two unlighted signs not larger than eight square feet each advertising such sale.
 - (5) Signs as permitted under this chapter.
 - (6) Customary home occupations.
 - (7) Uses customarily accessory to any of the above uses, including residential use accessory to any of the above uses.
- B. Conditional uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes if a conditional use permit for such purpose is granted by the Village Board:
- (1) Non-farming-related single-family dwellings and accessory buildings and uses.
 - (2) Churches, schools, cemeteries, community parks and recreational areas.
 - (3) Public and semipublic buildings.
 - (4) Water storage facilities and power stations (provided that they are enclosed by an eight-foot or more protective fence).
 - (5) Fur farms, kennels, insect-breeding facilities, greenhouses and other agricultural uses that may cause noxious odors or noise or create health or sanitation hazards.
 - (6) Campgrounds, tourist camps and travel trailer parks, subject to the provisions of this chapter and Chapter DHS 178 of the Wisconsin Administrative Code.
 - (7) Trap or skeet shooting facilities, target ranges, gun clubs, and shooting preserves.
 - (8) Riding stables.
 - (9) Golf courses.
 - (10) Swimming pools.
 - (11) Auto junkyards or salvage yards.

C. Area and height regulations. No buildings shall be erected or structurally altered unless the following lot area requirements and yards are provided. No structure may exceed the maximum height specified.

- (1) Minimum lot area shall not be less than one acre.
- (2) There shall be a front yard provided of not less than 30 feet from the right-of-way line.
- (3) There shall be a rear yard of not less than 30 feet, except that accessory buildings and structures may be placed in the rear yard, but not less than four feet from the rear property line.⁵
- (4) There shall be a side yard of not less than 30 feet.
- (5) Minimum lot width shall be 150 feet at the building line.
- (6) No residential building shall exceed a height of 35 feet or 2 1/2 stories; however, no maximum height is required for nonresidential structures in this district.

§ 480-36. R-1 Single- and Two-Family Residential District.

This district is intended to provide for areas in which single-family and two-family dwellings may be permitted on moderate-sized lots that have community sewers.

A. Permitted uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes:

- (1) Single-family dwellings. "Single-family dwelling" includes a manufactured home. [Amended 7-19-1994 by Ord. No. 94-01]
- (2) Two-family dwellings.
- (3) One private garage per dwelling.
- (4) Accessory buildings and uses, including the keeping of not more than two nontransient roomers or boarders in any dwelling, provided that no sign is displayed and no separate cooking facilities shall be maintained in connection with said accessory use.
- (5) Churches and schools.
- (6) Customary home occupations subject to other sections of this chapter.
- (7) Public parks, playgrounds and recreational and community center buildings and grounds.

B. Conditional uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes if a conditional use permit for such purpose is granted by the Village Board:

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) Hospitals and clinics.
- (2) Colleges and vocational schools.
- (3) Funeral homes.
- (4) Telephone exchanges, lines and transformer stations, except service garages and storage yards.
- (5) Golf courses.
- (6) Private swimming pools.
- (7) Public buildings.
- (8) Boardinghouses or rooming houses, provided that the conditional use standards of this chapter and the following requirements are met:
 - (a) No boardinghouse or rooming house may contain or be occupied by more than 10 boarders.
 - (b) One off-street parking space shall be provided for every two sleeping rooms contained in each residence in addition to the parking required for the manager or permanent household.
 - (c) Not more than one nonilluminated sign advertising lodging or boarding not to exceed one square foot in area shall be permitted on the lot or building on which the rooming house is located.
 - (d) The maximum lot area required shall be as specified in the zoning district in which the boardinghouse or rooming house is located, plus 500 square feet for each sleeping room provided beyond that which is required for the owner or manager.
 - (e) The boardinghouse or rooming house must meet all other applicable state, county, or Village codes and regulations.

C. Area and height regulations. No building shall be erected or structurally altered unless the following area requirements and yards are provided. No structure shall exceed the maximum height specified.

- (1) Minimum lot area shall not be less than 7,200 square feet for single-family dwellings or 12,000 square feet for two-family dwellings.
- (2) There shall be a front yard provided of not less than 30 feet from the right-of-way line.
- (3) There shall be a rear yard of not less than 25 feet, except that accessory buildings and structures may be placed in the rear yard, but not less than four feet from the rear property line.
- (4) There shall be a side yard provided on each side of the lot of not less than 10 feet.

- (5) The minimum lot width for a single-family dwelling or a two-family dwelling shall be 100 feet, except that if the front portion of the lot abuts the circular portion of a cul-de-sac, the minimum lot width shall be 65 feet. [Amended 7-14-2008]

D. Other development regulations. [Added 7-19-1994 by Ord. No. 94-01]

- (1) Manufactured home. "Manufactured home" means a structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426. A manufactured home must, when placed on the site:
 - (a) Be set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchapters III, IV and V of Ch. SPS 321, Wis. Adm. Code, or be set on a comparable enclosed foundation system approved by the permit issuer. The permit issuer may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.⁶
 - (b) Be installed in accordance with the manufacturer's instructions.

§ 480-37. R-2 Multiple-Family Residential District.

This district is intended to aid in providing for the rental housing needs of the community at a comparatively high density in areas that have community water and sewers available.

