

Article D: Planned Unit Development (PUD)
 Overlay District Procedures

Sec. 13-1-70 PUD Planned Unit Development Overlay District - Intent.

- (a) **Purpose.** The PUD Planned Unit Development Overlay District is intended to:
- (1) Permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures and/or mixing of compatible uses;
 - (2) Provide a safe and efficient system for pedestrian and vehicle traffic;
 - (3) Provide attractive recreation and open spaces as integral parts of the developments;
 - (4) Enable economic design in the location of public and private utilities and community facilities;
 - (5) Ensure adequate standards of construction and planning;
 - (6) Allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while, at the same time, maintaining insofar as possible, the land use density and other standards or use requirements as set forth in the underlying basic zoning district; and
 - (7) Accommodate areas of integrated mixed land uses, innovative lot sizes and physical design, and strong commitments to commonly held open space.
- (b) **Overlay District Approach; Application To Existing Use Districts.**
- (1) The PUD Planned Unit Development Overlay District shall operate as an overlay zone and as an alternative to the permitted uses and regulations applicable to existing districts. The PUD Planned Unit Development Overlay District is a supplemental zoning classification applied "over" an underlying zoning district or districts to provide an opportunity to develop land in a manner that does not fit the configuration or standards of the underlying districts.
 - (2) The PUD Planned Unit Development Overlay District shall be applicable only to those lands which may hereafter be zoned PUD Planned Unit Development Overlay District by the Village Board, at its discretion.
 - (3) Basic underlying zoning requirements for lands overlay zoned as a PUD Planned Unit Development Overlay District shall continue in full force and effect, and shall be solely applicable until such time as the Village Board grants final approval to the PUD under the procedures hereinafter provided in this Article.
- (c) **Applicability To Parcels With Single Ownership.** The unified and planned development of a site in a single, partnership or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village of Crivitz upon specific petition under Section 13-1-77 of this Chapter and after public hearing, with such development

encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this Chapter have been met.

(d) **Conformance With Laws and Regulations.**

- (1) A PUD Planned Unit Development Overlay District, authorized and approved as herein provided, shall be carried out in conformity with all federal, state, and municipal laws and regulations. However, in the interpretation and application of this Article, the regulations contained in this Article shall be controlling in the event of a conflict between the provisions of this Article and other local zoning or subdivision regulations.
- (2) A PUD Planned Unit Development Overlay District project shall be consistent in all respects to the expressed intent of this Article and to the intent and spirit of this Zoning Code and its underlying districts; it shall be in conformity with the adopted Village Comprehensive Plan (Master Plan or Smart Growth Plan) or any component thereof and shall not be contrary to the general welfare and economic prosperity of the community.

Sec. 13-1-71 Definitions.

In addition to the general Zoning Code definitions contained in Section 13-1-300, the following definitions shall be applicable in this Article:

- (a) **Basic Zoning Regulations/Districts.** Such zoning regulations as are applicable to the use district other than the regulations set forth in this Article.
- (b) **Building Site.** A tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be so subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. The site must be located on a public street or have direct access over a private right-of-way.
- (c) **Comprehensive Plan.** The official guide for the physical, social, and economic growth of the Village of Crivitz properly enacted or adopted according to Section 62.23, Wis. Stats., which is now or may hereafter be in effect. May also be referred to as a "Master Plan" or "Smart Growth Plan".
- (d) **Cluster.** The grouping together of a number of structures which have similar use or intended purpose.
- (e) **Density.** The number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area.
- (f) **Development Plan, General.** The proposal for development of a PUD Planned Unit Development Overlay District, consisting of a general concept plan for the entire area.
- (g) **Open Space.** A parcel or parcels of land or an area of water or a combination thereof with the site designated for a PUD Planned Unit Development Overlay District, and designated and intended for the use or enjoyment of residents of the planned development.

- (h) **Pedestrian Way.** A right-of-way designed for the purpose of providing pedestrian access.
- (i) **Planned Development District (PUD).** An area of land controlled by a single owner, corporation, or other legal entity which is to be developed as a single unit and is referred to herein as a PUD.
- (j) **Precise/Specific Implementation Plan.** The proposal for development of a part of or the whole of the General Development Plan.

Sec. 13-1-72 Types of Planned Unit Developments; Permitted Uses.

- (a) **Types.** This Article contemplates that there may be a Residential, Commercial, Industrial Planned Unit Developments and Mixed Compatible Use Developments as PUD Planned Unit Development Overlay Districts.
- (b) **Permitted Uses.**
 - (1) **Basic Underlying Permitted Uses.** All uses permitted under the basic zoning regulations applicable to the underlying zoning district in which the particular property is located are allowed.
 - (2) **Permitted Accessory Uses.** Any accessory use permitted in the underlying zoning district(s) is permitted in the PUD Planned Unit Development Overlay District
 - (3) **Conditional Uses.** Any conditional use permitted in the underlying zoning district(s) may be applied for in the PUD Planned Unit Development Overlay District. The review of conditional uses proposed to be located within the planned unit development would be conducted as part of the overall review of the PUD Planned Unit Development Overlay District application.
 - (4) **Schools, Parks, and Recreation Facilities.** The developer in the preparation of his/her PUD proposal shall consult with and receive the approval of the Village as to the reservation of suitable sites for adequate area for future schools, parks, playgrounds, drainageways, and other public uses if so designated on the Comprehensive Plan, Official Map, or component area development plan, if any, or as required by the Village of Crivitz.
 - (5) **Non-Residential Uses.** Nonresidential uses are limited to those uses specifically approved by the Plan Commission and Village Board are permitted in a PUD Planned Unit Development Overlay District, based, in part, on the following criteria:
 - a. Nonresidential development shall be integrated into the total design of the PUD project.
 - b. The Village, at its option, may require that the areas and types of nonresidential facilities to be allowed in a PUD Planned Unit Development Overlay District project be based on a market analysis. The market analysis shall demonstrate that the amount of land proposed is needed and can realistically be supported by area residents and consumers. For these purposes, such analysis should contain the following determinations:

1. Determination of the expected trade area of the proposed commercial facilities.
 2. Determination of the trade area population, present and prospective.
 3. Determination of the expected effective buying power in such trade area.
 4. Determination of net potential customer buying power for stores in the proposed PUD and, on such basis, the recommended store types and floor area.
- c. Offices shall be permitted in residential PUD Planned Unit Development Overlay Districts only when use specifically for the marketing of such development or as allowable professional home offices per Section 13-1-93.

Sec. 13-1-73 General Design Standards for Planned Unit Developments.

(a) **General Considerations.**

- (1) **Adequacy of Design.** Design standards and requirements outlined in this Section shall be utilized by the Village in determining the adequacy of all plans for proposed planned unit developments.
- (2) **Consideration of Comprehensive Plans.** Consideration shall be given to applicable provisions of the Village Comprehensive Plan, Official Map and other adopted plans as they pertain to future school sites, recreation sites, water supply, sewage treatment systems, highway and street alignments, environmental integrity, and other public facilities where appropriate.
- (3) **Consideration of Existing Adjacent Development.** The development of the proposed PUD shall take into consideration relevant features of adjacent existing development.
- (4) **Unsafe or Hazardous Conditions.** Land with unsafe or hazardous conditions, such as open quarries, unconsolidated fill, floodplains or steep slopes, shall not be developed unless the PUD provides for adequate safeguards which are approved by the Village Board.

(b) **Location of Structures.** Specific lot size, building location, height, size, floor area, and other such requirements shall be based upon determination by the Village Board, following advisory recommendations from the Plan Commission, as to their appropriateness to the proposed uses and structures as they relate to the total environmental concept of the planned development, consistent with the criteria set forth in this Article, and, as near as practicable, consistent with standards established in applicable existing basic zoning districts and regulations, and with those generally accepted basic standards necessary to insure the protection of the public health, safety and general welfare of that area of the community.

(c) **Minimum Area Requirements.** Areas designated as planned unit developments shall contain a minimum development area as follows:

Principal Uses	Minimum Area of PUD
Residential PUD	3 acres
Commercial PUD	5 acres
Industrial PUD	5 acres
Mixed Compatible Use	5 acres

(d) **Allowable Residential Densities**(1) **General Lot Area, Density, Width and Setback/Yard Requirements.**

- a. In a PUD Planned Unit Development Overlay District, area and width requirements of the basic use district may be modified; however, in no case shall the average density in a residential district exceed the number of dwelling units by more than five percent (5%) that would have been permitted if the planned unit development regulations had not been utilized.
- b. Setbacks required by the underlying base use district may be modified in PUD Planned Unit Development Overlay Districts; however, no setback shall be less than twenty-five (25) feet from any street right-of-way.
- c. No principal structures in planned unit developments shall be located closer than thirty (30) feet to another structure.
- d. Structures in residential PUD Planned Unit Development Overlay Districts shall have a rear yard of not less than twenty-five (25) feet.

- (2) **Minimum Lot Area Requirements.** Provided the overall number of dwelling units per acre (density) is not increased by more than five percent (5%) beyond the number of dwelling units that would have been permitted if the PUD District had not been utilized, and provided adequate open space is maintained, the planned unit development may include lot areas per dwelling unit smaller than those normally required in the underlying zoning district. However, no lot shall be less than the minimum lot areas indicated below:

Use	Minimum Lot Area per Dwelling Unit (square feet)
Single-family	6,000
Two-family	4,000
Multiple-family (1 story)	3,000
Multiple-family (2 story)	3,000
Multiple-family (3 story)	2,000

- (3) **Residential Permitted Densities Standards; Common Open Space Requirements.** In the case of residential uses, the allowable density shall be based on the following considerations:

- a. That there will result an appropriate relationship between the number of dwelling units and the facilities required and available to service them, such as sewer, water, schools, streets, and other appropriate municipal services.
 - b. That there will be an appropriate provision of common open space to compensate for clustering or other concentration of dwelling units, consistent with the goal of creating a desirable living environment. Except as provided below, no plan for a planned unit development shall be approved unless such plan provides for permanent open space equivalent to twenty percent (20%) of the total area in single-family residential planned unit developments, twenty-five percent (25%) in multi-family residential planned unit developments, and five percent (5%) in commercial/industrial planned unit developments. Such open space may be in any of the following forms, provided they contribute realistically and specifically to the enhancement of the environmental character of the development for benefit of the residents thereof and the general community:
 - 1. Natural areas such as woods, unique meadows, marshes, lakes, wetlands, streams and ponds, providing either an environmental amenity or serving a useful ecological purpose.
 - 2. Agricultural areas, including prime crop land, pasture, orchards, and tree nurseries, contributing to the preservation of the agricultural land resource or significantly contributing to the environmental character of the area.
 - 3. Recreational areas, such as parks, parkways, greenbelts, playfields, and golf courses.
 - c. That there will result an appropriate relationship between the character of existing developments or likely to result from the zoning of property thereto.
- (e) **Building Height and Area Requirements.**
 - (1) Buildings in a planned unit development shall not exceed the height permitted in the basic use district.
 - (2) Buildings in a planned unit development shall have a minimum area that is equal to or greater than that required in the basic use district.
- (f) **Single Parcel, Lot or Tract.** At the time of filing, the land proposed for a PUD Planned Unit Development Overlay District shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract.

Sec. 13-1-74 Planned Unit Development Site Design Standards.

- (a) **Natural Features.** Physical layout and form of all structures shall be designed with regard to the topography and natural features of the site.
- (b) **Visual Aspects.** The overall design shall provide for the appearance of external unity throughout the planned unit development project. Variations of building elevations and

materials used therein shall be encouraged insofar as they reinforce rather than hamper the design harmony. Housing and other facilities near the periphery of the planned unit development shall be designed so as to be harmonious with neighboring areas.

(c) **Landscaping.**

- (1) **Topographic Features Preservation.** Where natural or existing topographic features contribute to the beauty and utility of a development, consideration shall be given to this preservation. Modifications to topography features should only occur where it contributes to good appearance.
- (2) **Plant Types.** Plant material shall be selected for interest in its structure, texture, color, and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate prevailing weather and natural conditions.
- (3) **Plant Guards.** In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards, or other protective devices shall be employed.

(d) **Street Design Standards.** All streets within a PUD Planned Unit Development Overlay District dedicated to the public shall be so indicated on the General Development Plan and shall be constructed in accordance with Village standards (see Title 14), or as modified under this Subsection. Standards of design and construction of roadways within the PUD may be modified as is deemed appropriate by the Village Board; however, in considering such modifications, the Village Board shall consider the impact on traffic/pedestrian safety, snowplowing, and law enforcement/firefighting/emergency medical services responses. Right-of-way widths and street pavement widths may be reduced where it is found that the General Development Plan provides for the separation of motorized traffic from bicycle/pedestrian circulation patterns. The use of private roadways and streets is discouraged.

(e) **Accommodation of Pedestrian Traffic.**

- (1) **Sidewalks; Walkways.** Sidewalks and/or other walkways and bicycle paths shall be provided where necessary for the safety and convenience of pedestrian and cyclist traffic within project boundaries. Special attention shall be given to connections accommodating pedestrian movement between the dwelling units' common open space, recreation facilities, schools, commercial establishments, and parking facilities.
- (2) **Design Considerations.** Walkway widths and surface treatment of all walkways shall be designed with regard to their function and the anticipated manner of usage. The natural features of the area traversed in the walkway system and suitable lighting in scale with the project shall also be considered. Utilization of pedestrian ramps as required by law and necessary to either resolve conflicts with vehicular traffic or facilitate the movement of senior citizens and/or children.

(f) **Parking and Loading.**

- (1) **Required Number of Parking Spaces.** Accessible off-street parking and loading facilities shall be provided as required and specified in Article G of this Chapter.

- (2) **Landscaping of Parking Areas.** Parking areas shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement, and parking areas. In keeping with this purpose, the following design standards shall be followed for projects in a PUD Planned Unit Development Overlay District; in the event of conflict between these standards and those prescribed in Article G, the following standards shall be applicable:

- a. Parking areas shall be arranged so as to prevent or limit thru traffic to other parking areas.
- b. Parking areas shall be screened from residential structures and streets with hedges, dense plantings, earth berms, changes in grade and/or walls, or a combination thereof, except where parking areas are designed as an integral part of the street.
- c. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping unless otherwise approved by the Plan Commission.
- d. All off-street loading and unloading areas shall be paved and according to the standards in Sec. 13-1-121, the design thereof approved by the Plan Commission.
- e. All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences and shall be of a downward-directed design.
- f. All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion and flooding.

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

(1) **Common Open Space Covenant/Easement.**

- a. All common open space shall be protected by a "common open space covenant" and "open space easement", approved by the Village Board, following review by the Village Attorney, and sufficient to its maintenance and preservation.
- b. Such common open space covenant or open space easement shall specify:
 1. Ownership of any common open space;
 2. Property rights of owners to such common open space;
 3. Method of maintenance;
 4. Responsibility for maintenance;
 5. Maintenance assessments/obligations and provisions for insurance;
 6. Enforcement of non-payment of assessments/obligations;
 7. Enforcement of negligent maintenance;
 8. An agreement that noncompliance with said covenant enables the Village to assess the property owners of the common open space, to cover the cost of assuming maintenance or improvements;
 9. A warranty that any change in such covenant will not be made without the consent of the Village Board; and
 10. Any other specifications deemed necessary by the Village Board.

- c. Said covenant shall obligate the stated responsible parties to adequately maintain any common open space and complete any necessary improvements to any common open space.
- (2) **Recording of the Common Open Space Covenant.** Such covenant shall be written so as to run with the land and the covenant shall become part of the deed to each lot or parcel within the development.
- (3) **Enforcement of the Common Open Space Covenant.**
 - a. Noncompliance with the above standards governing common open space empowers the Village, as well as other owners in the development, to enforce the common open space covenant.
 - b. If the Village determines that the responsible party is not in compliance with any provisions of the covenant and is not satisfactorily maintaining the common open space, or has not made the necessary improvements to the common open space, the Village of Crivitz may, at its own discretion, intervene to maintain the common open space, or complete the necessary improvements to the common open space, and may specifically assess by special charge the property owners within the development which have a right of enjoyment of the common open space, an amount of money sufficient to cover any costs incurred by the Village.
 - c. Such charges shall be paid by the owners of said properties within thirty (30) days after receipt of a statement therefor and, if not paid, such charges shall be placed on the property tax roll as a special assessment or charge.
- (4) **Condominium Open Space.** Any common open space held under condominium ownership shall meet the minimum requirements of Chapter 703, Wis. Stats., governing condominiums, and shall provide a common open space covenant as part of the required condominium declaration.

Sec. 13-1-75 General Requirements as to Public Services and Facilities.

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

Sec. 13-1-76 Subsequent Land Division.

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

Sec. 13-1-77 Procedural Requirements—Intent.

Sections 13-1-70 through 13-1-76 set forth the basic philosophy and intent in providing for PUD Planned Unit Development Overlay Districts, the kinds thereof, the general requirements, physical requirements and requirements as to public services and facilities. The following sections are intended to set forth the procedures and considerations involved leading to possible approval of such developments.

Sec. 13-1-78 Procedural Requirements for Planned Unit Developments.

- (a) **General Zoning Procedures.** The procedure for zoning to a PUD Planned Unit Development Overlay District shall be the same as required for any other rezoning application, except that an application for zoning to a PUD Planned Unit Development Overlay District may be considered only in conjunction with a General Development Plan as hereinafter defined and shall be subject to the following additional requirements below.
- (b) **Pre-Application Conference.** Prior to the official submission of the petition for the approval of a PUD Planned Unit Development Overlay District, the applicant (owner or his/her agent) shall meet with the Plan Commission, Village zoning staff and/or appropriate technical professionals advisory to the Village for a preliminary discussion as to the scope and nature of the proposed development, and to discuss possible alternative approaches to the development of the specific area.
- (c) **Petition for Review and Approval; General Development Plan.** Following the pre-application conference, the owner or his/her agent may file a petition with the Village Clerk-Treasurer for an amendment to the Village's Zoning Map designating and adding a PUD Planned Unit Development Overlay District, thereby permitting the application of the provisions of this Article to the designated area. Such petition shall be accompanied by a review fee as prescribed by Section 1-3-1, as well as incorporate the following information:
 - (1) **General Informational Statement.** A statement which sets forth the relationship of the proposed PUD Planned Unit Development Overlay District to the Village's adopted Comprehensive Plan, Neighborhood Plan, or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD Planned Unit Development Overlay District, including the following information:

- a. Total area to be included in the PUD Planned Unit Development Overlay District, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - b. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - c. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 - d. Any proposed departures from the standards of development as set forth in the Village zoning regulations, land division/subdivision ordinance, other Village regulations or administrative rules, or other universal guidelines.
 - e. The expected date of commencement of physical development as set forth in the proposal and also an outline of any development staging which is planned.
- (2) **General Development Plan.** The General Development Plan consists of a general concept plan for the entire area covered by the proposed PUD Planned Unit Development Overlay District, and shall be submitted concurrently with the petition for rezoning of the area to a PUD Planned Unit Development Overlay District. In addition to any other site plan or architectural review requirements in this Chapter, the General Development Plan shall provide the following in sufficient detail to make possible an evaluation under the criteria prescribed in Sec. 13-1-79:
- a. A legal description of the boundaries of the subject property included in the proposed PUD and a general location map showing the relationship of the proposed development site to surrounding properties. The boundaries of the proposed planned unit development shall be dimensioned and drawn at a scale no smaller than 1" = 200', identifying the use(s) of all abutting properties.
 - b. The topography of the site showing contours at an interval of no more than five (5) feet and showing all significant natural terrain features such as wooded areas, marshes, drainageways, and water bodies.
 - c. The location of actual and proposed public and private roads, driveways, sidewalks and parking facilities.
 - d. The size, arrangement, location and use of any proposed individual building sites and building groups on each individual site, and the type, size and location of all structures. Specifically addressed shall be the proposed density of residential development.
 - e. General architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
 - f. The location of institutional, recreational and open space areas and areas reserved or dedicated for public uses, including schools, parks and drainageways.

Specifically addressed shall be the character of recreational and open space areas, including designation of any such areas to be classified as "common open space".

- g. General landscape treatment.
 - h. The existing and proposed location of public sanitary sewer, water supply facilities and stormwater drainage facilities.
 - i. The existing and proposed location of all private utilities or other easements.
 - j. Anticipated uses of adjoining lands in regard to roads, surface water drainage and compatibility with existing adjacent land uses.
 - k. If the development is to be staged, a staging plan.
 - l. A plan showing how the entire development can be further subdivided in the future.
 - m. Appropriate statistical data relative to the proposed development.
 - n. A general outline of intended organizational structure related to property owners' associations, deed restrictions, etc.
 - o. A general summary of the total estimated value of the completed development including structures, site improvement costs, landscaping and special features.
 - p. The expected date of the commencement of the physical development of the site, which shall include a statement outlining the amount of construction which shall constitute "commencement of the physical development of the site". As a condition of processing, this date and statement shall be mutually agreed upon by the petitioner and the Village.
 - q. A written construction schedule mutually agreed upon by the petitioner and the Village, which details the amount of completed construction which will be equivalent to seventy-five percent (75%) of the projected cost of the development. For purposes of this Article, such figure shall be referred to as the amount of development construction which has been "substantially completed."
 - r. A subdivision plat of all subdivided lands in the same form and meeting all the requirements of a normal subdivision plat, if subdivided lands are included in the planned unit development. (Note: The submission of one (1) or more of the above documents and plans, or a portion(s) of any one of the above documents and plans may be waived by the Village when such are not applicable for the review of a particular type of development).
 - s. Any other information deemed appropriate and necessary by the Plan Commission, Village Board or Village zoning officials.
- (d) **Referral to Plan Commission.** Upon submittal to the Village Clerk-Treasurer, the petition for a PUD Planned Unit Development Overlay District shall be referred to the Plan Commission for its review and consideration. The Plan Commission shall, within sixty (60) days after referral, forward the petition to the Village Board with a recommendation that the zoning and related General Development Plan be approved as submitted, approved with modifications, or disapproved. The Plan Commission may add any additional conditions

or restrictions which it may deem necessary or appropriate to recommend to promote the spirit and intent of this Zoning Code and the purpose of this Article guiding planned unit developments.

- (e) **Public Hearing.** Upon receipt of the Plan Commission's recommendations, the Village Board shall, before determining the disposition of the petition, hold a public hearing on the petition for a PUD Planned Unit Development Overlay District in the manner provided in Sections 13-1-84 through 13-1-85 for Conditional Uses. Notice of such hearing shall include reference to the development plans filed in conjunction with the requested zoning change.
- (f) **Village Board Approval.** The Village Board, following a recommendation from the Plan Commission and public hearing thereon and after due consideration, shall either deny the petition, approve the petition as submitted, or approve the petition subject to any additional conditions, restrictions and/or modifications the Village Board may impose. Approval of the proposed zoning to a PUD Planned Unit Development Overlay District shall constitute approval of the related General Development Plan, which shall be made part of the zoning record as an integral component of the right of use for the area in conformity with such plan.
- (g) **Detailed Implementation Plan; Submittal and Approval.**
 - (1) **Submittal Requirement; Timeframe.** Within eighteen (18) months following the approval of the General Development Plan and PUD Planned Unit Development Overlay District, unless the time is extended by the Village Board, a Detailed Implementation Plan for the entire area, or a portion/phase thereof, shall be submitted to the Village Clerk-Treasurer.
 - (2) **Contents.** The Detailed Implementation Plan shall include the following:
 - a. A written statement describing the area of the proposed development and its relationship to the General Development Plan, along with a description of any proposed variations.
 - b. A plat of survey as required by Chapter 236, Wis. Stats., of the areas of the Detailed Implementation Plan showing all existing utilities and recorded easements.
 - c. The topography of the area of the Detailed Implementation Plan showing contours at an interval of no more than five (5) feet.
 - d. A detailed site development plan showing at a scale no smaller than 1" - 200' the specific designation of proposed land utilization, including the pattern of public and private roads, driveways, walkways, and parking facilities; detailed lot layout, and the arrangements of building groups other than single family residences; the use intended for any non-residential buildings; and the specific treatment of open spaces.
 - e. A proposed grading plan for the area of the Detailed Implementation Plan.
 - f. Specific landscape plans for all common open space, amenities or housing groups other than private single-family lots, including fences, walls, signs and lighting.

- g. Architectural plans for any non-residential buildings, multi-family structures or building clusters other than conventional single-family homes on individual lots in sufficient detail to indicate the floor area, bulk, and visual character of such buildings.
 - h. Detailed storm drainage, sanitary sewage disposal, and water system plans approved by the Village Engineer.
 - i. Proposed engineering standards for all roads, parking areas, and walkways.
 - j. Agreements, bylaws, covenants, and other documents providing for permanent preservation and maintenance of common open space areas and amenities.
 - k. A schedule and map as to the intended phasing of development if more than one (1) phase is intended.
 - l. Any other information deemed appropriate and necessary by the Village Board, Plan Commission or Village zoning officials.
- (3) **Review and Approval.** Upon submittal, the Village Clerk-Treasurer shall refer the Detailed Implementation Plan and related documents to the Plan Commission. The Plan Commission shall, within sixty (60) days of referral, forward its recommendation to the Village Board that the Detailed Implementation Plan be approved as submitted, approved with modifications, or disapproved. The Village Board shall then take whatever action it deems appropriate on such Detailed Implementation Plan. Before plans submitted for a Detailed Implementation Plan will be approved, the developer shall give satisfactory proof that he/she has contracted to install all necessary improvements or file a performance bond, letter of credit or cash deposit, approved as to form by the Village Attorney, that such improvements will be installed within the time required by the Village Board. A Detailed Implementation Plan which is in conformity with an approved General Development Plan shall be entitled to approval, subject only to approval of the details of the Detailed Implementation Plan.
- (4) **Variations.** Consistent with the basic goal of limited flexibility, minor variations may subsequently be permitted in details of the approved plans, subject to approval of the Plan Commission. If, in the opinion of the Plan Commission, any requested variation constitutes a substantial alteration of the original General Development and Detailed Implementation Plans as approved, the matter shall be referred to the Village Board for a hearing and action thereof. The introduction of any new category of use or increase of more than two percent (2%) from the approved density shall automatically constitute a substantial variation.
- (h) **Development Implementation.**
- (1) **Conformity With Approved Plans.** No specific use or building permit shall be issued for any part of such approved General Development Plan except for an area covered by an approved Detailed Implementation Plan and in conformity with such Plan.
 - (2) **Official Record.** Detailed building and landscape plans, as well as all other commitments and contractual agreements with the Village related to a Detailed

Implementation Plan, shall be made a part of the official record and shall be considered supplementary components of the PUD Planned Unit Development Overlay District.

(i) **Phasing Time Schedule; Extensions.**

- (1) **Phasing Schedule.** Each Detailed Implementation Plan shall be accompanied by a phasing schedule showing the times within which each phase or segment of the Detailed Implementation Plan will be completed. Approval of any Detailed Implementation Plan by the Village Board shall carry with it approval of the time schedule for completion of each phase or segment thereof, including any changes or amendments required by the Village Board.
- (2) **Time Extensions.** In the event that any portion of such time schedule is not met, the Village Board, upon written request of the developer for an extension of time, delivered to the Village Board at least twenty-five (25) days prior to the expiration of the completion date for which such extension is requested, may, for good cause shown, extend said completion date for such length of time as the Village Board, at its sole discretion, deems justified by the circumstances. There shall be no limit upon the number of time extensions which may be requested.
- (3) **Failure to Meet Phasing Schedule.** Upon failure of the developer to satisfactorily meet any phase or segment of the completion or phasing schedule, as determined by the Zoning Administrator or Building Inspector, within thirty (30) days of the expiration date thereof or within thirty (30) days of denial by the Village Board for extension thereof, all permits and approvals shall be void or suspended on other segments of the Detailed Implementation Plan until such time as the developer is able to be in conformance with the completion schedule phasing.

(j) **Rescinding An Approval.** Failure to comply with the conditions, commitments, guarantees, or the conditions established in the approval of such planned unit development project shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator or Building Inspector, the developer shall then be required to appear before the Village Board at a public meeting to explain any such failure to comply. The Village Board at such hearing shall determine whether or not the developer shall have failed to comply and if there has been such a failure, may either:

- (1) **Rescind Its Approval.** The Village Board may rescind its earlier approval, whereupon such rescission and the cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvements, shall become effective on the 31st day following mailing, by certified mail, to the developer at his/her last known address of a written notice of such rescission; or
- (2) **Compliance Extension.** The Village Board, in the alternative to rescission, may adjourn such hearing for a period not to exceed sixty (60) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance

and has then established to the reasonable satisfaction of the Village Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there shall be such compliance. If the developer is not then in substantial compliance or does not establish to the reasonable satisfaction of the Village Board that there will be compliance in the future, the Village Board will proceed in accordance with Subsection (j)(1) above for rescission.

(k) **Revocation; Abandonment of Plan; Revocation to Basic Zoning Regulations and Uses.**

- (1) **Revocation Upon Failure to Submit Precise Implementation Plan.** In the event the developer shall fail to submit a Detailed Implementation Plan as revoked herein, the General Development Plan shall also be deemed revoked.
- (2) **Developer Abandonment of Project.** In the event the developer shall elect to abandon the General Development Plan, after the same is approved and the area zoned to PUD Planned Unit Development Overlay District, the developer shall immediately notify the Village Board, in writing, and, upon receipt of such notice of abandonment, the General Development Plan shall be deemed revoked.
- (3) **Reclassification to Basic Underlying Zoning District.** When recessions occur pursuant to the above, the area involved shall automatically revert to its underlying zoning and its applicable zoning regulations and uses.

(l) **Major Changes.**

- (1) **Major Changes Defined.** Subsequent changes which alter the concept or intent of the planned unit development shall be defined as a "major change" and include, but are not limited to, the following:
 - a. Any change in the boundaries of the PUD District.
 - b. Any change in the permitted use to a less restrictive use.
 - c. Any construction of an accessory building or structure that is greater in dimensions than permitted by Section 13-1-200.
 - d. Any increase in the number of dwelling units over limits allowed by this Article.
 - e. Any change in the lot area or width requirements which were established at the time of approval.
 - f. Any change in the yard requirements which were established at the time of approval.
 - g. Any change in the amount or maintenance responsibility of common open space.
 - h. Any change in street locations or alignment.
 - i. Any change in the drainage plan.
 - j. Any subsequent land division.
 - k. Any change in the final governing agreements, provisions or covenants, agreed upon at the time of approval.
 - l. Any other change which is determined by the Zoning Administrator to constitute a major change.

- (2) **Action on Major Changes.** The Zoning Administrator shall forward any major change to the Village Board for approval. Notice of the proposed change shall be given to all current property owners within the planned unit development area, at the expense of the petitioner, and shall be forwarded to any established association, pursuant to the procedures of the submitted association bylaws. Such major change shall be submitted as a new amendment to the PUD Planned Unit Development Overlay District and association general development plan and detailed implementation plan, and shall follow the procedures in this Article for new applications.
- (m) **Subsequent Land Division.** Any division of land or lands within a PUD Planned Unit Development Overlay District shall be accomplished pursuant to the land divisions regulations contained in Title 14 of the Village of Crivitz Code of Ordinances. If such division is contemplated at the time of application for PUD District treatment, a preliminary plat of the lands proposed to be divided should also be filed with the Village at that time.

Sec. 13-1-79 Criteria for Approval of the Petition for Planned Unit Development.