A. Permitted uses.

- (1) Multiple-family dwellings in a structure containing no more than eight units per structure.
- (2) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the aged and similar institutions.
- (3) Parking garage or parking lot as an accessory use.
- (4) Churches and schools.
- (5) Public playgrounds and recreational and community buildings and grounds.
- (6) Uses customarily accessory to any of the preceding permitted uses.

B. Conditional uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes if a conditional use permit for such purpose is granted by the Village Board:

- (1) All conditional uses permitted in the R-1 District.
- (2) Multiple-family dwellings in a structure containing more than eight units per structure.

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

C. Area and height regulations. No building shall be erected or structurally altered unless the following lot area requirements and yards are provided. No structure shall exceed the maximum height specified.

- (1) Minimum lot area per structure shall be not less than 7,200 square feet for the first unit plus 2,500 square feet for each additional unit.
- (2) There shall be a front yard provided of not less than 30 feet from the right-of-way line.
- (3) There shall be a rear yard of not less than 25 feet, except that accessory buildings, structures and parking lots may be placed in the rear yard, but not less than 10 feet from the rear property line.
- (4) There shall be a side yard on each side of the lot of not less than 15 feet.
- (5) The minimum lot width for a single-family dwelling or a two-family dwelling shall be 100 feet, except that if the front portion of the lot abuts the circular portion of a cul-de-sac, the minimum lot width shall be 65 feet. [Amended 7-14-2008]
- (6) No building or structure shall exceed a height of 45 feet in this district.

D. Other development regulations.

- (1) A site development plan, prepared in accordance with other sections of this chapter, shall be submitted before a permit can be granted for any use in this district.
- (2) No outdoor storage of any material shall be permitted in this zoning district except within enclosed containers.
- (3) No lighting shall be permitted which would glare from this zone unto any street right-of-way or onto any adjacent property.

§ 480-38. B-1 General Business District.

This district is intended to provide areas in which the convenience shopping and service needs of the community can be met.

A. Permitted uses.

- (1) Auto sales and service.
- (2) Banks and other lending institutions.
- (3) Bowling alleys.
- (4) Bus stations.
- (5) Clubs.
- (6) Contractor storage.

- (7) Department stores.
- (8) Dwelling, but only as an accessory to a permitted business use.
- (9) Funeral homes.
- (10) Gas stations.
- (11) Grocery stores.
- (12) Hardware stores.
- (13) Hotels and motels.
- (14) Light manufacturing that is accessory to the principal permitted business use.
- (15) Lodges.
- (16) Lumberyards.
- (17) Offices.
- (18) Public utilities.
- (19) Restaurants.
- (20) Signs, as regulated by this chapter.
- (21) Taverns.
- (22) Theaters.
- (23) Warehousing.
- (24) Wholesale business.
- (25) Uses customarily accessory to the preceding listed principal uses.

B. Conditional uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes if a conditional use permit for such purpose is granted by the Village Board:

- (1) Uses not specifically named but similar to the preceding list of permitted uses, provided that the Village Board, after public hearing, determines the proposed use to be similar.

C. Area and height regulations. No building shall be erected or structurally altered unless the following lot area requirements and yards are provided. No structures shall exceed the maximum height specified.

- (1) There shall be a front yard provided that is not less than the average of the adjacent setbacks.
- (2) There shall be a rear lot yard provided that it is not less than the average of the adjacent setbacks.

- (3) There shall be a side yard provided of not less than 10 feet where a lot in this zoning district abuts a residential zoning district.
- (4) No building or structure shall exceed a height of 45 feet or 2 1/2 stories in this district.

D. Other development regulations.

- (1) A site development plan, prepared in accordance with other sections of this chapter, shall be submitted before a permit can be granted for any use in this district.
- (2) No outdoor storage of any material shall be permitted in this zoning district except within enclosed containers.
- (3) No lighting shall be permitted which would glare from this zone onto any street right-of-way or onto any adjacent property.

§ 480-39. I-1 Light Industrial District.

This district is intended to provide for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably ensure compatibility in this respect.

A. Permitted uses. Land may be used and buildings or structures may be erected, altered, or used for only one or more of the following purposes:

- (1) Book printing and binding.
- (2) Broom and brush manufacture (wire or bristle).
- (3) Cabinet-making and interior woodwork manufacture.
- (4) Canvas and canvas products.
- (5) Carpenter and pattern shops.
- (6) Clothing manufacture.
- (7) Contractor or construction shops, including building, cement, electrical, refrigeration, air conditioning, masonry, painting, plumbing, roofing, heating and ventilating.
- (8) Engraving.
- (9) Furniture manufacture.
- (10) Lumberyard.
- (11) Newspaper printing.

- (12) Public service installations, including public utility buildings and structures for gas, water, and electrical service, telephone exchanges, transformer stations, substations, and power-generating plants, including storage of equipment vehicles.
- (13) Stonecutting of monuments, headstone or statues but not building stone or architectural trim.
- (14) Storage warehouse.
- (15) Tinsmith shop.
- (16) Toy manufacture.
- (17) Wholesaling, warehousing, truck terminals, and transshipment facilities.
- (18) Uses similar to the above listed uses.
- (19) Uses customarily accessory to the preceding listed permitted principal uses.
- B. Conditional uses. Land may be used and buildings or structures may be erected, altered, enlarged, or used for only one or more of the following purposes if a conditional use permit for such purpose is granted by the Village of Francis Creek Board: [Added 2-18-2003 by Ord. No. 2003-01]
 - (1) Uses not specifically named but similar to the preceding list of permitted uses, provided that the Village Board, after public hearing, determines the proposed use to be similar.
 - (2) Those uses identified under the B-1 District described in § 480-38A.
- C. Area and height regulations. No building shall be erected or structurally altered unless the following lot area requirements and yards are provided. No structures shall exceed the maximum height specified.
 - (1) There shall be a front yard provided of not less than 50 feet from the right-of-way line.
 - (2) There shall be side and rear yards provided of not less than 100 feet where a lot in this zoning district abuts a residential zoning district. Side and rear yards may be used for off-street parking and loading.
 - (3) The maximum lot coverage permitted in this zoning district shall be 40%.
 - (4) No building or structure shall exceed a height of 45 feet or 2 1/2 stories in this district.
- D. Other development regulations.
 - (1) A site development plan, prepared in accordance with other sections of this chapter, shall be submitted before a permit can be granted for any use in this district.

- (2) No outdoor storage of any material shall be permitted in this zoning district except within enclosed containers.
- (3) No lighting shall be permitted which would glare from this zone onto any street right-of-way or onto any adjacent property.

§ 480-40. I-2 General Industrial District.

This district is intended to provide for areas devoted to manufacturing and similar enterprises in which community sewers are available.

A. Permitted uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes:

- (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 shops for tool and die, machine, blacksmith, plumbing, sheet metal and woodworking.
- (3) Signs as regulated by other sections of this chapter.
- (4) The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage is enclosed by a suitable fence or other manner of screening. This includes but is not limited to lumber and building material sales, contractor supply sales and storage yards, including equipment storage and bulk storage yards, excluding petroleum products.
- (5) Sales, service and repair of motor vehicles, farm machinery, boat trailers and heavy equipment.
- (6) Uses permitted in the I-1 Industrial District.
- (7) Uses customarily accessory to the preceding listed permitted principal uses.

B. Conditional uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes if a conditional use permit for such purpose is granted by the Village Board:

- (1) Acid manufacture.
- (2) Aircraft landing fields, hangars or accessory structures.
- (3) Automobile wrecking yards, junkyards and salvage yards.
- (4) Cement, lime, gypsum or plaster of paris manufacture.
- (5) Distillation of bones.
- (6) Explosives manufacture or storage.
- (7) Fat rendering.

- (8) Fertilizer manufacture.
 - (9) Glue manufacture.
 - (10) Petroleum or petroleum products storage or refining.
 - (11) 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.
 - (12) Sand and gravel extraction and mining, including processing and storage.
 - (13) Slaughterhouses.
 - (14) Smelting.
 - (15) Stockyards.
- C. Area and height regulations. No building shall be erected or structurally altered unless the following lot area requirements and yards are provided. No structures shall exceed the maximum height specified.
- (1) There shall be a front yard provided of not less than 50 feet from the right-of-way line.
 - (2) There shall be side and rear yards provided of not less than 100 feet where a lot in this zoning district abuts a residential zoning district. Side and rear yards may be used for off-street parking and loading.
 - (3) The maximum lot coverage permitted in this zoning district shall be 40%.
 - (4) No building or structure shall exceed a height of 45 feet or 2 1/2 stories in this district.
- D. Other development regulations.
- (1) A site development plan, prepared in accordance with other sections of this chapter, shall be submitted before a permit can be granted for any use in this district.
 - (2) No lighting shall be permitted which would glare from this zone onto any street right-of-way or onto any adjacent property.

§ 480-41. C-1 Conservancy District.

This district is intended to provide for the conservation and preservation of natural resources and areas of special environmental importance.

- A. Permitted uses. Land may be used and buildings or structures may be erected, altered, enlarged or used for only one or more of the following purposes:
- (1) Farming, but excluding swine farming and fur farming.
 - (2) Forestry.

- (3) Cemeteries.
 - (4) Public park, recreational facilities and structures.⁷
 - (5) Uses customarily accessory to the preceding listed permitted principal uses.
- B. Area and height regulations. No building shall be erected or structurally altered unless the following lot area requirements and yards are provided. No structure shall exceed the maximum height specified.
- (1) There shall be a front yard provided of not less than 50 feet from the right-of-way line.
 - (2) There shall be rear and side yards provided of not less than 30 feet from any property line.
 - (3) No building or structure shall exceed a height of 35 feet in this district.

§ 480-42. PUD Planned Unit Development District.

This 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. The 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 § 62.23, Wis. Stats. 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 and multiple-family residential development as well as other compatible uses.

- A. Each separate planned unit development shall consist of an area of not less than five acres.
- B. All land uses in the Planned Unit Development District shall be conditional uses, subject to the consideration and approval of the Village Board.
- C. 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 chapter:
 - (1) Its compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
 - (2) Its overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
 - (3) The internal compatibility of the various land uses proposed to be included within the development.

⁷. Editor's Note: Original Sec. 7.07G(1)(e), regarding essential services, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).