- (a) **General Requirements.** The approval of a project encompassed in a PUD Planned Unit Development Overlay District shall be within the discretion of the Village Board. The Village Board, at its discretion, may determine that consideration of a project as a PUD Planned Unit Development Overlay District is not appropriate, and that conventional consideration and review under the standard requirements of this Zoning Code is appropriate and in the best interests of the Village and its citizens. The Plan Commission, in making a recommendation, and the Village Board, in making a determination approving a petition for a PUD Planned Unit Development Overlay District, shall base determinations on compliance with the following criteria:
- (1) **Compliance With Intent of Zoning Code.** That the proposed development is consistent with the specific requirements of this Article governing planned unit developments and with the spirit and intent of this Zoning Code.
 - (2) **Professionally-Prepared Plans.** That the proposed development plan has been prepared with competent professional advice and guidance, and produces significant benefits in terms of improved environmental design sufficient to justify the application of the planned unit development concept instead of conventional zoning regulations.
 - (3) **Consideration of Physical Nature of the Site.** That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open space, and careful shaping of terrain to ensure proper drainage and preservation of natural features wherever appropriate.
 - (4) **Compatibility With Other Developments.** That the general character and density of use of the planned unit development produces an attractive environment appropriate

to the uses proposed and which is compatible with existing developments in the surrounding area and with general community development plans and policies.

- (5) **Municipal Services.** That the development can be provided with appropriate municipal services.
- (6) **Functional Design.** That proposed design standards provide adequately for practical operation and maintenance based on actual functional need in terms of circulation, parking, emergency services, delivery services, snow plowing, and garbage and refuse collection.
- (7) **Provisions for Common Open Space.** That adequate provision has been made to ensure proper maintenance and preservation of "common open space" which has been provided within the development for the recreational and aesthetic enhancement of the development, or to preserve or protect natural environmental or ecological resources. Such provisions may be made by dedication to the public or by retention in private ownership with appropriate covenants. Private ownership may be in common or individual ownership subject to the following:
 - a. The "common open space" shall be protected against future development by conveying to the Village and to each property owner within the planned unit development intended to be benefitted, as part of the conditions for development plan approval, a perpetual "open space easement" or "common open space covenant" running with the land and over such areas restricting them against future building development or use, except as is consistent with the use as designated on the approved plan for recreational or aesthetic purposes, or for the preservation of conservancy, natural environmental or ecologic resources.
 - b. The care and maintenance of such "common open space" shall be ensured by adequate covenants and deed restrictions, approved by the Village Attorney, running to the Village as well as to each property, assuring such maintenance. Where such maintenance is not carried out to the satisfaction of the Village, the Village shall be empowered and authorized to treat such area as a special service district and to provide the necessary maintenance service and to levy the cost thereof as a special charge on all properties within such service area.
 - c. In the case of roadways and other rights-of-way which are not dedicated to the public as part of the conditions for project approval, there shall be granted to the Village such easements over the same as may be necessary to enable the Village to provide suitable and adequate fire protection, sanitary and storm sewer, water, and other required municipal services of the project area.
 - d. Ownership and tax responsibility of private open space areas and rights-of-way shall be established in a manner acceptable to the Village and made part of the condition of the plan.
 - e. Areas established for public use shall be dedicated to the Village on preliminary and final subdivision plats consistent with the approved development plan.

- (8) **Other Factors.** Any other factors which in the discretion of the Village Board are necessary to protect the public health, safety, and welfare of the area of the community.
- (b) **Proposed Construction Schedule.** The Plan Commission and Village Board, in making their respective recommendations and determinations, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD Planned Unit Development Overlay District, commencement of the physical development within one (1) year of approval being deemed reasonable. The petitioners for the proposed PUD Planned Unit Development Overlay District shall indicate when they intend to commence development and that the development will be carried out according to the written construction schedule as outlined in Subsection (c)(2)p-q. The construction schedule shall be a binding legal agreement between the developer and the Village, requiring signatures of the authorized agent of the planned unit development project and of the Village. Failure of the developer to commence the physical development of the planned unit development within the specified time period, or failure of the developer to complete the development as agreed under the construction schedule, empowers the Village to take the necessary actions specified in Section 13-1-79(j)-(k).
- (c) **Residential PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed residential planned unit development, shall further consider whether:
- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
 - (2) The total net residential density within the planned unit development will be compatible with the Village Comprehensive Plan (Master Plan and Official Map), Neighborhood Plan, or components thereof, and shall be compatible with the density of the district wherein located.
 - (3) Structure types will be generally compatible with other structural types permitted in the underlying basic use district. To this end, structure type shall be limited as follows:
 - a. Planned residential developments in the residential districts shall not exceed sixteen (16) dwelling units per structure.
 - (4) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - (5) Provision has been made for adequate, continuing fire and police protection.
 - (6) The population density of the development will or will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities.
 - (7) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan as approved either by private reservation and maintenance or by dedication to the public.

- (d) **Commercial PUD Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed commercial planned unit development, shall further consider whether:
 - (1) The economic practicality of the proposed development can be justified.
 - (2) The proposed development will be served by off-street parking and truck service facilities in accordance with this Chapter.
 - (3) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.
 - (4) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (5) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (e) **Industrial PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendations and determination as to a proposed industrial planned unit development, shall further consider whether:
 - (1) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - (2) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water sanitary sewer and storm water drainage and maintenance of public areas.
 - (3) The proposed development will include provision for off-street parking and truck service areas in accordance with this Chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - (4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (f) **Mixed Use PUD, Considerations.** The Plan Commission and Village Board, in making their respective recommendation and determination as to a proposed mixed use planned unit development, shall further consider whether:
 - (1) The proposed mixture of uses procedures a unified composite which is compatible with the zoning district and which, as a total development entity, is compatible with the surrounding neighborhood.

- (2) The various types of uses conform to the general requirements as hereinbefore set forth, applicable to projects of such use and character.
- (3) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and storm water drainage and maintenance of public areas.

Article E: Conditional Uses

Sec. 13-1-80 Statement of Purpose—Conditional Uses.

The purpose of a Conditional Use is to provide a reasonable degree of discretion in determining the suitability of certain uses of a special nature, so as to make impractical their predetermination as a principal use in a district. The development and execution of this Article is based upon the division of the Village of Crivitz into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses. Such uses are classified as conditional uses, and are those uses specifically designated as conditional uses by the zoning district or which are classified as a conditional use under the review procedures in this Article.

Sec. 13-1-81 Authority of the Plan Commission and Village Board; Requirements.

- (a) **Conditional Use Permits Generally.** The Village Board may authorize the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Plan Commission and Village Board, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. Such Village Board action, and the resulting conditional use permit, when, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Village Board shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) **Uses Adjacent to Major Highway.** Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways and within one-half (1/2) mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission and/or Village Board shall request such review and await the highway agency's recommendation for a period not to exceed twenty (20) days before taking final action.

- (c) **Authorization to Require Conditions.** Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission and Village Board upon their finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (d) **Compliance with Zoning Provisions Required.** Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.

Cross-Reference: Section 13-1-89.

Sec. 13-1-82 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-83 Application for Conditional Use.

- (a) **Application Filing Requirements.** An application for a conditional use shall be filed on a form prescribed by the Village Board. Such applications shall be forwarded to the Plan Commission upon receipt by the Zoning Administrator.
- (b) **Required Plans/Information.** The plans/information required for review of all conditional use permit applications shall generally consist of any or all of the following, as required by the Zoning Administrator:
 - (1) **Site Development Plan.** A site development plan, which shall include and address:
 - a. Location of all buildings on lots, including both existing and proposed structures.
 - b. Location and number of existing and proposed parking spaces.
 - c. Vehicular circulation.
 - (2) **Dimension Plan.** A dimension plan, which shall include and address:
 - a. Lot dimensions and area.
 - b. Dimensions of proposed and existing structures.
 - c. Setbacks of all buildings located on property in question.
 - d. Architectural elevations.
 - (3) **Grading Plan.** A grading plan, which shall include and address:
 - a. Existing contour.
 - b. Proposed changes in contour.
 - c. Drainage configuration.

- (4) **Landscape Plan.** A landscape plan, which shall include and address:
 - a. Location of all existing major trees, and which trees are proposed to be removed.
- (c) **Additional Information.** In order to secure information upon which to base its determination, the Zoning Administrator may require the applicant to furnish, in addition to the information required for a building permit, the following information:
 - (1) **Contours; Soil Types.** A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover.
 - (2) **Location of Buildings; Parking Areas.** Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting.
 - (3) **Building and Utilities Plans.** Plans for buildings, sewage disposal facilities, water supply systems, and arrangements of operations.
 - (4) **Filling/Grading Plan.** Specifications for areas of proposed filling, grading, lagooning or dredging.
 - (5) **Other Information.** Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

Sec. 13-1-84 Hearing on Application.

Upon receipt of the application and the information required by Section 13-1-83, the request for a conditional use permit shall be placed on the agenda of the first possible Plan Commission meeting occurring after twenty-five (25) days from the date of submission. The request shall be considered as being officially submitted when all the information requirements, including the payment of all applicable fees, are complied with. A hearing shall be conducted and a record of the proceedings shall be kept in such a manner and according to such procedures as the Plan Commission shall prescribe from time to time. The Village Board and/or Plan Commission can, on their own motion, apply conditional uses when applications for rezonings come before their bodies.

Sec. 13-1-85 Notice of Hearing on Application.

- (a) **Notice of Hearing.** Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice as prescribed by the Wisconsin Statutes at least ten (10) days prior to the public hearing in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing, except that in the case of livestock facility siting conditional use hearings, such

notice shall be sent to owners of property within three hundred (300) feet, per Section 13-1-95.

- (b) **Failure to Fully Provide Notice.** Failure to fully comply with the notice to adjacent property owners shall not, however, invalidate any previous or subsequent action on the application.

Sec. 13-1-86 Standards—Conditional Uses.

- (a) **Standards.** No application for a conditional use shall be recommended for approval by the Plan Commission, or approved by the Village Board, unless the following conditions are present:
 - (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the conditional use shall conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district and the Village Comprehensive Plan.
- (c) **Additional Considerations.** In addition, in passing upon a Conditional Use Permit application, the Plan Commission shall also evaluate the effect of the proposed use upon:
 - (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.

- (4) The location of the site with respect to floodplains and floodways of rivers and streams.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-87 Denial of Application for Conditional Use Permit.

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

Sec. 13-1-88 Conditions and Guarantees Applicable to All Conditional Uses.

The following conditions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-86 above. In all cases in which conditional uses are granted, the Plan Commission may recommend and the Village Board shall require such evidence and guarantees as deemed necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions consistent with Section 13-1-89(c) and (d) may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;

- (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In reviewing each application and making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Extent of Use.** At no time shall the proposed conditional use utilize more than thirty-five percent (35%) of the gross floor area of the conforming use.
- (d) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Village Board.
- (e) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (f) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided that clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (g) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Zoning Code such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or significant potential of accidents.

Sec. 13-1-89 Plan Commission Recommendation; Board Action.

- (a) **Plan Commission Advisory Recommendation.**
- (1) Following referral of conditional use permit applications, the Plan Commission may recommend that the Village Board authorize the Zoning Administrator to issue a conditional use permit for conditional uses specified in this Chapter after review and

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

- (2) The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Commission deems necessary to carry out the intent and purpose of this Chapter. The recommendation may be for approval, conditional approval or denial.

(b) **Village Board Action.**

- (1) Upon receiving the recommendation of the Plan Commission, the Village Board shall place such recommendation(s) on the agenda for the next subsequent Board regular meeting. Such recommendations, including findings of standards not met as required by Section 13-1-87, shall be entered in and made part of the permanent written record of the Village Board.
- (2) If, upon receiving the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board will differ from the advisory recommendation of the Plan Commission, the Village Board may, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report explaining the specific reasons for referral. This referral action shall only be permitted one (1) time with each conditional use permit application.
- (3) At the Village Board's discretion, the Board shall have the option to set and hold a public hearing at the next regular Village Board meeting in addition to the original required hearing. Such hearing shall be noticed and conducted as prescribed in this Chapter in compliance with the requirements of this Chapter and the Wisconsin Statutes. The Village Board shall make, and record in the minutes of the Board or in a separate statement/report, findings of fact and may impose and require any conditions the Village Board considers necessary to protect the public health, safety and welfare when approving and issuing a conditional use permit.

(c) **Decision Basis; Imposition of Conditions.**

- (1) After considering all of the information submitted by the applicant, public comments received at the public hearing, the staff report, and the Plan Commission's recommendation, the Village Board shall make a decision based on the decision criteria contained in this Article to:
 - a. Approve the conditional use;
 - b. Approve the conditional use with conditions; or
 - c. Deny the conditional use.
- (2) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this Chapter or imposed by the Village, the Village shall grant the conditional use permit. The applicant must demonstrate by

substantial evidence that the application and all requirements and conditions established by the Village are or shall be satisfied. The decision to approve or deny the permit must be based on substantial evidence.

- (3) "Substantial evidence" as used in this Article means facts and information, other than mere personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that a reasonable person would accept in support of a conclusion.
- (d) **Imposition of Conditions.** The Plan Commission may recommend and the Village Board may impose conditions of approval as may be necessary to grant approval. Such conditions and restrictions may relate to the establishment, location, construction, maintenance, operation of the use, off-site impacts, and any other aspect of the use that impacts the public health, safety, or general welfare. Conditions as to the permit's duration, transfer, or renewal may also be included. All conditions must be reasonable and, to the extent practicable, measurable. Any condition imposed must be related to the purpose of the evidence and be based on substantial evidence, as defined in Subsection (c)(3) above.
- (e) **Reapplication.** No application for a conditional use permit which has been denied in whole or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of such denial, except on the grounds that substantial new evidence or proof of changes that would result in compliance with applicable conditions is included in the resubmitted application.

Sec. 13-1-90 Validity of Conditional Use Permit.

- (a) **Noncompliance with Conditions.** Where the Village Board has approved or conditionally approved an application for a conditional use permit, with conditions imposed regarding permit duration, transfer and/or renewal, such approval shall become null and void if such conditions have not been complied with. Prior to the revocation of such permit, the Zoning Administrator shall notify the holder by mail of such pending revocation.
- (b) **Permit Extension.** The Village Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said conditional use permit.

Sec. 13-1-91 Complaints Regarding Conditional Uses; Revocation of Permit.

- (a) **Continuing Jurisdiction.** The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations

of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Zoning Code.

- (b) **Complaints.** Upon written complaint by any citizen or Village official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-1-86 above or a condition of approval or other requirement imposed hereunder.
- (c) **Hearing.** Upon staff confirmation of possible non-compliance, a hearing shall be held following notice as provided in Section 13-1-85 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney.
- (d) **Village Board Modification of Conditions.** The Village Board may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-86 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.
- (e) **Revocation.** In the event that no reasonable modification of such conditional use can be made in order to assure that standards (a) and (b) in Section 13-1-86 will be met, the Village Board may revoke the subject conditional use permit and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

Sec. 13-1-92 Bed and Breakfast Establishments.

- (a) **Bed and Breakfast Establishments as Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in residential districts pursuant to the requirements of this Article governing conditional uses.
- (b) **Definitions.** As used in this Section:
 - (1) **Bed and Breakfast Establishment.** Any place of lodging that generally:
 - a. Provides five (5) or fewer rooms for rent to guests for a period not to exceed thirty (30) days;
 - b. Is the owner's personal single-family residence;
 - c. Is occupied by the owner or the owner's agent at the time of room rental; and
 - d. In which the only meal served to guests is breakfast. (See definitions in Section 13-1-300.)
 - (2) **Agent.** The person designated by the property owner as the person in charge of such establishment and whose identity is filed, in writing, with the Zoning Administrator upon issuance of the conditional use permit, and is updated five (5) days prior to a designated agent, or different agent, taking over responsibilities for the bed and breakfast establishment.

(c) **Bed and Breakfast Establishment Regulations.**

(1) **Location.**

- a. All bed and breakfast rooms/units shall be located within a principal structure only.
- b. A bed and breakfast establishment may be located in an officially-designated local, state or national historical structure with a living space area of not less than one thousand (1,000) square feet.
- c. A bed and breakfast establishment may be located in an existing single-family dwelling with a living space area of not less than one thousand (1,000) square feet; a new single-family dwelling shall not be constructed for the purpose of establishing a bed and breakfast operation.

(2) **Number of Rental Units.** A maximum of ten (10) bed and breakfast units may be established in a structure.

(3) **Domicile Requirement.** The bed and breakfast structure shall be the domicile for the establishment's owner or manager.