- (4) Its compatibility with existing and probable future transportation facilities in the vicinity and its tendency to increase the demand upon those facilities.
- (5) The provision of adequate internal circulation facilities, including streets and sidewalks, and parking facilities within the development.
- (6) 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 those facilities.
- (7) 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.
- (8) 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 for 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.
- (9) The long-term economic stability of the proposed development and its economic impact on the other properties in the vicinity.
- (10) 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 ensure that the adverse results of failure to complete the development may be effectively avoided.

ARTICLE V Special Regulations

§ 480-43. Conditional uses.

- A. Purpose. Certain land use activities titled "conditional uses" may be authorized, if they are listed as such, in the various zoning districts. Conditional uses must be especially considered because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such conditional uses cannot definitely be foreseen.
- B. Application. Application for conditional use permits authorized in this chapter shall be submitted to the permit issuer on forms supplied by the permit issuer and shall be accompanied by plans and data 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. In addition, plans or data shall be supplied for each conditional use on such factors as existing and proposed drainage, sanitary sewage disposal, water systems, waste disposal, driveway location, off-street parking, highway access, neighboring land uses, and such other information regarding the proposed conditional use and surrounding area that may be required to determine conformance with this chapter.

- C. Procedures. An application for a conditional use permit shall be processed in the following manner:
- (1) The applicant shall apply for a conditional use permit in accordance with Subsection B.
 - (2) The permit issuer shall forward the application and supporting data to the Village Board.
 - (3) The Village Board shall hold a public hearing on the conditional use application after proper public notice.
 - (4) The Village Board, after the public hearing, may issue the conditional use permit as applied for, may deny issuance of the permit or it may issue the permit subject to reasonable conditions and safeguards.
 - (5) A copy of the decision with any conditions or reasons for rejection shall be sent promptly to the applicant.
 - (6) Appeals of the Village Board decision may be taken to a court of competent jurisdiction in accordance with § 62.23(7)(e)10, Wis. Stats.
- D. Standards. The Village Board shall review the proposed conditional use in regard to the standards, requirements, provisions and terms of this chapter. In addition, the Village Board shall find adequate evidence of the following:
- (1) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety and general welfare.
 - (2) The proposed use will be designed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and such use will not change the essential character of the area in which it is proposed to be located.
 - (3) The location, size, nature and intensity of the proposed operation or use of the site will be in harmony with the orderly development of the district and further that the location, nature and height of buildings, walls and fences on the proposed site will not discourage the appropriate development and use of adjacent lands or buildings or impair the value thereof.
 - (4) The proposed use will be adequately served by essential public services and facilities and the use will not create excessive additional public cost to be detrimental to the economic welfare of the Village.
 - (5) Operations in connection with any conditional use shall not be more objectionable to nearby properties by reason of noise, fumes, vibration or flashing lights than would be the operation of a permitted use.
 - (6) Conditional uses may be authorized only if it is determined that the spirit and intent of this chapter are observed, that there will be no adverse effect upon adjacent properties and that substantial justice is done if the use is authorized.

- (7) The proposed conditional use must be found to be equal to or an improvement in relation to property in the immediate vicinity and to the Village as a whole.
- E. Conditions and safeguards. The Village Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights or nearby parcels and for ensuring that the purposes and the general spirit and intent of this chapter will be observed. Conditional use permits may be issued for a specific time period as determined by the Village Board.
- F. Reapplication. No application for a conditional use which has been denied wholly or in part by the Village Board 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 in compliance with the applicable conditions is included in the resubmitted application.

§ 480-44. Nonconforming uses, buildings and lots.

- A. The lawful use of buildings, signs, or premises existing at the time of the adoption of this chapter or any amendment thereof may be continued although such use does not conform to provisions of this chapter if the owner of such use applies for and receives a certificate of nonconformance from the permit issuer within the prescribed time period.
- B. Nonconforming uses are subject to the following provisions:
 - (1) A nonconforming use may not be extended.
 - (2) Structural repairs or alterations of any nonconforming building shall not, during its life, exceed 50% of the local assessed value of the building at the time of becoming a nonconforming use unless permanently changed to a conforming use.
 - (3) A nonconforming use may be changed to another nonconforming use of the same or greater restriction but shall not thereafter be changed again to another nonconforming use of the same restriction but only to one of a greater restriction.
 - (4) Any nonconforming building which has been destroyed or damaged by fire, explosion, act of God, or by the public enemy to the extent of more than 50% of its current local assessed value shall be made to conform to the provisions of this chapter.
 - (5) If any nonconforming use of any building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to this chapter.
- C. All owners of nonconforming uses shall, within 60 days of the adoption of this chapter, apply for a certificate of nonconformance from the permit issuer on a form supplied by the issuer. Failure to acquire a certificate of nonconformance will result

in the loss of nonconforming status and the land affected must thereafter be used in strict conformance with this chapter.

- D. Lots of record that are existing at the time of adoption of this chapter or any amendments thereof which do not meet the dimensional requirements of this chapter are designated nonconforming lots of record. Nonconforming lots of record that lack required lot area shall be allowed to be built upon in accordance with this chapter if all yard and setback requirements are provided. Two or more nonconforming abutting lots of record in single ownership at the time of passage or amendment of this chapter shall be considered to be a single undivided parcel for purposes of this chapter.
- E. No parcel of land shall be divided or sold which does not meet the lot width and area requirements of this chapter, nor shall any division of land be made which leaves remaining any lot with a width or area below the requirements of this chapter.
- F. Pursuant to § 62.23(7)(hc), Wis. Stats., a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the restored structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.⁸

§ 480-45. Off-street parking and loading.

- A. The following off-street parking spaces shall be provided and satisfactorily maintained by the owner of the property for each building which after the effective date of this chapter is erected, enlarged or altered for use for any of the following purposes:
 - (1) Dwelling, single: at least one parking space for each dwelling unit.
 - (2) Dwelling, two or more: at least 1.5 spaces for each dwelling unit.
 - (3) Hotels, motels or transient lodging: at least one parking space for each lodging unit, plus one space for each two employees on the shift of largest employment.
 - (4) Establishments for the sale and consumption on the premises of food, alcoholic beverages or refreshments: at least one parking space for each three seating accommodations, based on maximum seating capacity.
 - (5) Bowling alley: at least four spaces for each alley, plus one space for each two employees on the shift of largest employment.

⁸. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (6) Dance hall and other places of assembly without fixed seats: at least one parking space for each 100 square feet of floor space.
 - (7) Churches, auditoriums and other places of assembly with fixed seats: at least one parking space for each four seats based on maximum seating capacity of the main assembly room.
 - (8) Retail establishments: at least one space for each 150 square feet of floor space.
 - (9) Manufacturing or warehouse establishments: at least two spaces for every three employees during the largest eight-hour shift, plus one space for each company vehicle operating from the premises.
 - (10) Wholesale establishments: at least one parking space for each employee plus one space for each company vehicle operating from the premises.
 - (11) Bank or office: at least one parking space for each 200 square feet of floor space.
 - (12) Mortuary or funeral home: at least one parking space for each 100 square feet in the main assembly place.
- B. Reduction of parking space. Off-street parking space required under this section may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction, however, shall not be below the standards as set forth in this section.
- C. Unspecified uses and mixed occupancies. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as for the uses listed in this section which, in the opinion of the Board of Appeals, shall be deemed most similar. In the case of mixed uses, the total requirements for the off-street parking facilities shall be the requirements for the various uses computed separately.
- D. Off-street loading requirements. On the same lot with every building, structure or part thereof erected hereafter, to be used for other than exclusive dwelling purposes, there shall be provided on the lot adequate space for standing, loading and unloading motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include a loading space of 10 feet by 25 feet for each 20,000 square feet or fraction thereof of floor or lot area used for other than residential purposes.
- E. Parking area development and maintenance. Every parcel of land hereafter used as a public or private parking area shall be developed and maintained by the owner in accordance with the following requirements:
- (1) Off-street parking area for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a fence of acceptable design, wall or compact hedge.

Such fence, wall, or hedge shall not be less than four feet, and no solid portion shall be more than six feet in height, and shall be maintained in good condition. The space between such fence, wall or hedge and the side lot line adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

§ 480-46. Signs.

- A. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit and without being in conformance with the provisions of this chapter. The sign shall also meet all the structural requirements of the building code.
- B. All signs are prohibited in the agricultural, conservancy and residential districts, except the following:
 - (1) Signs over show windows on doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
 - (2) Unlighted signs of up to six square feet for advertisements for the lease or sale of the premises, provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest sidewalk or street.
 - (3) Name, occupation and warning signs not to exceed two square feet located on the premises.
 - (4) Signs and bulletin boards of up to 16 square feet for public, charitable or religious institutions, provided that all such signs must be located directly on the premises involved and at least 15 feet from the nearest sidewalk or street.
 - (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Official signs such as traffic control, parking restrictions, information and notices.
 - (7) Temporary signs or banners when authorized by the Village Board.
- C. Signs are permitted in the business and industrial districts, subject to the following restrictions:
 - (1) Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface and shall not exceed 20 feet in height above the mean center-line street grade.
 - (2) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises, shall not extend more than three feet into any required yard, shall not extend more than three feet

into the air rights of any public right-of-way, shall not extend a height of 20 feet above the mean center-line street grade, and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

- (3) Ground signs shall not exceed 20 feet in height above the mean center-line street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on all sides for any one premises.
 - (4) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 200 square feet on all sides for any one premises.
 - (5) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
 - (6) Combinations of any of the above signs shall meet all the requirements of the individual sign.
- D. Flashing signs or signs with rhythmic variations in intensity of illumination are prohibited in all districts, regardless of size or location.
- E. Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- F. A sign lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of other sections of this chapter shall apply.

§ 480-47. Fences and walls. ⁹

- A. Height limitations of a fence/wall in a residential area.
- (1) Any side or rear yard fence or wall may be six feet high maximum.
 - (2) In the required front yard setback area and on a corner lot, in the required side yard setback area along streets, a maximum of four feet is allowed.
 - (3) A vision clearance triangle of 15 feet is required where driveways meet public sidewalks on each side of the driveway.
- B. Requirements at driveways or street corners. A hedge, fence, or wall cannot be over two feet above grade at the property line if within 15 feet along property lines at any intersection involving public sidewalks at street intersections, alleys or public or private driveways. This is to maintain a visual area in a triangle by two fifteen-

⁹. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

foot sides which run along the lot line next to public sidewalks and edges of alleys or driveways.