(4) **Employee Restriction.** The bed and breakfast establishment shall employ not more than the equivalent of two (2) full-time persons who are not domiciled in the principal structure.

(5) **Dining and Other Facilities.** Dining and other facilities shall not be open to the public, but shall be used exclusively by the registered guests and residents, unless allowed by a separate permit.

(6) **Compliance With State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Ch. HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments and to any applicable provisions of Ch. HSS 195, Wis. Adm. Code, relating to hotels, motels and tourist rooming houses.

(7) **Guest Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their legal names and addresses before being assigned quarters. The complete guest registry shall be maintained and be available for inspection by Village representatives for a minimum period of one (1) year after a guest's registration.

(d) **Bed and Breakfast Establishment Conditional Use Permit Required.**

(1) **Permit Required.** In addition to any permits required by Chapters HSS 195 or 197, Wis. Adm. Code, every bed and breakfast establishment, before commencing business, shall first obtain a conditional use permit from the Village of Crivitz.

(2) **Application Requirements.** In addition to the standard conditional use permit application requirements prescribed in this Article, applicants for a bed and breakfast conditional use permit shall also file the following information with the Village:

- a. Site plan showing the location and size of buildings, parking areas and proposed signage.
- b. Number, surfacing type and size of off-street parking stalls.

- c. Proposed number, size, design and lighting of signs.
- d. General description of the proposed operation, including number and configuration of rooms to be let to guests.
- (3) **Display of Permit.** Following issuance by the Village, the conditional use permit shall be conspicuously displayed in the bed and breakfast establishment.
- (e) **Off-Street Parking Requirement.** Conditional use permits for bed and breakfast establishments shall only be issued to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. The design, location and setbacks for such proposed parking areas is subject to approval and possible conditions from the Village Board. Establishments otherwise qualifying under this Section regulating bed and breakfast shall not be subject to other requirements of this Zoning Code with respect to parking.
- (f) **On-site Signs.** Total signage for bed and breakfast establishments shall be limited to a total of twelve (12) square feet, and may only be lighted in such a manner and nature as to not significantly alter or detract from the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishment shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Termination of Permit.**
 - (1) **Permit Void Upon Sale.** A bed and breakfast establishment conditional use permit shall be void upon the sale or transfer of the property's ownership. The Village Board shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use.
 - (2) **Voiding of Permit Upon Violation(s).** A permit issued in accordance with this Section shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, permit conditions imposed pursuant to this Article, or applicable State of Wisconsin regulations as set forth in Chapters HSS 195 or 197, Wis. Adm. Code.

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

Sec. 13-1-93 Home Occupations/Professional Home Offices.

(a) Intent.

- (1) **Intent.** The intent of this Section is to provide a means to accommodate a small home-based family or professional business home office without the necessity of rezoning from a residential to a commercial district. A home occupation or professional home office exceeding the standards for a permitted home occupation/professional home office use under this Section may possibly be maintained pursuant to Subsection (e) below as a conditional use under Article E.

- (2) **Cumulative Scope of Activity.** The total number of home occupations or professions conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations or professions conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one (1) home occupation.
 - (3) **Purpose.** The regulations of this Section dealing with home occupations and professional home offices are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and limited business activities may be carried on in the home. This Section recognizes that, when properly limited and regulated, such activities can take place in a residential structure without changing the character of either the neighborhood or the structure.
- (b) **Definitions.** The following definitions are applicable in this Section:
- (1) **Home Occupation.** A business or trade conducted within a structure primarily zoned or used for a residential purpose, conducted primarily by a resident of the premises. Common features of a residential home occupation (or professional home office) are whether business-related materials or stock-in-trade are stored on the residential premises, vehicles with a business or delivery purpose are regularly parked on or make deliveries at the residence, the home is advertised as a place of business, and/or there is a business deduction taken for tax purposes for the residential premises.
 - (2) **Professional Home Office.** Residences of telemarketers, computer programmers, typists, clergy, architects, engineers, land surveyors, lawyers, artists, teachers, tradesmen, authors, accountants, musicians or other recognized professions used to conduct their professions; also included are professions listed in Subsection (d) below. Tradesmen are limited to maintaining a business office and small convenience shop as part of their residential premises. "Tradesmen" are defined as a person or persons who hold themselves out to the public as offering a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers, and others involved in the building trades.
- (c) **Home Occupations/Professional Home Office Limited Permitted Use; Restrictions.** Except as provided in Subsection (c) below, home occupations and professional home offices are a limited permitted use in all Residential Districts, provided the requirements of the District in which the use is located and the following are complied with:
- (1) **Location; Size.** The occupation or profession shall be carried on wholly within the enclosed areas of the principal building or an attached garage, but it shall utilize no more than thirty percent (30%) of the gross floor area of the dwelling.
 - (2) **Exterior Alterations.** There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) **Storage.** No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation/profession shall be visible outside any structure

located on the premises. There shall not be outside storage of any kind related to the home occupation/profession. The area in which products, materials and goods are kept shall be considered to be part of the thirty percent (30%) of the gross combined floor area permitted for a home occupation.

- (4) **Nuisances.** No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district. A home occupation shall not be detrimental to the health, safety, welfare, peace and quiet or enjoyment of the surrounding property or neighborhood.
- (5) **Signage.** Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed four (4) square feet.
- (6) **Commercial Vehicles.** The home occupation shall not involve the use of commercial vehicles, other than those owned by the applicant for delivery of products or materials to and from the premises. This shall not be interpreted to include delivery and/or pickup services such as United Parcel Service, DHL, Federal Express, etc., in the conduct of their normal operations.
- (7) **Off-Site Delivery of Goods.** To the extent that there is any sale of any item related to a home occupation, delivery of that item to the buyer should occur off the premises.
- (8) **Traffic.** No traffic shall be generated by such home occupation/profession in greater volumes than would normally be associated with a residential neighborhood use.
- (9) **Parking.** There shall be no demand for parking beyond that which is normal to the neighborhood. In no case shall the home occupation cause more than two (2) additional vehicles to be parked on or near the premises.
- (10) **Types of Businesses.** Home occupations are restricted to service-oriented, professional or clerical business or office uses; the manufacturing of items or products or the retail sale of items or products on the premises is prohibited.
- (11) **Equipment Limits.** The types and number of equipment used on the premises may be restricted by the Village Board.
- (12) **Non-Resident Employees.**
 - a. No more than one (1) non-resident employee may work on the premises. The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one (1) nonresident assistant or employee employed on the premises at any one time.
 - b. Persons engaged in building trades, similar fields and other activities using their dwelling units or residential premises as an office for business activities carried on off the premises may have more employees than the limitations set forth herein if they are not employed on the premises. The home office location shall not be used as a place for employees/workers to regularly come to receive off-premises work assignments.

- (13) **Hours of Operation.** Home occupations may only operate on the premises between 7:30 a.m. and 9:00 p.m.
 - (14) **Retail Sales.** Retail sales on premises shall be prohibited including the retail sales of merchandise, products, supplies or goods not produced or fabricated on the premises, provided that minor incidental retail sales may be made in connection with the permitted home occupation. (Example: a dressmaker would be permitted to sell only clothing produced or fabricated onsite and would not be allowed to purchase stocks of dresses for sale to the general public onsite.) The residence shall not be modified to accomodate retail sales activities (example: addition of a display window) and any retail activity shall be a minor use secondary to the primary occupation).
 - (15) **Prohibited Home Occupations.** Mechanical repair for hire (including automobile, boat, recreational vehicle, small engine and body shop repair/work), equipment rental businesses, and businesses that involve the storage of heavy equipment on the premises (such as excavating or landscaping businesses) are not permitted as home occupations.
 - (16) **Inspections.** Any party maintaining a permitted home occupation or professional home office business under this Section may be subject to a compliance inspection(s) by a Village Building Inspector, Zoning Administrator, law enforcement officer, or health official if there is a reason to suspect that violations or improper activity may exist.
- (d) **Permitted Home Occupations/Professions Described.** Permitted home occupations/professions consistent with Subsection (c) not requiring a conditional use permit include, but are not necessarily limited to, the following examples:
- (1) Artists, sculptors, authors or composers.
 - (2) Home crafts such as model making, and rug weaving.
 - (3) Office facility of a minister, rabbi, or priest.
 - (4) Office facility of an attorney, architect, professional engineer, surveyor, author, interior decorator, photographer, income tax preparer, accountant, landscape architect, insurance agent or real estate agent, appraiser, or similar profession which serves several clients onsite per day.
 - (5) Private tutoring limited to three (3) pupils at any one time.
 - (6) Musical instruction limited to three (3) pupils at a time; this requirement limiting class size shall not be construed to prohibit occasional exceptions for events such as recitals, demonstrations and other similar gatherings.
 - (7) Dressmaking and millinery work.
 - (8) Computer-oriented support services, such as consulting, clerical services, claims processing, internet-related businesses, etc.
 - (9) Day care of not more than eight (8) nonresident children.
 - (10) Office for sales representative or manufacturer's agent when no retail or wholesale goods transactions occur on the premises.

- (11) Telemarketing and telephone answering service.
- (e) **Conditional Use Home Occupations/Professional Home Offices.**
 - (1) **Conditional Use Permit Requirement.** A home occupation or professional home office exceeding the standards prescribed in Subsections (c) and (d) above for a limited permitted home occupation/professional home office use may apply for a standard conditional use permit under Article E of this Chapter. Village approval of an expansion of a home occupation or professional home office as a conditional use is not automatic.
 - (2) **Application Procedures.**
 - a. The Village Board, upon the recommendation of the Plan Commission, may approve home occupations or professional home offices in residential districts which do not meet the standards in Subsection (c) above as conditional uses.
 - b. The procedures for conditional use permits prescribed in this Article shall be followed, and the standards in Sections 13-1-86 and 13-1-88 shall be applicable.
 - c. The Village Board may place conditions on the continuation or expansion of such home occupations/professional home offices, or the Village Board may require the relocation of the business to an area that is appropriately zoned.
 - d. Conditional use permits issued for home occupations/professional home offices under this Subsection are valid for a term of three (3) years. Upon the expiration of such term, the conditional use permit must be reapplied for.
 - (3) **Sale of Property.** Sale, transfer of the property, expansion of the use beyond permitted levels, or other significant changes shall cause the conditional use permit for the home occupation/professional home office to be void. A new owner may apply for a new conditional use permit under the procedures of this Article.
 - (4) **In-Home Day Care.** In-home day care for children exceeding eight (8) non-resident children and community-based residential facilities (adult residential day care) exceeding more than eight (8) residents shall be required to obtain a conditional use permit under the requirements of this Subsection.
- (f) **Home Occupations/Professions Permitted With Conditional Use Permit.** The following uses, by the nature of the investment or operation, have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations/professions and thereby impair the use and value of a residentially zoned area for residence purposes. Therefore, home occupations are permitted only after issuance of a conditional use permit, and such occupations include, but are not necessarily limited to, the following:
 - (1) Barber shops, beauty salons or hair stylist.
 - (2) Antique shops.
 - (3) Stables and kennels.
 - (4) Medical offices, including, but not necessarily limited to, physicians, surgeons, dentists, chiropractors, acupuncturists, massage therapists, psychiatrists, psychologists, psychotherapists, or optometrists for the general practice of the profession, except for consultation or emergency treatment.

- (5) Bakeries.
- (6) Taxidermy shops.
- (7) Uses that involves primarily catalog sales or order processing and which does not involve volumes of stock or merchandise being distributed at the site may be deemed a home occupation, subject to the provisions hereof, provided that such use meets the intent of all standards set forth herein.
- (8) Cabinet-making or woodworking for profit (conducted inside a building only).

Sec. 13-1-94 Town Houses Conditional Uses.

- (a) The overall density shall not exceed fifteen (15) dwelling units per acre.
- (b) The average lot width shall be at least twenty (20) feet; however, no individual lot shall be narrower than eighteen (18) feet.
- (c) The average maximum lot coverage of principal and accessory buildings shall not exceed fifty percent (50%) and no individual lot shall be covered more than sixty percent (60%).
- (d) The average front yard setback shall be twenty (20) feet but no building shall be located closer to the front property line than fifteen (15) feet.
- (e) Side yards of not less than twenty (20) feet in width shall be provided at least every one hundred sixty (160) feet and for every corner lot.
- (f) The rear yard shall be not less than twenty percent (20%) of the depth of the lot.
- (g) No structure shall be higher than three (3) stories or thirty-five (35) feet.
- (h) One (1) off-street parking space of not less than one hundred eighty (180) square feet in area, exclusive of access drive or aisle, shall be provided for each dwelling unit.

Sec. 13-1-95 Large Livestock Facilities Conditional Uses.

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

- (2) **When Permit Is Not Required.**
 - a. A permit is not required for a livestock facility that existed before the original effective date of this Chapter.
 - b. A permit is not required for a livestock facility that was previously issued a conditional use permit or other local approval, except as provided in Subsection (b)(1) above. [Note: A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility].
- (c) **Application Procedure.**
 - (1) **Filing Requirements.** A livestock operator filing for a livestock facility conditional use permit shall complete the application and worksheets of the Wisconsin Department of Agriculture, Trade and Consumer Protection prescribed in ATCP 51, Wis. Adm. Code, which are incorporated herein by reference without reproduction in full. The application form and worksheets establish compliance with the standards of ATCP 51, Wis. Adm. Code, and this Chapter. The livestock operator shall file four (4) duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application. If the conditional use permit application is locally approved, one (1) duplicate copy of the conditional use permit application must be filed with the Wisconsin Department of Agriculture, Trade and Consumer Protection, and one (1) duplicate copy marked "approved" shall be given back to the applicant. It is advisable that the applicant also record a duplicate "approved" copy with County Register of Deeds.
 - (2) **Fees.** A nonrefundable application fee as prescribed in Section 1-3-1 shall accompany an application. Processing of the application shall not proceed until such fee is paid.
- (d) **Application Review Procedure.**
 - (1) **Notice of Application Completeness.** Within forty-five (45) days after the Village Clerk-Treasurer, or the Zoning Administrator, receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within fourteen (14) days after the applicant provides all of the required information, the Zoning Administrator or Village Clerk-Treasurer shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
 - (2) **Notification of Adjacent Landowners.** Within fourteen (14) days after the Zoning Administrator or Village Clerk-Treasurer notifies an applicant that his/her application is complete, the Zoning Administrator or Village Clerk-Treasurer shall notify adjacent landowners of the application pursuant to the procedures in Section 13-1-85, and this

Article, including the public hearing notice requirements below. The Zoning Administrator shall use the approved notice form in ATCP 51, Wis. Adm. Code, and mail a written notice to each property owner situated within three hundred (300) feet of the boundaries of the applicant's property pursuant to the procedures in Section 13-1-85.

- (3) **Public Hearing.** The Village shall schedule a public hearing on the application/notification pursuant to the requirements of Sections 13-1-84 and 13-1-85 before both the Plan Commission and Village Board meetings, or a joint public hearing may be held.
- (e) **General Standards.** The general standards to be satisfied for issuance of a conditional use permit are as follows:
 - (1) **State Livestock Facility Siting Standards.** The State of Wisconsin livestock facility siting standards prescribed under ATCP, Wis. Adm. Code. These state standards are incorporated herein by reference, without reproducing them in full.
 - (2) **Ordinance Setbacks.** Setbacks authorized by this Chapter by applicable zoning district.
- (f) **Criteria for Issuance of a Permit.**
 - (1) **Compliance With Standards.** A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Section.
 - (2) **Basis for Denial.** A conditional use permit application under this Section may be denied if any of the following apply:
 - a. The application, on its face, fails to meet the standard for approval.
 - b. The Village Board finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Section.
 - c. Other grounds exist authorized by Section 93.90, Wis. Stats., that warrant disapproving the proposed livestock facility.
 - (3) **Conditions.** No conditions may be imposed on a conditional use permit under this Section other than standards described and provided in this Section.
- (g) **Determination.**
 - (1) **Plan Commission Advisory Recommendation.**
 - a. Following referral of the conditional use permit application under this Section, the Plan Commission may recommend that the Village Board issue a conditional use for livestock uses specified under this Chapter after review and public hearing, provided such uses are in accordance with the purpose and intent of the underlying zoning district, and, more specifically, the standards for such conditional use permits under this Section.
 - b. The Plan Commission shall make findings of fact and recommend such actions or conditions relating to the request as the Plan Commission deems necessary to carry out the intent and purpose of this Section.