- C. Snow fencing may be used temporarily, but in no case shall snow fences be left standing longer than six months.
- D. It will be unlawful to construct barbed wire fences or any electrical fences, except that non-barbed-wire electrical fences are allowed to retain livestock. The height of these fences depends on the type of livestock.
- E. Supporting framework or posts can be construed to represent a backside of the fence; therefore, the fence shall be installed so that the front side faces the adjacent or abutting property.
- F. In-ground pools must have a fence four feet in height.
- G. A fence may be constructed right up to the lot line, but not on it.
- H. Corner lots may cause some confusion as to the front, side and rear yards; it is recommended that the owner bring a sketch to the Village Clerk-Treasurer for approval before erecting the fence.
- I. The attached drawing is an integral part of this section.¹⁰

§ 480-48. Site development plan.

No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zoning districts where a development plan is required unless such development plan is submitted to the permit issuer and Village Board and approved by the Village Board. Two copies of the development plan shall be submitted to the permit issuer, drawn to scale, and shall contain at least the following information:

- A. Total area in the development project.
- B. Location, shape, area, and dimension of the lot, lots or acreage to be used.
- C. Present zoning of the subject property and adjacent property.
- D. All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned.
- E. Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces.
- F. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
- G. Location and dimensions of all existing and proposed structures, walks, malls, open areas, walls, fences, screen plantings and/or other landscaping.

¹⁰. Editor's Note: The referenced drawing is on file in the office of the Village Clerk-Treasurer.

- H. Existing and proposed sewer, water and other utility lines plus location and type of sewage treatment facility and water source.
- I. Required setbacks of zoning district.
- J. Area of subject property to be covered by buildings.
- K. Location, size, height and orientation of all signs.
- L. Development plans for residential projects (multiple-family developments and mobile home parks) shall include the following information:
 - (1) Minimum floor area of dwelling units.
 - (2) Total number of units proposed.
 - (3) Number of bedrooms per unit in multiple-family developments.
 - (4) Area to be used for open space and recreation.
- M. Such other information regarding the development area that may be required to determine conformance with this chapter.

§ 480-49. Home occupations.

The following requirements shall apply to home occupations where permitted herein:

- A. No persons other than members of the family residing on the premises shall be engaged in home occupations.
- B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
- C. There shall be no change in the outside appearance of the building or premises or other visible evidence of conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a nameplate, not more than three square feet in size, nonilluminated, may be permitted.
- D. No home occupation shall be conducted in any accessory building, nor shall there be any exterior storage of any materials on the premises.
- E. No traffic shall be generated by such home occupation in greater volumes that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.
- F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process

shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

- G. Home occupations shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

§ 480-50. Wireless communications facilities. [Added 8-19-1997 by Ord. No. 97-04]

- A. Purpose. In response to consumer demand for wireless communications services and requirements of the Federal Communications Commission (FCC), wireless communications providers are desirous of establishing and expanding their systems as quickly and efficiently as possible, which will result in more antennas and towers across the visual landscape. In order to address the proliferation of wireless communications facilities, to provide for appropriate location and network development, to serve the local community according to standards of good engineering, to minimize adverse visual effects through careful design, siting, co-location of providers and screening, and to maximize public safety, specific sites for wireless communications facilities may be granted as conditional use permits if allowed in the district the permit is applied for.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ANTENNA — The array of metal rods, dipoles, parasitic elements and associated appurtenances which is attached to the antenna supporting structure and which is connected to the transmission lines or wave guides, designed for telephone, radio or television communications through the sending and/or receiving of electromagnetic waves.

ANTENNA SUPPORTING STRUCTURE — A guyed or self-supporting support tower, monopole or other permanent attachment mechanism which supports one or more antennas.

DISH ANTENNA — A dish-like antenna used to link communication sites together by wireless transmission of voice or data. Also called "microwave antenna" or "microwave dish antenna."

GUYED TOWER — A tower which is supported in whole or in part by guy wires and ground anchors.

MONOPOLE TOWER — A self-supporting tower consisting of a single pole without metal latticework. The pole is usually painted to harmonize with the environment.

SELF-SUPPORTING TOWER — A tower which is constructed without guy wires; self-supporting towers may be constructed either of metal latticework or a single pipe or pole.

WIRELESS COMMUNICATIONS FACILITIES — A land use facility, supporting antennas and microwave dishes that send and/or receive radio frequency signals which provide commercial mobile services, unlicensed wireless services and common carrier

wireless exchange access services. The facilities include structures, towers, and accessory buildings.