(2) **Village Board Action.**

- a. Upon receiving the recommendation of the Plan Commission, the Village Board shall place the application and such recommendation(s) on the agenda for a subsequent Village Board meeting. The hearing requirements of Subsection (d)(3) shall be followed.
 - b. If, following the recommendations of the Plan Commission, the Village Board finds that specific inconsistencies exist in the review process or significant new facts have now been made available and thus the final determination of the Village Board could differ from the advisory recommendation of the Plan Commission, the Village Board may, before taking final action, refer the matter back to the Plan Commission with the written record or separate statement/report, explaining the specific reason(s) for referral. This referral action shall only be permitted one (1) time with each conditional use permit application under this Section.
 - c. At the Village Board's discretion, the Village Board shall have the option to set and hold a public hearing at the next regular Village Board meeting. Such hearing shall be noticed and conducted as prescribed in Sections 13-1-84 and 13-1-85.
 - d. The Village Board shall issue its decision in writing, which may be the minutes of the Village Board's meeting. The Village Board's decision shall be based on written findings of fact supported by evidence in the record. In the event that a livestock facility conditional use permit application is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved". The duplicate copy must include worksheets, maps and other documents included in the application.
 - e. The Village Board shall grant, deny or conditionally approve a livestock facility conditional use permit application within ninety (90) days after the notice of a complete application is provided as required under Subsection (d) above.
 - f. The Village Board may extend this time for good cause, including any of the following:
 1. The Village Board needs additional information to act on the application.
 2. The applicant materially modifies the application or agrees to an extension.
 - g. The Village Board shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Village Board will act on the application.
- (h) **Notice To The State.** As required by ATCP 51.36, Wis. Adm. Code, within thirty (30) days of the Village Board's decision on the application, the Village Clerk-Treasurer shall:
- (1) **Notice of Decision.** The Village Clerk-Treasurer shall give the Wisconsin Department of Agriculture, Trade and Consumer Protection written notice of the Village Board's decision.

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

- (4) **Failure to Correct.** If noncompliance of the conditional use permit conditions as described in the written notice given by the Zoning Administrator continue past the stated reasonable time to comply, the Zoning Administrator may take further action as provided in this Section and Zoning Code, including, but not limited to, issuance of a citation or seeking of injunctive relief.
 - (5) **Compliance Disputes; Hearing.** If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing, such request to be in writing to the Village Clerk-Treasurer within five (5) days of receipt of the notice of noncompliance. Upon receipt of such written hearing request, the Village Board shall schedule a hearing within five (5) days to determine if the conditions of the permit have been complied with or whether noncompliance of the commitments of the approved application and local approval exists.
- (l) **Terms of the Permit; Violations.**
- (1) **Compliance With Permit Standards.** A livestock facilities conditional use permit, and the privileges granted by such a permit under this Section, is conditioned on the livestock operator's compliance with the standards in this Section, and with the commitments made in the application for a permit.
 - (2) **Violations; Penalties.**
 - a. The Village of Crivitz is authorized to suspend a livestock facilities conditional use permit or seek other redress in this Section and Zoning Code for noncompliance, including, but not limited to, penalties under Section 13-1-225 of this Chapter and permit revocation or suspension, forfeiture and/or injunctive relief. In considering permit suspension or revocation, the Village Board shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.
 - b. In addition to any penalties herein, the cost of abatement of any public nuisance on the permitted facility by the Village may be collected under this Section or Section 823.06, Wis. Stats., against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Section 66.0627, Wis. Stats., unless paid earlier.
- (m) **Transferability.**
- (1) **Permit To Run With Land.** A livestock facilities conditional use permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, provided the new operator does not violate the terms of the Village approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.
 - (2) **Requirements Upon Change of Ownership.** Upon a change of ownership of the livestock facility, the new owner of the facility shall file information with the Village

Clerk-Treasurer providing pertinent information, including, but not limited to, such information as the name and address of the new owner and date of transfer of ownership.

(n) **Appeals.**

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

Sec. 13-1-96 Appeals Of Actions On Conditional Use Permit Requests.

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

Sec. 13-1-97 through Sec. 13-1-99 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-100 Intent – Nonconforming Uses, Lots and Structures.

(a) **Intent; Interpretation.**

- (1) Within the zoning districts established by this Zoning Code or amendment thereof, there may exist lots, structures and uses of land which were lawful before this Zoning Code was enacted or amended, but which would be prohibited in the future under the terms of this Zoning Code or amendment thereto.
- (2) It is the intent of the Village of Crivitz to permit nonconforming uses, lots and structures to remain and continue in accordance with the provisions hereinafter set forth until they are removed due to economic forces, public health or safety grounds, or otherwise. It is not the intent of this Zoning Code to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein. Existing nonconformities shall not be used to justify adding structures or uses prohibited in the zoning district.

(b) **Classification of Nonconformities.** Zoning nonconformities are classified into three (3) categories as follows:

- (1) Nonconforming uses.
- (2) Nonconforming lots.
- (3) Nonconforming structures.

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

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

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

- (1) The nonconforming use was legally in existence at the time the zoning ordinance provision that now prohibits that use was adopted. The use must be lawful under then existing zoning regulations and cannot contravene such zoning requirements.

- (2) That the use of the property prior to the nonconformity came into being was so active and actual that the property owner can properly assert that the property owner has acquired a vested interest in its continuance. Such use cannot be occasional or sporadic. For purposes of this Chapter, a property owner shall be deemed to have a vested right in the use of his/her property where that use at the time the nonconformity came into being is both actual and active and a substantial degree of activity or expense had been undertaken prior to the effective date the zoning provision that caused the nonconformity to come into being. Such use must be more than incidental or accessory to the principal use of the property.
- (3) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto that caused the nonconformity.

Sec. 13-1-101 Article Definitions.

In addition to the definitions contained in Section 13-1-300(a) of this Chapter, the following definitions shall be applicable in Article; in the event of conflict, the more specific definition shall be applicable:

- (a) **Assessed Value (Lot).** The full market value placed upon the lot by the Village Assessor as of the date that the nonconformity came into being. Such valuation by the Assessor shall be prima facie evidence of an assessed value of the lot.
- (b) **Nonconforming Lot.** [See definition in Sec. 13-1-300(a)].
- (c) **Nonconforming Structure.** [See definition in Sec. 13-1-300(a)].
- (d) **Nonconforming Use.** [See definition in Sec. 13-1-300(a)].

Sec. 13-1-102 Existing Nonconforming Structures.

(a) Continuation of Nonconforming Structures.

- (1) The use of a structure existing on the date that the nonconformity came into being may be continued although the structure's size or location does not conform with the development regulations, parking, loading, or access provisions of this Chapter.
- (2) Any lawful nonconforming structure may be extended, enlarged, reconstructed, or structurally altered, provided that said extension, enlargement, reconstruction, movement or alteration complies with the setback and building requirements of the specific zoning district. However, the nonconforming feature of said structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except under one (1) or more of the following fact situations:
 - a. As when required to do so by law, or order.
 - b. To comply with the provisions of this Chapter.

- c. With the approval of a conditional use permit under the procedures of Article E of this Chapter for the purpose of making required alterations to maintain the structural integrity of the building.
 - d. With the approval of a variance by the Zoning Board of Appeals.
- (b) **Yard Encroachments by Nonconforming Structures.** Nonconforming structures which encroach upon the yard (setback) requirements of this Chapter, but which met yard requirements at the time the nonconformity came into being at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty percent (50%) of the minimum setback requirement(s) and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing nonconforming structure shall be allowed as long as no further encroachment is permitted. The setbacks of the zoning district in which the structure is located shall be met if the lot size and existing location of the structure permits the setbacks to be met.
- (c) **Unsafe Nonconforming Structures.** Nothing in this Chapter shall preclude the Building Inspector or any other Village of Crivitz official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare, constitutes a public nuisance, or is in violation of a licensing regulation.
- (d) **Maintenance, Repair and Remodeling of Nonconforming Structures.** This Chapter does not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- (e) **Restoration of Certain Damaged Nonconforming Structures.**
 - (1) In the case of damaged or destroyed nonconforming structures, the restoration of a nonconforming structure is permitted if the structure will be restored to the size, subject to Subsection (e)(2) below, location and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - (2) Where the criteria under Subsection (e)(1) above exist for a nonconforming structure to be restored, the size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable federal or state requirements.
- (f) **Shoreland Nonconforming Structures.** Nonconforming structures in shoreland areas damaged or destroyed by violent wind, fire, flood, or vandalism may be reconstructed or repaired, as provided by state law, to the size, location, and use it had immediately before

the damage occurred if the landowner can establish that the damage was not due to deliberate act by the landowner or his/her agent, or due to general deterioration or dilapidated condition.

- (g) **Relocation of Nonconforming Structures.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

Sec. 13-1-103 Existing Nonconforming Uses.

Pursuant to Section 62.23(7)(h), Wis. Stats., a nonconforming use may not be extended. The total structural repairs and alterations in such a nonconforming use's building, premises, structure, or fixtures shall not during its life exceed fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. The nonconforming use of a structure, land, or water existing on the date that the nonconformity came into being may be continued although the use does not conform with the provisions of this Chapter, except that:

- (a) **Change to More Restrictive Use Category.** The nonconforming use of a structure may be changed to a use of the same or more restricted classification, but where the nonconforming use of a structure is hereafter changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restricted classification.
- (b) **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter.
- (c) **Maintenance of Nonconforming Use Parcels.** Parcels containing a nonconforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such nonconforming use as it existed prior to the date that the nonconformity came into being is not extended, enlarged or moved.

Sec. 13-1-104 Changes and Substitutions.

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

Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-105 Floodplain and Shoreland-Wetland Nonconforming Uses and Structures.

- (a) **Nonconformities in Floodplain Zoning Areas.** Nonconformities in Floodplain Zoning areas shall be governed by the provisions of the Village of Crivitz Code of Ordinances regulating floodplain zoning (if adopted by the Village), and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.
- (b) **Nonconformities in Shoreland-Wetland Zoning Areas.** Nonconformities in Shoreland-Wetland Zoning areas shall be governed by the provisions of the Village of Crivitz Code of Ordinances regulating shoreland-wetland zoning (if adopted by the Village), and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.

State Law References: Sec. 87.303, Wis. Stats., and NR 116.15, Wis. Adm. Code

Sec. 13-1-106 Nonconforming Performance Standards.

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

Sec. 13-1-107 Substandard Lots.

- (a) **Definition.** Per Sec. 66.10015(1)(e), Wis. Stats., a "substandard lot" is a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements."
- (b) **Prohibited Actions Regarding Substandard Lots.**
 - (1) **Conveyance of Substandard Lots Permitted.** Notwithstanding any other law or rule, or any action or proceeding under common law, the Village, and its subunits and officials, may not enact or enforce an ordinance or take any other action that prohibits a property owner from conveying an ownership interest in a substandard lot.
 - (2) **Development of Substandard Lots.** A substandard lot may be used as a building site if:
 - a. The lot does not have structures placed partly upon an adjacent lot; and
 - b. The lot is developed to comply with all other Village ordinances.

- (c) **Prohibited Lot Merger Requirement.** Notwithstanding the authority granted under Secs. 61.35 and 62.23, Wis. Stats., the Village may not enact or enforce an ordinance or take any other action that requires one (1) or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

State Law Reference: Sec. 66.10015, Wis. Stats.

Sec. 13-1-108 Replacement of Pre-Existing Mobile Homes.

Replacement of pre-existing nonconforming mobile homes may be allowed only in residential districts and shall be subject to the following provisions:

- (a) The pre-existing nonconforming mobile home may be replaced only if it is occupied as a residence at the time of original passage of this Chapter. Replacement of vacated pre-existing nonconforming mobile homes shall not be permitted.
- (b) All lot sizes, setbacks, and dimensional standards for residential district zoning shall be met.
- (c) The replacement mobile home shall:
 - (1) Not be more than two (2) years old, not have a value of less than Fifteen Thousand Dollars (\$15,000.00), excluding furnishings;
 - (2) Be at least fourteen (14') feet by sixty (60') feet in size;
 - (3) Have a shingled, pitched roof;
 - (4) Have non-metallic siding;
 - (5) Have wheels removed and be placed on pier footings forty-eight (48") inches; and
 - (6) Be anchored and skirted.

Sec. 13-1-109 through Sec. 13-1-119 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-120 Traffic Visibility Triangle.

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

- (1) Where two (2) public streets intersect at grade level, the intersection shall be daylighted by excluding all buildings, structures and other obstructions to view; including shrubbery and trees (except highway and street signs) from the triangles adjacent to the intersection described as follows:

Bounded on two (2) sides by the near boundaries of the intersecting streets and on the third side by a line drawn so as to intersect the street boundaries at points thirty-five (35) feet distant from the point of intersection of the street boundaries at the corner.

- (2) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the vision clearance triangle from one street or road to another, the intent being to provide for the public safety; but it shall not necessarily be construed to mean that every tree in the vision clearance triangle must be removed.

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

Sec. 13-1-121 Loading Requirements.

- (a) **Loading Space Requirements.** On every lot on which a new business, commercial or industrial use is hereafter established, off-street loading space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Uses	Square Feet of Gross Floor Area	Required Off-Street Loading Spaces
Schools		1
Clinics, places of assembly	Under 10,000	1
	From 10,000 - 30,000	1
	For each additional 30,000 or major fraction thereof	1 Additional

Funeral home		1
Office, hotel,	Under 10,000	1
retail, service,	From 10,000 - 25,000	1
wholesale, ware-	From 25,001 - 40,000	2
house, manufac-	From 40,001 - 60,000	3
turing, processing	From 60,001 - 100,000	4
or repairing uses	For each additional 50,000 or major fraction thereof	1 Additional

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** All loading areas shall be off-street and shall be located on the same lot as the building or use to be served. A loading area shall not be located less than twenty-five (25) feet from any street right of way; nor less than fifty (50) feet from a residential district unless within a building. Loading areas shall not occupy more than one-half (1/2) the required front yard setback. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty-five (45) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. Every loading space shall be sufficiently screened in the form of a solid fence or shrubbery to protect neighboring residences.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than six (6) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (g) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)

- (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
- (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.
- (h) **Unlawful Truck Use.** No more than four (4) trucks or semi-trailers, or part thereof, in the B-2, B-4, or I-1 Districts shall be used for the purpose of regular storage of goods or material, or for advertising purposes within the Village of Crivitz. Use for a period in excess of two (2) weeks for the purpose of storage or advertising shall, for the purpose of construction of this Zoning Code, be deemed a regular use in violation of this Chapter.

Sec. 13-1-122 Parking Requirements.

The off-street parking provisions of this Chapter shall apply to all buildings and structures erected after the effective date of this Chapter, accessory parking shall be according to the provisions of this Article; where an intensity of the use of any building structure or premises shall be increased, additional parking to match the increased intensity of use shall be provided; or wherever an existing building or structure is converted to a new use, parking shall be provided according to the requirements of the new use. All new nonresidential parking lots and all alterations of existing lots shall be subject to the approval of the Zoning Administrator. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Each off-street parking space shall open directly upon an aisle or driveway designed to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (b) **Design Standards.** Each parking space shall not be less than one hundred sixty-two (162) square feet in area, eighteen (18) feet in length and nine (9) feet in width, exclusive of aisles and access drives. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid fence or shrubbery to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
 - (1) All parking spaces required herein shall be located on the same lot with the building or use served, or may be located not to exceed five hundred (500) feet from the principal use.

- (2) Off-street parking is permitted in all yards of all districts except in the nondriveway front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a nonresidential side lot line or rear lot line or closer than fifteen (15) feet to a right-of-way. No parking space or driveway, except in residential districts, shall be closer than fifteen (15) feet to a residential district lot line. Off-street parking in residential areas shall comply with Section 13-1-124.
- (3) Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2 of this Code of Ordinances.
- (d) **Surfacing.** All new off-street parking areas, except parking spaces accessory to a single-family or two (2) family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds (normally, a two [2] inch lift of blacktop on a four [4] inch base or five [5] inches of Portland cement will meet this requirement). Any parking area for more than twelve (12) vehicles shall have the aisles and spaces clearly marked. Compacted stone or gravel may be used only with the approval of the Village Board. All parking lots three thousand (3,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.
- (e) **Landscaping.**
 - (1) **Accessory Landscape Area.** All public and private off-street parking areas which serve four (4) vehicles or more, are located within five (5) feet of any lot line or public right-of-way and are created subsequent to the adoption of this Code are recommended to be provided with accessory landscape areas totaling not less than ten percent (10%) of the surfaced area.
 - (2) **Location.** Location of landscape areas, plant materials and protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.
 - (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
 - (4) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density or other effective means, built and maintained at a minimum height of four (4) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be two (2) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
 - (5) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.

- (6) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from adjacent properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) footcandles measured at the lot line.
- (7) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area; the Village Board may grant an exception to this green area requirement in instances where it is not feasible to have such an open green space.
- (f) **Curbs or Barriers.** Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (g) **Number of Stalls.** Number of parking stalls required with new projects are shown in the following table:

Use	Minimum Parking Required
Single-family dwellings, duplexes, one bedroom apartments or efficiencies and mobile homes	2 stalls for each dwelling unit
Multi-family dwellings (2 bedrooms or more)	Minimum of 2 stalls for each dwelling unit; 2 or more bedrooms, 1 stall per bedroom
Housing for the elderly	0.75 space for each dwelling with one-half of these spaces to be built before occupancy and the balance of which spaces shall be reserved until such time as the Village Board may order them installed
Hotels, motels	1 stall for each guest room, plus 1 stall for each 3 employees
Hospitals, clubs, lodges, lodging and boardinghouses	1 stall for each 2 beds, plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds, plus 1 stall for each 3 employees
Medical and dental clinics	8 stalls for each practitioner on the staff

Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall for each 5 seats
Secondary and elementary schools	1 stall for each employee, plus 1 stall for each 5 students of 16 years of age or more.
Restaurants, bars, places of entertainment and clubs	1 stall for each 150 sq. ft. of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall for each 3 employees, plus sufficient stalls to accommodate all trucks and other vehicles used in connection with the business
Financial institutions; governmental and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 5 seats
Bowling centers	3 stalls for each lane
Bed and breakfast establishments	1 off-street stall for each guest room
Retail stores and repair service shops	1 stall for each 150 square feet of floor area
Shopping centers	1 stall for each 100 square feet of floor area

- (h) **Employee Parking.** In addition to the requirements in Subsection (g), in all districts except industrial there shall be employee off-street parking provided at the ratio of one off-street parking space for each full-time employee. A full-time employee shall be one working forty (40) hours per week. Required parking spaces for part-time employees shall be arrived at by finding the equivalent hours of number of parking spaces needed for full-time employees based on hours worked. The number of employee parking spaces shall be based on employment at the time the building is erected, enlarged, structurally altered or changed to a higher classification use.
- (i) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply, as determined by the Plan Commission.
- (j) **Computing Requirements.** In computing the number of spaces required, the following rules shall govern:

- (1) Floor space shall mean the gross floor area of the specific use.
 - (2) For structures containing more than one (1) use, the required number of spaces shall be computed by adding the space required for each use.
 - (3) Where parking spaces are calculated according to the use of the parcel.
- (k) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use. Two (2) or more uses may provide required off-street parking spaces in a common parking facility less than the sum of the spaces required for each use individually, provided such uses are not operated during the same hours. The following conditions must be met for any joint use:
- (1) The proposed joint parking space is within four hundred (400) feet of the use it will serve.
 - (2) The applicant shall show that there is no substantial conflict in the principal operating hours of the two (2) buildings or uses for which joint use of off-street parking facilities is proposed.
 - (3) A properly drawn legal instrument approved by the Village Board, executed by the parties concerned, for joint use of off-street parking facilities shall be filed with the Village Clerk-Treasurer. Said instrument may be a three (3) party agreement, including the Village and all private parties involved. Such instrument shall first be approved by the Village Attorney.
- (l) **Handicapped Parking Requirements.**
- (1) **State Code Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed. In case of conflict, the most restrictive provision shall be applicable.
- (m) **Americans With Disabilities Act (ADA) Requirements for Parking Spaces.**
- (1) **Accessible Parking Space Requirements.**
 - a. In any self-park facility, a certain number of spaces must be set aside for wheelchair access as summarized in the following table:

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

1001 & over

20 plus 1 per 100
over 1000 spaces

- b. Exceptions:
 - 1. Outpatient units at medical care facilities — 10% of total spaces for that facility.
 - 2. Medical care facilities specifically for treatment of the mobility impaired — 20% of the total spaces for that unit.
- (2) **Accessible Parking Space Dimensions.**
 - a. Standard Accessible Spaces. Accessible spaces shall consist of a sixteen (16) foot wide parking stall adjacent to an eight (8) foot wide access aisle.
 - b. Vertical Clearance. Along at least one (1) aisle to and from each accessible space, a minimum clearance of eight feet two inches (8'2") [ninety-eight inches (98) inches] is required.
- (3) **Location of Accessible Spaces.**
 - a. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel to an accessible entrance.
 - b. Accessible parking spaces need not be provided in each parking structure provided the different location has equivalent or greater accessibility in terms of distance from an accessible entrance.
- (4) **Accessible Route.**
 - a. At least one (1) accessible route with a continuous minimum clearance of thirty-six (36) inches must be provided from accessible parking spaces to the nearest accessible pedestrian entrance.
 - b. If an accessible route has less than sixty (60) inches clear width then passing spaces at least sixty (60) inches by sixty (60) inches must be located at reasonable intervals not to exceed every two hundred (200) feet.
 - c. The floor slope along an accessible route shall not exceed one in twelve (1:12) with a maximum rise of thirty (30) inches for any run.
 - d. A level landing shall be provided at the bottom of each ramp and top of each ramp run. The width of the landing shall be at least as wide as the ramp run and at least sixty (60) inches long. At changes in direction a sixty (60) inch by sixty (60) inch landing shall be provided.
 - e. The cross slope of ramps shall not exceed one in fifty (1:50).
 - f. The floor slope at loading zones shall not exceed one in fifty (1:50).
 - g. It is preferable to provide the accessible route at the front of the stalls. Also, the accessible route shall avoid crossing lanes of vehicular travel. When crossing vehicular travel lanes is necessary, the route of travel shall be designated and marked by a crosswalk.
- (n) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered or enlarged to create a need for an increase of twenty-five percent (25%) or more in the

number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.

(o) **Off-Lot Parking.**

- (1) Required off-street parking spaces shall be located on the same lot with the principal use, or such parking spaces may be located off-lot provided the parking spaces are located in the same district and not over four hundred (400) feet from the principal use. In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are necessary or in the possession of the controller of the principal use to which the parking facilities are accessory. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the County Register of Deeds requiring such owner, his/her heirs or assigns to maintain the required facilities for the duration of the use served.
- (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within four hundred (400) feet of the entrance of the establishment.
- (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
- (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.

(p) **Signs.** Signs located in parking areas necessary for orderly operation of traffic movement shall be permitted in addition to others permitted in this Chapter.

(q) **Reduction of Parking Areas.** Off-street parking spaces shall not be reduced in number unless said number exceeds the requirement set forth herein.

Sec. 13-1-123 Highway Access.

- (a) **Highway Access.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and

entrance ramps). No driveway openings shall be permitted within one hundred (100) feet of the intersection of an arterial street right-of-way line.

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

Sec. 13-1-124 Off-Street Parking Restrictions in Residential Areas.

- (a) **Where Permitted.** Unless the district regulations provide otherwise, off-street vehicle parking is permitted in the following yards of property in a residentially zoned district:
 - (1) A rear yard.
 - (2) A side yard not adjoining a street.
 - (3) A front yard, but only on one (1) paved or graveled driveway not exceeding twenty-four (24) feet in width and for not more than three (3) vehicles parked not nearer than five (5) feet to a front property line or three (3) feet to a side lot line.
- (b) **Additional Permitted Areas.** Regardless of the provisions of Subsection (a) above, the Village Board may permit off-street vehicle parking in any yard of a residential development where the overall housing plan and design for such development, in the judgment of the Village Board, is substantially improved thereby, as compared to where off-street parking is limited by Subsection (a) above, and where sole access from such development is to local and collector streets. In this Subsection, "substantially improved" means a substantial increase in the value of the property. Such permission shall be granted only after a conditional use proceeding under Article E of this Code of Ordinances. No such permission shall be granted for any residential development which is adjacent to either a public right-of-way or other residences unless sufficient and suitable screening is provided so as to prevent, to as great a degree as practicable, direct view of such off-street parking areas from such adjacent areas.

Sec. 13-1-125 through Sec. 13-1-139 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

Sec. 13-1-140 Purpose of Sign, Canopy and Awning Regulations.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every tenant and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Crivitz; painting, posting and general maintenance are excepted. Sign content is expressly not regulated by this Article.

Sec. 13-1-141 Signs, Canopies, Awnings and Billboards— Definitions.

- (a) The following definitions are used in this Article (Note: Not all types of signs defined herein are permitted under this Article):
- (1) **Abandoned Sign.** A sign which no longer correctly advertises a bona fide business, owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.
 - (2) **Animated Sign.** Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.
 - (3) **Area of Copy.** The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration.
 - (4) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
 - (5) **Attention-Attracting Object or Device.** An object or device often made of flexible material whether or not it contains text, logos or any other images such as a pinwheel, streamer, propellor, pennant or other such device which is intended to attract attention to the use or business being conducted on the site. These are separately mounted or may be suspended, hung, pinned or otherwise fastened to the ground, another sign or other structure in such a manner that the object or device is permitted to spin, fly or otherwise move due to the wind or motorization. Included are flexible banners/feather

flags/bow flags. Governmental flags and decorative and promotional banners subject to Section 13-1-146 are not considered "attention-attracting objects or devices." Specifically included in this definition are "inflatables." [See also "inflatables" below].

- (6) **Awning.** A movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure. For purposes of this Article, an "awning sign" is any awning. Decorative awnings without lettering or imagery are not considered signs.
- (7) **Banner.** A banner sign is generally constructed of a flexible non-rigid material (i.e. canvas, cloth, plastic, etc.) upon which goods, events or advertising has been placed, mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
- (8) **Billboard.** A flat surface, as of a panel, wall or fence on which signs are posted advertising goods, products, facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (9) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (10) **Building Front.** The horizontal, linear dimension of that side of a building which faces a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees also shall qualify as a building front.)
- (11) **Bulletin Board.** A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.
- (12) **Canopy.** Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.
- (13) **Canopy Sign.** Any sign attached to or constructed in, on or under a canopy for the purpose of this Article, canopy signs shall be controlled by the rules governing projecting signs.
- (14) **Changeable Copy Sign (Electronic).** A sign, or any portion of another sign type, which displays or has the ability to display electronically illuminated text, including scrolling or moving text, symbols or other images, utilizing LED, LCD or other digital or electronic technology. Such signs can display messages as copy, art, graphics, time, date, temperature, weather or information concerning civic or charitable events, or the advertising of products or services for sale on the premises. This definition

also includes traveling or segmented message displays. These are also commonly known as electronic message signs or boards, variable message signs, reader boards, electronic marquees, message centers or moving message displays.

- (15) **Changeable Copy Sign (Manual).** Any sign that includes copy, letters, numbers or symbols which are designed to be changed through manual, mechanical or other non-digital means.
- (16) **Copy Area.** The geometric area in square feet that encloses the actual copy message of the sign.
- (17) **Contractor/Project Sign.** A sign temporarily erected on a construction site announcing the project and the names of the project's contractor, subcontractors, architect, and financial institution(s) involved.
- (18) **Directional Sign.** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.
- (19) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (20) **Directory Sign.** Any sign which is not a billboard on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (21) **Display Surface or Face.** The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.
- (22) **Distance of Sign Projection.** The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.
- (23) **Electric Sign.** Any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.
- (24) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (25) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (26) **Flat Sign/Flush Mounted.** See definition for "Wall Signs."
- (27) **Freestanding (Ground and/or Pylon Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (28) **Grade.** The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's centerline.

- (29) **Gross Area.** The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for Area of Copy apply.
- (30) **Ground Sign.** A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building. Also known as a "freestanding sign."
- (31) **Height of Sign.** The vertical distance measured from the mean centerline street grade to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.
- (32) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (33) **Illuminated Awning.** An internally illuminated awning fabricated from a translucent material, or one which is backlighted as to appear to illuminate the awning sign. An illuminated awning may be used for an awning sign when other requirements are met.
- (34) **Illuminated Canopy.** An internally illuminated canopy, or one which is backlighted as to appear to illuminate the canopy sign.
- (35) **Illuminated Sign.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- (36) **Indirectly Illuminated Sign.** A sign that is illuminated from a source outside of the actual sign.
- (37) **Inflatables.** A freestanding or moored sign or advertising medium expanded or inflated with air or another gas, such as, but not limited to, an air dancer or balloon, which may or may not rise and float above the ground and may or may not be imprinted with a product name or logo. Types of inflatables included within this definition are, but are not limited to: air dancers, air tubes, crazy tubes, tube dancers, dancing inflatables, giant inflatables, inflatable product replicas, rotatable inflatables, inflatable costumes, tethered balloons or blimps, or inflatable mascots, figures or characters. [See also "Attention-Attracting Object or Device" above].
- (38) **Joint Identification Sign.** A sign which serves a common or collective identification for two (2) or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof.
- (39) **Legal Non-Conforming Sign.** Any sign which was already in existence and displayed on the effective date of this Article, which met code requirements when originally installed, but not meeting the requirements and limitations of this Article.
- (40) **Marquee.** A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (41) **Marquee Sign.** Any sign attached to or constructed in a marquee.

- (42) **Multiple Tenant Commercial Building (MTCB).** A commercial development in which there exists a number of separate commercial activities in which there are appurtenant facilities, such as parking, and which is designed to provide a single area in which the public can obtain varied products and services. Distinguishing characteristics of a MTCB may, but need not, include common ownership of the real property upon which the center is located, common wall construction and multiple-occupant commercial use of a single structure. A multiple tenant commercial building can be retail, office or mixed use in character.
- (43) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Article.
- (44) **Off-Premises Third Party Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.
- (45) **On-Premises Sign.** A sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained. This defined area does not include any area across a street/road from the area where business is conducted or any area developed for the purpose of erecting a sign.
- (46) **Painted Wall Signs.** Signs painted directly onto a building wall.
- (47) **Political Sign.** Any sign displaying a candidate for an election, or a current referendum's or election's subject matter.
- (48) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground or a building which is designed to be easily moved from one location to another.
- (49) **Projecting Sign.** A sign other than a wall sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way. (See "Wall Sign".)
- (50) **Pylon Sign.** Any freestanding sign mounted on a pole or other pylon. Also called a "pole sign."
- (51) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (52) **Roof Line.** The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.
- (53) **Roof Sign.** A sign erected upon or above the roof line or parapet of the building or structure.
- (54) **Sandwich Sign.** A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.
- (55) **Sign.** Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

- (56) **Sign Contractor.** Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.
- (57) **Sign Inspector.** That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this Article. In the Village of Crivitz, the Sign Inspector will be the Zoning Administrator or Building Inspector.
- (58) **Sign Permit.** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to this Article and the Building Code of the Village of Crivitz.
- (59) **Sign Structure.** Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.
- (60) **Subdivision Identification Sign.** A sign identifying a subdivision wherein only the name of the subdivision is specified.
- (61) **Swinging Sign.** A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.
- (62) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed thirty (30) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed thirty-two (32) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Article, a portable sign is not a temporary sign.
- (63) **Tenant Directory Board.** Any sign on which the names of occupants or the uses of a building are given, including, but not limited to, those utilized at office buildings, retail centers and other multiple tenant commercial buildings.
- (64) **Third Party Sign.** Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.
- (65) **Time and Temperature Sign.** An electrically controlled sign displaying time and temperature for public service information and may be incorporated into a business identification sign.
- (66) **Traveling Message.** A message which appears to move across a variable message sign.
- (67) **Variable Message Sign.** An outdoor advertising sign, display or device without moving parts whose message may be changed by electronic process through the use of moving or intermittent light or lights. Also known as a changeable copy sign (electronic).
- (68) **Wall Sign.** Any sign attached parallel to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (69) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Article a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-142 Required Permits for Signs, Canopies and Awnings.