C. Conditional use permit required. A conditional use permit shall be required from the Village Board for wireless communications facilities in those zoning districts in which wireless communications facilities are allowed as conditional uses. Wireless communications facilities are allowed as a conditional use in the I-2 General Industrial District.¹¹

D. Application for conditional use permit.

- (1) The application shall contain either a written statement signed by the applicant that Federal Aviation Administration (FAA) and Wisconsin Department of Transportation Division of Aeronautics approval are not required or a copy of the FAA and Wisconsin Department of Transportation Division of Aeronautics application if such approval is required.
- (2) The request for a conditional use permit shall be accompanied by an application for Department of Safety and Professional Services approval or a statement submitted by the applicant explaining the reason why Department of Safety and Professional Services approval is not required.¹²
- (3) A visual impact statement shall be included with all applications along with a site photo or drawing of the proposed structure, including a submission setting forth the location of the structure plotted on the Official Zoning Map. If necessary, the site should be plotted on an aerial map of a scale of one inch equals 300 feet or finer showing adjacent land uses within a radius of 2,500 feet of the structure. This is necessary to aid in determining the visual impact of the wireless communications facility and the appurtenant buildings upon the adjacent area, including distance from residences, scenic vistas, and what if any appropriate landscaping is in place or proposed which would act as a screen, such as trees, berms or buildings.¹³
- (4) The applicant shall set forth what is the access to the facility and shall address the following: whether the facility is restricted by fence or locked rooftop, who are keys available to, and whether there are anti-climbing provisions at the facility. The applicant shall submit a horizontal plan of the facility showing the relationship of all major components of the facility, including tower, fence, building, lot lines and nearest residence and access roads.
- (5) The applicant shall include a statement describing the impact of utility services at the proposed facility.

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

¹². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

¹³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (6) A statement shall be included that the applicant has made adequate provision for maintaining the facility in good repair and condition. This would include painting and grass trimming.
 - (7) The applicant shall submit a statement that the proposed facility is the best alternative within a radius of one mile.
 - (8) The applicant shall include a statement detailing how arcing, spurious emissions, intermodulation, and distortion will be minimized by RF transmitter filtering, secure bonding of wave guide, transmissions lines and other tower and guy attachments and the use of corrosion-resistant hardware.
- E. Design. The design of the existing structures and new towers or appurtenances to be placed on buildings or to be ground mounted must be approved by a registered professional engineer familiar with the requirements of such structures. The following parameters shall be addressed by a structural engineer subject to consent by the Village of Francis Creek:
- (1) Tower free-fall zone based upon tower break points; radius for falling tower appurtenances, hardware and ice; windscatter of paint; general public safety with respect to load capacity; and percentage of ultimate tower capacity reserved for future use.
 - (2) The configuration, design and size of any equipment storage buildings shall be consistent with buildings in the particular zoning district and will comply with the requisite setback requirements in the district.
- F. Criteria and requirements for granting a conditional use permit.
- (1) The Village Board shall consider the following criteria and requirements in determining whether to issue a conditional use permit:
 - (a) Whether the wireless communications facility constitutes a major environmental action per the Code of Federal Regulations. If the structure represents a major environmental action, the applicant shall include a line of sight analysis containing the following information:¹⁴
 - [1] Locations and compensations of significant existing natural and man-made features adjacent to the proposed tower location that will provide buffering for adjacent properties and public rights-of-way.
 - [2] Identification of the specific points from which the line-of-sight analysis is presented based upon the site photo or diagram.
 - (b) Whether the wireless communications facility complies with pertinent FCC regulations and federal requirements concerning RF emissions.
 - (c) Whether or not alternative sites are available for a wireless communications facility.

¹⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) In determining to grant a conditional use permit, the Village Board may impose conditions to the extent the Village Board concludes such conditions are necessary to minimize any adverse effect of the proposed facility on adjoining properties.
- G. Abandonment. Any wireless communications facility that is not operated for a continuous period of six months shall be considered abandoned, and the owner of such facility shall remove the same within 90 days of receipt of notice from the Village notifying the owner of abandonment.

ARTICLE VI Board of Appeals

§ 480-51. Membership; compensation.¹⁵

A Board of Appeals is hereby created having the powers authorized in § 62.23, Wis. Stats. The Board shall consist of five members appointed by the Village President, subject to confirmation of the Village Board, for terms of three years. Vacancies shall be filled for the remainder of the unexpired term only. The Village President shall appoint two alternate members of the Board in accordance with § 62.23(7)(e)2, Wis. Stats. All members of the Board shall serve without compensation.

§ 480-52. Procedures.¹⁶

The Chairperson of the Board shall be designated by the Village President. The Board shall adopt its own rules of procedure deemed necessary to carry out the provisions of this article. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question. The presence of four members shall be necessary to constitute a quorum.

§ 480-53. Appeals.

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or commission of the Village of Francis Creek affected by any decision or ruling of the permit issuer made under this chapter. Such appeal shall be taken within 15 days after the decision or ruling of the permit issuer by filing with the permit issuer and with the Board a notice of appeal, specifying the grounds therefor. The permit issuer shall forthwith transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

- A. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the permit issuer certifies to the Board of Appeals, after the notice of appeal shall have been filed with him, that by reason of facts

¹⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

¹⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the permit issuer from whom the appeal was taken.

- B. Hearings. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give due notice thereof. The Board shall hear and decide the appeal within a reasonable time. At the hearing anyone may appear in person or by agent or by attorney.

§ 480-54. Powers.