(a) Permit Required; Payment of Sign Permit Fee.

- (1) Except those specified in Section 13-1-143, no sign, awning or canopy, as defined in this Article, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with the provisions of this Article. A sign permit is not required for a change of sign copy when no change in business name is involved.
- (2) Signs also shall meet all other structural requirements of other applicable codes and ordinances of the Village of Crivitz including, as necessary and without limitation by enumeration, building permit and inspection requirements, site plan approval requirements and all applicable yard setback requirements. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required.
- (3) Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- (4) The required sign permit fee shall accompany each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure. A fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved.
- (5) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

(b) Application for a Sign Permit. Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:

- (1) The name, address, telephone number (land line, cellphone and fax), and email address of the applicant.
- (2) The name, address, telephone number (land line, cellphone and fax), and email address of the owner or owners of the premises upon which the sign is to be attached or erected, including written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.
- (3) The name, address, telephone number (land line, cellphone and fax), and email address of the owner of the sign if he/she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.
- (4) The street number and street name or tax parcel number of the land upon which the sign is to be attached or erected.
- (5) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.

- (6) The basic materials to be used in the construction of the sign.
 - (7) A description of all electrical equipment if the sign is to be lighted or illuminated.
 - (8) Information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; and distance from lot lines.
 - (9) Proof of payment of the appropriate sign permit fee, when required.
 - (10) Any other item of information that may be reasonably required by the Zoning Administrator or other Village officials for the purpose of application evaluation.
- (c) **Application Review.**
- (1) If the application is complete and the sign conforms to the basic requirements of this Article, the Zoning Administrator may issue a permit.
 - (2) The Zoning Administrator shall review all applications within thirty (30) days of submittal. The Zoning Administrator shall review the applications and apply the established Sign Design Review Guidelines prescribed in Subsections (d) and (e).
- (d) **Basis for Granting.** In reviewing a sign permit application, the Zoning Administrator may consider the following factors in deciding whether or not to grant the issuance of a sign permit [see also Subsection (e) below]:
- (1) Whether the sign is designed, installed, and maintained to promote the surrounding environment desired by the general public, pursuant to the objectives of proper design and zoning criteria.
 - (2) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (3) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
 - (4) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
 - (5) Whether the sign is in compliance with the provisions of this Article.
 - (6) Whether the sign is in compliance with the provisions of this Code of Ordinances relating to traffic safety, traffic visibility setbacks, historic preservation and zoning.
- (e) **Sign Design Review Guidelines.** In addition to the criteria established in Subsection (d) above, the following Sign Review Guidelines shall be used by the Village Board in acting on sign permit applications and by the Zoning Board of Appeals in acting on appeals or variance requests:
- (1) Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
 - (2) All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in special planning areas, such as the downtown, or historic preservation areas, will be required to conform to the planned dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.

- (3) As a general guidelines and where feasible, ground mounted, free standing signs larger than six (6) square feet shall be located at least one hundred (100) feet apart.
 - (4) Signs illuminated by floodlight or spotlights must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians, and may not exceed three (3) footcandles at the lot line.
 - (5) As a general guideline, the number of colors and materials should be kept to a minimum.
 - (6) Landscape features will be encouraged as part of all ground mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage area.
- (f) **Permit Issuance/Denial.**
- (1) All sign permit applications shall be reviewed by the Zoning Administrator who shall deny or grant such applications or refer the application to the Village Board, within ten (10) business days of receipt of the complete application and payment of fee. If the sign meets the requirements of this Article and all other ordinances of the Village of Crivitz, the Zoning Administrator shall issue a permit therefor.
 - (2) If the sign permit is denied by the Zoning Administrator, within five (5) days, a written notice of the denial shall be provided to the applicant, together with a brief written statement of the reasons for the denial.
 - (3) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
- (g) **Appeal of Denial of Sign Permit.**
- (1) Any decision of the Zoning Administrator under this Article may be appealed to the Zoning Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of permit denial.
 - (2) A majority vote of the Zoning Board of Appeals is required to modify the earlier determination of the Zoning Administrator.
- (h) **Permit Revocation; Appeal.**
- (1) A sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
 - (2) The holder of a revoked sign permit may appeal such revocation action to the Zoning Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within thirty (30) days of the date of the original permit revocation.
 - (3) Upon any permit revocation or failure to prevail before the Zoning Board of Appeals, the sign(s) subject to such revoked permits shall be removed by the licensee within thirty (30) days of such revocation.

- (4) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
- (i) **Standards for Zoning Board of Appeals in Reviewing Appeals.** The Zoning Board of Appeals may authorize upon appeal, in specific cases, issuance of a sign permit when such decision will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Article will result in unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done. No Zoning Board of Appeals's appellate decision shall have the effect of allowing in any district uses prohibited in that district or permit standards significantly lower than those required by state law or this Article.
- (j) **Stay of Proceedings During Appeals.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.
- (k) **Signs in Historic Districts.** In addition to these sign regulations, all signs within any historic district shall be subject to the provisions of the Village's Historic Preservation Code.
- (l) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and Two Hundred Thousand Dollars (\$200,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof in insurance shall be presented to the Zoning Administrator before the sign permit is granted.
- (m) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who may inspect the premises to inspect whether the sign complies with the regulations of this Article.
- (n) **Permit Validity.** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within one hundred eighty (180) days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of ninety (90) days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

Cross-Reference: Section 13-1-263, Variances.

Sec. 13-1-143 Signs Not Requiring a Permit.

The following signs may be erected and maintained in all zoning districts, provided the sign is not located over a public water or right-of-way, except where noted, without a permit and without being deducted from gross sign surface area permitted.

- (a) **Bulletin Boards.** One bulletin board per premises per street frontage, and not over thirty-five (35) square feet in area, for public, charitable or religious institutions located on site.
- (b) **Government Signs.** Government signs for control of traffic, parking and other regulatory purposes, danger signs, railroad crossing signs, and signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty. This includes legal notices, identification or directional signs erected by governmental bodies. Included within this definition are off-premises institutional signs.
- (c) **Interior Signs.** Signs located within the interior of any building or structure which are not visible from the public right-of-way.
- (d) **Memorial Signs.** Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.
- (e) **Occupant Signs.** Signs limited in content to name of occupant and address of premises. Occupant signs shall be a maximum of one (1) per street front and no more than (4) square feet in sign area.
- (f) **Governmental Notices.** Official governmental notices and notices posted by governmental officers in the performance of their duties; informational notices; or for other informational or regulatory purposes, to identify streets or to warn of danger.
- (g) **Temporary Construction Safety Signs.** Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.
- (h) **Traffic and Service Signs on Private Premises.** Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only", "restricted for _____", and the like, the sole purpose of which is to direct and control traffic on the premises and which does not exceed seven (7) feet above the curb line, nor contain more than ten (10) square feet per face. Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without permit under this exception.
- (i) **Signs Required by Law.** Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.
- (j) **Real Estate Signs.** One (1) "For Sale" or "For Rent" sign per street frontage may be placed on the offered property and shall not be more than ten (10) square feet in size for residential property and not more than thirty-two (32) square feet in area for non-residential property. No such sign shall be closer than twelve (12) feet to a lot line. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company, or individuals and their respective

addresses and telephone numbers, posting the sign. No such sign shall project higher than one (1) story or fifteen (15) feet above curb level, whichever is lower, when attached to a building; detached or freestanding signs shall not be more than four (4) feet in height, measured from the soil grade to the top of the sign post. Such signs shall be removed within thirty (30) days after sale, rental or lease of the property.

- (k) **Signs in Display Windows.** Signs in the display window of a business which relate to services or products offered therein. This display sign exception is only permitted for properties in the following zoning districts: B-1 through B-6 Districts. The window sign must direct attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial buildings and shall not exceed thirty-five percent (35%) of the glass area of the pane upon which the sign is displayed.
- (l) **On-Premises Symbols or Insignia.** Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
- (m) **On-Premises Temporary and Portable Signs in Residential Districts.** Temporary or portable signs under twenty (20) square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary, and for five (5) days thereafter, but may not exceed a total period of thirty (30) days per twelve (12) month period.
- (n) **Civic Event Temporary Signs.** Temporary off-premises signs not exceeding four (4) square feet in residential or public lands districts, or thirty-two (32) square feet in the B-1 through B-6 Districts and I-1 Districts, pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations, provided such signs are posted not more than thirty (30) days before said event and removed within ten (10) days after the event.
- (o) **Political Signs.** Political message, public election or referenda signs during an election campaign shall comply with Sec. 12.04(1), Wis. Stats. Political signs may be posted ninety (90) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty-two (32) square feet. Political signs shall not be located within the vision clearance triangle on corner lots or on public property or street right-of-ways.
- (p) **Rummage/Garage Sale Signs.** Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale. Rummage or garage sale signs may not be located within street right-of-way lines. Rummage/garage sale signs shall not create a visibility or traffic hazard (as determined by the Zoning Administrator or a law enforcement officer). Such signs shall be erected no sooner than forty-eight (48) hours prior to the sale and shall be removed within forty-eight (48) hours after such sale.
- (q) **Open/Close Signs.** Illuminated and non-illuminated signs not exceeding ten (10) square feet in area announcing that a business is open or closed.
- (r) **Decorative Features.** Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

(s) **Contractor/Project Signs.**

- (1) No permit is necessary for a contractor/project sign on a construction site.
- (2) Contractor/project signs shall be not more than six (6) square feet in area per contractor, subcontractor, architect or lending institution and may be freestanding. Contractor/project signs shall not exceed six (6) feet in height. Such signs may be single- or double-sided.
- (3) All contractor/project signs may be consolidated on one (1) sign, the area of which consolidated sign is to be calculated at six (6) square feet per contractor, subcontractor, architect or lending institution listed, to a maximum area of thirty-two (32) square feet per side. In the alternative, all contractor/project signs may also be incorporated with a temporary sign accessory to a subdivision development under Section 13-1-144(a), provided that such a sign would require a permit; this alternative may also be used with a sign serving a commercial or residential parcel.
- (4) Contractor/project signs may be erected for the duration of the construction project and shall be removed within thirty (30) days from the first occupancy of the premises. The Zoning Administrator shall have the authority to cause such signs to be removed if, in his/her discretion or upon information and belief, the first occupancy of the premises has occurred or the work done by the contractor, subcontractor or architect, or financing by the lending institution has been completed.

- (t) **Athletic Field Signage.** A sign permit is not required for signs, banners, and scoreboards designed solely for view from inside spectator areas and displayed on interior walls, fences, or other structures located within an athletic field at a park, school or other public or private athletic complex. The approval of the Village Board is required to display a sign, banner or scoreboard under this Subsection in a Village park. Scoreboards that qualify under this Subsection may include flashing elements, if adequate screening is provided to screen the views from abutting streets, as approved by the Zoning Administrator. For purposes of this Subsection, a "school" shall mean public schools as defined in Sec. 115.01(1), Wis. Stats., private schools defined in Sec. 115.001(3r), Wis. Stats., and technical colleges authorized under Chapter 38, Wis. Stats. Athletic field signage may be illuminated.

Sec. 13-1-144 Residential Signs Requiring a Permit.

In addition to those permitted signs not requiring a permit pursuant to Section 13-1-143, the following nonflashing, nonilluminated signs (except as otherwise provided) are permitted under the conditions specified in all residential districts and planned unit developments (residential) established by the Village's Zoning Code.

- (a) **Temporary Signs Accessory to Subdivision Developments or Other Permitted Improvements in Residential Districts.** Subject to the following:

- (1) **Content.** The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, of lots for sale, or for the identification of other nonresidential uses under construction.
 - (2) **Area, Number and Setback.** Such signs shall not exceed two (2) in number for each subdivision nor fifty (50) square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least fifty (50) feet from all other boundaries of the site.
 - (3) **Height.** No sign shall project higher than eight (8) feet above curb level.
 - (4) **Time Limitations.** The sign or signs shall be removed by the applicant or property owner within two (2) years of the date of the issuance of a sign permit or when the parcels being advertised are sold, whichever occurs first.
- (b) **Permanent Subdivision Identification Signs.** Subject to the following:
- (1) **Content.** The signs shall bear only the name of the subdivision or development.
 - (2) **Area and Number.** There shall be not more than two (2) signs located at each entrance to a subdivision. No sign shall exceed thirty-two (32) square feet in area. Such identification signs shall only be erected after review and approval by the Zoning Administrator.
 - (3) **Height.** No sign shall project higher than twelve (12) feet above curb level.
 - (4) **Location.** The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.
- (c) **Nonflashing, Illuminated Church Bulletins.** Subject to the following:
- (1) **Area and Number.** There shall be not more than one (1) sign per lot, except that on a corner lot, two (2) signs (one facing each street) shall be permitted. No sign shall exceed thirty-two (32) square feet in area nor be closer than five (5) feet from any lot line.
 - (2) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (3) **Height.** No sign shall project higher than one (1) story or fifteen (15) feet above the curb level, whichever is lower.
- (d) **Bed and Breakfast Signs.** Subject to the following:
- (1) **Content.** The sign shall bear only the name, address and other pertinent information regarding the bed and breakfast establishment.
 - (2) **Area and Number.** There shall not be more than one (1) sign per lot street frontage. No sign shall exceed sixteen (16) square feet in area. Such sign shall have a ten (10) feet setback from a public right-of-way or lot line.
 - (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
 - (4) **Height.** No sign shall project higher than six (6) feet above the street level.
- (e) **Home Occupation/Professional Home Office.** Subject to the following:
- (1) **Content.** The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with the Village's Zoning Code.

- (2) **Area and Number.** There shall not be more than one (1) sign per lot. No sign shall exceed twelve (12) square feet in gross area. Such sign shall have a ten (10) foot setback from a public right-of-way or lot line, and illumination shall be indirect.
- (3) **Projection.** No sign shall project beyond the property line into the public right-of-way.
- (4) **Height.** No sign shall project higher than six (6) feet above the street level.

Sec. 13-1-145 Commercial, Agricultural and Industrial Signs Requiring a Permit.