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:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the permit issuer.
- B. To authorize, upon appeal in specific cases, such variance from the terms of this chapter 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 this chapter shall be observed, public safety and welfare secured, and substantial justice done. In every case where a variance from the regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an unnecessary hardship or practical difficulty exists and the records of the Board shall clearly show in what particular or specific respects an unnecessary hardship or practical difficulty has been created.
- C. To hear and decide upon appeals for interpretation of provisions of this chapter.
- D. To determine the precise location of zoning district boundary lines where there is appeal upon such a decision by the permit issuer.
- E. To determine off-street parking requirements for any use not mentioned in § 480-45 of this chapter, either by classifying it with one of the groups listed in that section or by an analysis of the specific need.

§ 480-55. Decisions. ¹⁷

In exercising the preceding powers, the Board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken and may issue the permit. If a quorum is present, the Board of Appeals may take action by a majority vote of the members present. The grounds of every determination shall be stated.

¹⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE VII
Comprehensive Planning Commission

§ 480-56. Creation; membership; compensation.

A Village Comprehensive Planning Commission is hereby created having the powers authorized in § 62.23, Wis. Stats. The Commission shall consist of seven members, including the Village President, the Village Clerk-Treasurer, one Village Board Trustee, and four citizen members. The Village Board Trustee shall be elected by a two-thirds vote of the Board upon creation of the Commission and during each April thereafter. Two of the citizen members shall be initially appointed for terms of three years, one for a term of two years, and one for a term of one year. Citizen members shall thereafter be appointed to three-year terms in April of the year a respective term expires; vacancies shall be filled for the duration of the unexpired term only. All members of the Commission shall serve without compensation.

ARTICLE VIII
Administration and Enforcement

§ 480-57. Administration.

- A. This chapter shall be administered by the permit issuer or Village Board designee and enforced by the Village Board, which may institute in the name of the Village any appropriate actions or proceedings against a violator as provided by law. The permit issuer's duties shall be as follows:
- (1) To receive applications, issue permits and make inspections and maintain records as required by this chapter.
 - (2) To administer this chapter with the authority to enter upon any public or private premises at a reasonable time and make an inspection thereof and, upon reasonable cause or question of proper compliance, revoke any building permit and issue cease-and-desist orders requiring the cessation of any building, moving, alteration or use which is in violation of this chapter, such revocation to remain in effect until reinstated by the permit issuer, Board of Appeals or the Village Board.
- B. No building, structure or use shall hereafter be erected, moved or structurally altered until a permit has been applied for and issued.
- C. No permit shall be issued for the construction, alteration or remodeling of any building or structure until application has been submitted in accordance with the provisions of this chapter, showing that the construction proposed is in compliance with the provisions of this chapter and other regulations of the Village of Francis Creek.
- D. All applications shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location of the proposed building or existing buildings and accessory buildings on the lot, the existing and/or intended use of the building, the number of families to be accommodated, its situation with reference to the street, the distance

between the nearest point of the building and the center line of the street and the street right-of-way, and such other information with regard to the proposed building and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this chapter.

- E. Such permit shall be issued or the application shall be denied within 20 days after receipt of the application. Such permit shall be posted on the premises so as to be visible from the street at all times, until such construction has been completed.
- F. Under rules established by the Village Board of the Village of Francis Creek, the permit issuer may issue temporary permits of up to one year's duration.
- G. Upon written request from the owner, the permit issuer shall issue a certificate of occupancy for any building or premises existing at the time of adoption of this chapter, certifying, after inspection, the extent and kind of use made of the building premises and whether or not such use conforms to the provisions of this chapter.

§ 480-58. Violation and penalties.

- A. Any person, firm, or corporation who or which violates, disobeys, neglects, omits, or refuses to comply with or who or which resists the enforcement of any of the provisions of this chapter shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this chapter within 60 days of such conviction. Upon failure to do so, the Village Board shall order the removal of such building, structure, use or part thereof which violates the terms of this chapter. Such removal may be performed by an agent or by contract arrangement with private persons, and the cost of such removal shall become a lien upon the property, collectible as are other taxes.
- B. Such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$20 nor more than \$2,000 for each offense, together with the cost of prosecution, and upon default of payment of such forfeiture and costs shall be imprisoned in the County Jail of Manitowoc County until such forfeiture and cost are paid but not to exceed 30 days. Each day that a violation continues to exist shall constitute a separate offense.¹⁸
- C. When a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the permit issuer, who shall properly record such complaint and immediately investigate in accordance with the provisions of this chapter and the duties of this office.
- D. The permit issuer shall report all written complaints and the action taken to the Board of Appeals and the Village Board.

§ 480-59. Amendments.

¹⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- A. The Village Board of the Village of Francis Creek may from time to time, on its own motion or on petition, amend, supplement or change the district boundaries or the regulations herein following the procedures prescribed by § 62.23, Wis. Stats.
- B. In case of a protest against such change, duly signed and acknowledged by the owners of 20% or more either of the land included in such proposed change, or by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of 3/4 of the Village Board.

§ 480-60. Fee schedule.

The applicant, upon filing of his application, shall pay a fee in accordance with the fee schedule set by the Village Board.

§ 480-61. Annexation. ¹⁹

All territory annexed to the Village of Francis Creek shall automatically become a part of the Agricultural District (A-1) until definite boundaries and regulations are adopted by the Village Board, such adoption to be completed within 90 days of the annexation.

¹⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).