- (a) **Permitted Signs.** The following signs in this Section shall require a sign permit to be issued unless otherwise specified. Signs may be permitted in specific zoning categories, subject to the following restrictions.
- (b) **Height and Setback Requirements.** In commercial or industrial zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign must be attached to the building and shall project no more than four (4) feet over the abutting public sidewalk or established street grade.
- (c) **Number of Signs Permitted.**
 - (1) **Total Number.** No more than two (2) allowable signs of any non-directory type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one (1) on-site detached directory sign plus one (1) wall sign for each place of business located in said shopping center.
 - (2) **Corner Lots.** Businesses with streets fronting both sides shall be allowed two (2) types of signs for each street frontage; no street frontage buildings shall be allowed two (2) of the same type of sign for that particular business.
- (d) **Types of Signs; Maximum Size; Number; Location.**
 - (1) **Type 1 – Directory Signs.** Directory signs advertising an off-site business or activity conducted, an area of interest, or a service available, at a specific location are not permitted. New billboards after the effective date of this Article are permitted.
 - (2) **Type 2 – Wall Signs.** Wall signs on and parallel to the exterior wall of a building or structure, and not extending more than six (6) inches from the wall surface, shall not exceed in gross area for any one (1) premise or be more than twenty (20) feet in height - *Permit required:*
 - a. One hundred (100) square feet in a B-1, B-2 or B-4 District or AEO District.
 - b. Two hundred (200) square feet in a B-3, B-5 or B-6 District.
 - c. Four hundred (400) square feet in an I-1 or SP-1 Industrial District.
 - (3) **Type 3 – Projecting Signs.** Projecting signs fastened to, suspended from, or supported by a building or structure, shall not exceed in gross area for any one (1)

premise: Forty (40) square feet on each of two (2) faces in a B-1 or B-2 District or AEO District; sixty (60) square feet on each of two (2) faces in a B-3, B-4, B-5 or B-6 Highway Business District; and eighty (80) square feet on each of two (2) sides in an I-1 or SP-1 District. Such signs shall not extend more than five (5) feet into any required yard nor more than two (2) feet into any public right-of-way; shall not be less than ten (10) feet into any public right-of-way; shall not be less than ten (10) feet from any side lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a pedestrian sidewalk nor less than fifteen (15) feet above a road, street, alley or driveway. *Permit required.*

- (4) **Type 4 – Ground Signs.** Ground signs and their supporting structure shall comply with all yard requirements of the District in which they are located and shall not exceed in gross area for any one (1) premise: Eighty (80) square feet on each side in the B-1, B-2 or AEO District; one hundred twenty (120) square feet on each side in the B-3 or B-4 District; or one hundred sixty (160) square feet on each side in the B-5, B-6 or I-1 District. Such signs shall not exceed twenty (20) feet in height above mean centerline street grade. *Permit required.*
- (5) **Type 5 – Roof Signs.** Roof signs shall comply with all yard and height restrictions of the zoning district in which they are located and shall not exceed in gross area for any one (1) parcel. *Permit Required.*
- (6) **Type 6 – Window Signs.** Window signs may be placed in the windows of business establishments provided their combined area does not exceed fifty percent (50%) of the gross area of all windows on the same side of the building. *No permit required.*
- (7) **Type 7 – Recreational Directory Sign.** Recreational directory signs indicating the direction to a cottage, resort, residence or similar use. Recreational directory signs are not permitted.
- (8) **Type 8 – Off-Premises Third Party Signs.** Off-premises third party signs are prohibited except that a business in a B-1, B-2, B-3, B-4, B-5 B-6 or I-1 District may host one (1) off-premises third party or community/directory pylon or ground sign directing customers to another business location. No business shall employ or utilize more than one (1) off-premises directory/community sign within the limits of the Village. Shared signs shall comply with the dimensional requirements of Subsections (d)(4) and (5) above, except that the secondary directory sign's dimensions shall not exceed fifty percent (50%) of the primary sign's maximum allowable dimensions. Such signs shall share the same pylon or ground sign mountings whenever possible.
- (9) **Type 9 – Shopping Center/Industrial Park Directory Signs.** In a shopping center or industrial park, one (1) free-standing identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top

of a directory sign shall not exceed thirty-two (32) feet in height above the mean centerline street grade and the bottom of the sign shall not be less than ten (10) feet above the sidewalk and not more than sixteen (16) feet above a driveway or alley. Double supporting pylons shall not be greater than ten (10) feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not exceed one hundred (100) square feet for one (1) side and a total of two hundred (200) square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed sixteen (16) square feet for one (1) side and a total of thirty-two (32) square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.

(e) **Permitted Locations of Signs Requiring a Permit.**

Zoning District	Types of Signs Permitted
B-1, B-2, B-3, B-4, B-5, B-6, P-1	2, 3, 4, 5, 6, 8, 9
I-1, SP-1	2, 3, 4, 5, 6, 8, 9
A-1, A-2, A-3	2, 3, 4, 5, 6, 8
C-1	3, 6
AEO	Per district requirements

Sec. 13-1-146 Special Sign Requirements.

A sign permit is required in any zoning district for the following special sign types:

- (a) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.
- (b) **Sandwich Signs.** In instances where the property owner or business tenant in a B-1, B-2 or B-3 District wishes to erect an on-premises temporary sandwich board advertising that business, there is a limit of one (1) sandwich board per business tenant and such sign shall not exceed four (4) feet in height and eight (8) square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit and shall be placed in a manner so as not to present a hazard. Sandwich signs shall be removed from the right-of-way area at the close of each business day.
- (c) **On-Site Banner Signs.** On-site banner signs, whether permanent or temporary, shall not be erected for over sixty (60) days.
- (d) **Over-the-Street Banners.** Over-the-street banners are not permitted, except for civic activities.

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- (e) **Neon Signs.** Exterior neon or gas illumination signs require a sign permit.
- (f) **Signs Accessory to Roadside Stands.**
 - (1) **Content.** The signs shall only be for the purpose of identification of the roadside stand and advertising the agricultural products for sale therein.
 - (2) **Area and Number.** The signs shall be on the same zoning lot (either zoned agricultural or with a conditional use permit in other zoning districts) as the roadside stand, and there shall be not more than three (3) signs per parcel. No sign shall exceed twelve (12) square feet in area nor be closer than fifty (50) feet from any other zoning lot.
 - (3) **Projection.** No sign shall project beyond the property line into the public way.
 - (4) **Height.** No sign shall project higher than fifteen (15) feet above the curb level.
 - (5) **Permit.** A sign permit is required for this type of sign.

Sec. 13-1-147 Prohibited or Restricted Signs; Electronic Signs; Inflatables.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights, bare reflecting-type bulbs, or utilizes a spot or beacon light to illuminate a sign, except those giving public service information such as time, date, temperature, weather or similar information. Public information display signs require approval by the Village Board. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Article.
- (d) **Billboards.** No new billboards shall be permitted in the Village of Crivitz after the original effective date of this Article. Billboards existing on the effective date of this Article may be maintained, repaired and have copy changed. Billboards located upon property annexed to the Village and existing as of the effective date of this Article are permitted to remain unless the owner structurally alters such billboard in any manner. If damaged, or if structural alteration is made/required, such billboard shall be permanently removed.
- (e) **Painted Wall and Other Prohibited Signs.** Painted wall signs are signs which are painted directly onto the surface of the building; new painted wall signs are prohibited in the Village of Crivitz. No person shall paste or otherwise fasten any paper or other

material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on any sidewalk, curb, gutter, street, post, fire hydrant, pole or tree, any other sign, building, fence or other structure, nor shall any of said objects be defaced in any manner. Existing painted wall signs may be maintained, provided existing copy is maintained and preserved.

- (f) **Immoral Sign Subjects.** Signs which bear or contain statements, words, pictures, or symbols of obscene, pornographic or immoral subjects are prohibited.
- (g) **Roof Signs.** Roof signs are prohibited in the Village of Crivitz.
- (h) **Swinging Signs.** Swinging signs are prohibited.
- (i) **Third-Party Signs.** Third-party signs and billboards are prohibited, except as provided in Section 13-1-145(d)(6).
- (j) **Advertising Vehicle Sign Configuration.** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purposes of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. Business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, are exempt from this prohibition.
- (k) **Floodlighted and Illuminated Signs.** Signs may be floodlighted or illuminated, subject to the following restrictions:
 - (1) **Proper Shielding.** Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle, are prohibited.
 - (2) **Improperly Illuminated Signs a Nuisance.** Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property, and which are of such intensity or brilliance as to cause a public nuisance, are prohibited.
 - (3) **Illumination Impairment of Traffic Signs Prohibited.** No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
 - (4) **Compliance with Village Lighting Regulations.** The illumination of signs shall be in compliance with Village standards or the illumination from the sign shall not exceed 2.0 footcandles as measured at any point along the property boundary line, whichever is more restrictive. The maximum brightness level shall not be obtrusive (as determined by the Zoning Administrator) to surrounding and abutting properties or the neighborhood, and at no time shall the sign be operated at a brightness level greater than the manufacturer's recommended levels or as directed by the Village,

whichever is more restrictive. The brightness or intensity of a sign's illumination or display may be restricted further if more than necessary for adequate visibility as determined by the Village. No variable message or changeable copy sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility.

- (l) **Signs in Conservancy Districts.** No commercial advertising sign shall be permitted in any conservancy zoning district.
- (m) **Flashing Signs.** All flashing, undulating, rotating or swinging signs, as defined in Section 13-1-141, are prohibited regardless of the frequency of the flashing. Electronic changeable copy signs complying with Subsection (n) below and flags shall not be considered in violation of this Subsection prohibiting flashing signs.
- (n) **Changeable Copy Signs (Electronic); Time and Temperature Signs.** Following issuance of a sign permit, electronic changeable copy signs, variable message signs, or electronic message signs, as defined in Section 13-1-141, may be displayed on a pylon, tower, roof, ground, or shopping center/industrial park directory sign in a commercial, industrial/manufacturing or office district, according to the following standards:
 - (1) **Compliance with Other Sign Requirements; On-Premises Requirement.** Such signs shall comply with all applicable provisions of this Article (placement, area, etc.) for the type of sign in question. Such signs shall be used only to advertise activities conducted on the premises or to present public service announcements.
 - (2) **Integration Into Other Signage.** Changeable copy signs, variable message signs, or electronic message signs must be integrated into the primary permitted sign for such building or development. There shall be only one (1) changeable copy sign or electronic message sign on each lot or legal parcel of land. These types of signs may not be incorporated into a wall sign or building-mounted sign. The changeable copy portion of the sign must be no greater than twenty-five percent (25%) of total sign face area and shall occupy a secondary position to the name of the tenant, business or service. The changeable copy sign may be double-faced.
 - (3) **Alternating Displays; Segmented Messages.** The display of the electronic changeable copy or images shall not alternate, change, fade in or out, or otherwise change more frequently than once per minute. Segmented messages must be displayed for not less than two (2) seconds and more than ten (10) seconds.
 - (4) **Racing or Scrolling Signs Prohibited.** Racing, scrolling, traveling, pixelating or moving characters or images, or those that have the appearance of movement, are prohibited, including as a method of changing copy.
 - (5) **Exceptions.** Exceptions to the prohibitions in this Subsection are scoreboards under Section 13-1-143(t) and time, date and temperature signs with changeable copy displaying only the time and temperature. The time, date and temperature may be displayed on any sign permitted by this Article in a nonresidential district. The time, date and temperature may change as frequently as necessary to display the correct time and temperature, and may alternate between the time, date and temperature.

- (o) **Use of Projected Images in Conjunction With Signs.** Any projected images, video or other electronic light or laser displays projected onto a building, structure or sign are prohibited.
- (p) **Standards for All Electronic or Illuminated Signs.**
 - (1) **Improper Types of Display.** The display on any electronic or illuminated sign shall not, or appear to, flash, undulate, pulse or portray explosions, flashes of light, fireworks, or blinking or chasing lights. The display shall not give the illusion of moving toward or away from the viewer, expand or contract, bounce, rotate, spin or otherwise portray movement or animation as it comes onto, is displayed on, or leaves the sign board.
 - (2) **Minimum Static Display Time.** Each message display shall remain in a static state for at least ten (10) seconds. No message shall require more than ten (10) seconds to be displayed in its entirety.
 - (3) **Illumination and Background Colors.** The display shall have a dark background with only the message or foreground lit in a white, red, orange, yellow, amber or light tone or shade of said colors. Only one (1) such color for sign illumination is permitted.
 - (4) **Ambient Light Monitor Requirement.** The sign shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic sign based upon ambient light conditions.
- (q) **Attention-Attracting Objects or Devices.** Any type of attention-attracting object or device, as defined in Section 13-1-141, whether or not attached to or displayed in connection with a sign, are prohibited, except by special permit from the Zoning Administrator for a period not to exceed ten (10) days in a six (6) month period. However, inflatables are exempted from the provisions of this Subsection and are governed by Subsection (r) below.
- (r) **Inflatables.**
 - (1) The use of inflatables, as defined in Section 13-1-141, shall be limited because inflatables are generally more distracting and hazardous to pedestrian and traffic safety, tend to have anchoring devices that are less reliable under wind pressure, and out of scale and less compatible with area signage and structures.
 - (2) The use of inflatables is limited to no more than seven (7) consecutive days in any six (6) month period. A sign permit is required from the Zoning Administrator.
 - (3) Inflatables shall be set back fifty (50) feet from the traveled portion of any public street or highway and seventy (70) feet from any intersection, unless a different placement is approved by the Zoning Administrator.
 - (4) Inflatables shall not exceed thirty-five (35) feet in height and may not be displayed from rooftops.
 - (5) Inflatables shall not occupy parking spaces for the handicapped, drive aisles or required parking spaces for multi-tenant properties.
 - (6) Exempt from the permit requirement of this Subsection are novelty-type balloons two (2) feet or less in diameter moored less than ten (10) feet above the ground, and

inflatable holiday or other decorations displayed temporarily on a private residential property, provided that such inflatable does not contain or depict any commercial message, logo or symbol.

(s) **Portable Signs/Message Boards.**

- (1) The use of portable, temporary or non-fixed signs or message boards is prohibited within the Village unless the owner or tenant of the property on which such type of sign is to be located first obtains a portable/temporary sign permit from the Zoning Administrator. Such permit is valid for the calendar year and is subject to review by the Zoning Administrator for compliance with the requirements of this Subsection. The use of portable signs/message boards are limited to no more than five (5) days per month at any one premises. A sandwich sign is not a portable message board.
- (2) The Zoning Administrator shall not issue a permit for placement of a portable sign/message board if it presents a vision obstruction. The maximum size of a portable sign/message board shall be twenty (20) square feet on each face, back to back. Portable signs/message boards shall be located at least fifteen feet from any public right-of-ways, shall not have flashing lights, shall not be illuminated in a manner as to obstruct highway visibility, and shall be securely fastened to prevent any hazardous condition.

Sec. 13-1-148 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight (8) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Awning Extension from Curb Line.** No entrance awning shall extend beyond a point eight (8) feet into the right-of-way.
 - (4) **Advertising.** No advertising shall be placed on any awning, except that the name and logo of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side edges.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:

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

Sec. 13-1-149 Prohibited Sign Features.

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

Sec. 13-1-150 Nonconforming Signs.

(a) Nonconforming Signs.

- (1) **Nonconforming Sign Criteria.** Signs existing as of the effective date of this Article which do not conform to the provisions of this Article are nonconforming signs and shall be subject to the provisions of this Section. Nonconforming signs may be maintained. No nonconforming on-premises sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. [Refer to Subsection (b) below.] Compliance is the responsibility of the property owner.
- (2) **New Signs Not Permitted.** Business signs on the premises of a nonconforming use or building may be continued per this Section, but new signs for such uses shall not

be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.

- (3) **Removal Upon Business Termination.** Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per Section 13-1-151(a). Closing businesses must remove their signs within thirty (30) days of closing.
 - (4) **Change in Sign User.** Whenever there is a change in the sign user (excluding off-premises signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.
- (b) **Alteration of Signs.**
- (1) **Alteration Defined.** For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premises advertising signs), symbols, color, material, height or location.
 - (2) **Maintenance Exception.** Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premises advertising sign.
- (c) **Loss of Legal Nonconforming Status.**
- (1) In addition to the standards in Subsections (a) and (b) above, a sign may also lose its nonconforming status if one (1) or more of the following occurs:
 - a. If said sign is damaged by fire, flood, explosion, earthquake, vandalism, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
 - b. The sign is relocated;
 - c. The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (d) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Article regarding safety, maintenance

and repair of signs. However, legal nonconforming signs shall not be reinstalled, reconstructed or have their useful life extended.

Sec. 13-1-151 Dangerous and Abandoned Signs.

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or tenant of the premises upon which the sign is located if in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or tenant fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector to the Zoning Board of Appeals.
- (b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premises sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Sign Code after the date of adoption are hereby declared public nuisances within the meaning of the Village of Crivitz Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes or Village ordinances.

Sec. 13-1-152 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector or Zoning Administrator.
- (b) **General Requirements.**
 - (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be

constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.

- (2) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
- (3) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
- (4) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
- (5) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within three (3) years of annexation.

Sec. 13-1-153 Variances or Exceptions.

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

Sec. 13-1-154 Violations of Sign Code.

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

- (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation, upon conviction thereof, be subject to a forfeiture as prescribed by Section 13-1-225.
- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from also maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-155 through Sec. 13-1-159 Reserved for Future Use.

