

**ORDINANCE 2023-13
VILLAGE OF MISHICOT**

**AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 395 OF THE CODE OF THE
VILLAGE OF MISHICOT, WHICH IS THE MISHICOT VILLAGE ZONING ORDINANCE, AND
AMENDING THE ZONING MAP OF THE VILLAGE OF MISHICOT**

It is hereby ordained by the VILLAGE OF MISHICOT, Manitowoc County, Wisconsin, as follows:

SECTION 1. Chapter 395 of the Code of the Village of Mishicot is hereby repealed and re-enacted.

SECTION 2. WHEREAS, the Village of Mishicot determined that the existing zoning regulations should be updated in an effort to protect property values, establish clear development procedures, and match regulations to the Village's existing and/or desired future land use pattern; and

WHEREAS, the proposed "Draft Zoning Ordinance" is dated September 25, 2023.

WHEREAS, the "Draft Zoning Ordinance" dated September 25, 2023 includes the creation of a new Community Business (B-2) District, and the Zoning Map of the Village of Mishicot is proposed to be amended to rezone the following tax parcels or portions thereof which are currently in the "General Business (B-1)" and "Single- and Two-Family (R-2)" Districts to the "Community Business (B-2)" District:

| Tax Parcel No. | Address | Tax Parcel No. | Address |
|-----------------------|-----------------|-----------------------|------------------------|
| 035-008-006-002.00 | 898 W. SAMZ RD | 035-005-004-018.00 | 344 S STATE ST |
| 035-008-006-001.00 | W SAMZ RD | 035-005-004-002.00 | 204 S STATE ST |
| 035-005-009-001.00 | W CHURCH ST. | 035-005-004-029.00 | 208 S STATE ST |
| 035-005-009-009.00 | 425 W CHURCH ST | 035-236-016-001.00 | N STATE ST |
| 035-005-009-002.01 | 501 W CHURCH ST | 035-236-016-003.00 | 707 N STATE ST |
| 035-005-009-010.00 | W CHURCH ST | 035-236-016-028.00 | 715 N STATE ST |
| 035-005-009-005.00 | W CHURCH ST | 035-590-001-001.02 | N PARK LN & S STATE ST |
| 035-005-009-012.00 | 250 W CHURCH ST | 035-590-001-001.00 | 105 N PARK LN |
| 035-005-014-001.00 | W CHURCH ST | 035-005-004-002.02 | 115 PARK LN |
| 035-005-008-000.00 | W CHURCH ST | 035-005-004-034.00 | 110 BAUGNIET ST |
| 035-005-003-001.00 | 231 W CHURCH ST | 035-005-004-035.00 | 122 BAUGNIET ST |
| 035-005-009-004.00 | W CHURCH ST | 035-005-004-002.01 | 221 S ROCKWAY ST |
| 035-005-003-006.00 | 129 W CHURCH ST | 035-236-016-012.00 | 104 W MAIN ST |
| 035-005-003-004.00 | 115 W CHURCH ST | 035-236-016-006.00 | 111 W MAIN ST |
| 035-005-013-006.00 | 508 S STATE ST | 035-236-016-005.00 | 119 W MAIN ST |
| 035-005-004-030.00 | 111 E CHURCH ST | 035-236-016-004.00 | 127 W MAIN ST |
| 035-005-003-007.00 | S STATE ST | 035-236-016-010.00 | 136 W MAIN ST |
| 035-005-003-008.00 | S STATE ST | 035-236-016-029.00 | 137 W MAIN ST |
| 035-005-003-003.00 | 329 S STATE ST | 035-236-016-013.00 | 114 E MAIN ST |
| 035-005-004-002.04 | 224 S STATE ST | 035-131-011-038.00 | 114 E MAIN ST |
| 035-005-003-007.01 | 317 S STATE ST | 035-005-001-001.00 | 150 E MAIN ST |

WHEREAS, a Public Hearing was noticed and held on October 12, 2023, for the purpose of hearing citizen comments on the proposed "Draft Zoning Ordinance" dated September 25, 2023 and amendments to the Zoning Map of the Village of Mishicot; and

WHEREAS, on October 12, 2023, the Plan Commission recommended adoption of the "Draft Zoning Ordinance" dated September 25, 2023, and adoption of the amendments to the Zoning Map of the Village of Mishicot; and

NOW, THEREFORE, BE IT ORDAINED that the Board of Trustees of the Village of Mishicot:

1. Approves and adopts the "Draft Zoning Ordinance" dated September 25, 2023, replacing the previously approved Mishicot Village Zoning Ordinance; and
2. Approves and adopts the amendments to the Zoning Map of the Village of Mishicot.

SECTION 3. Savings Clause. If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

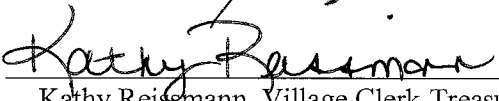
SECTION 4. Severability. If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

SECTION 5. Effective Date. This Ordinance shall take effect the day after posting.

Passed and adopted this 17th day of October, 2023.

Vote: Yes: 6 No: 0 Abstain: 1 Absent: 0

Signed by:  Date: 10/17/23
Bernie J. Samz, Village President

Attest:  Date: 10/17/23
Kathy Reissmann, Village Clerk-Treasurer

Date Adopted: 10/17/23

Date Posted: 10/18/23

Date Effective: 10/19/23

Zoning Map of the Village of Mishicot Manitowoc County, Wisconsin

1 inch equals 670 feet












0 400 800 1,600 Feet

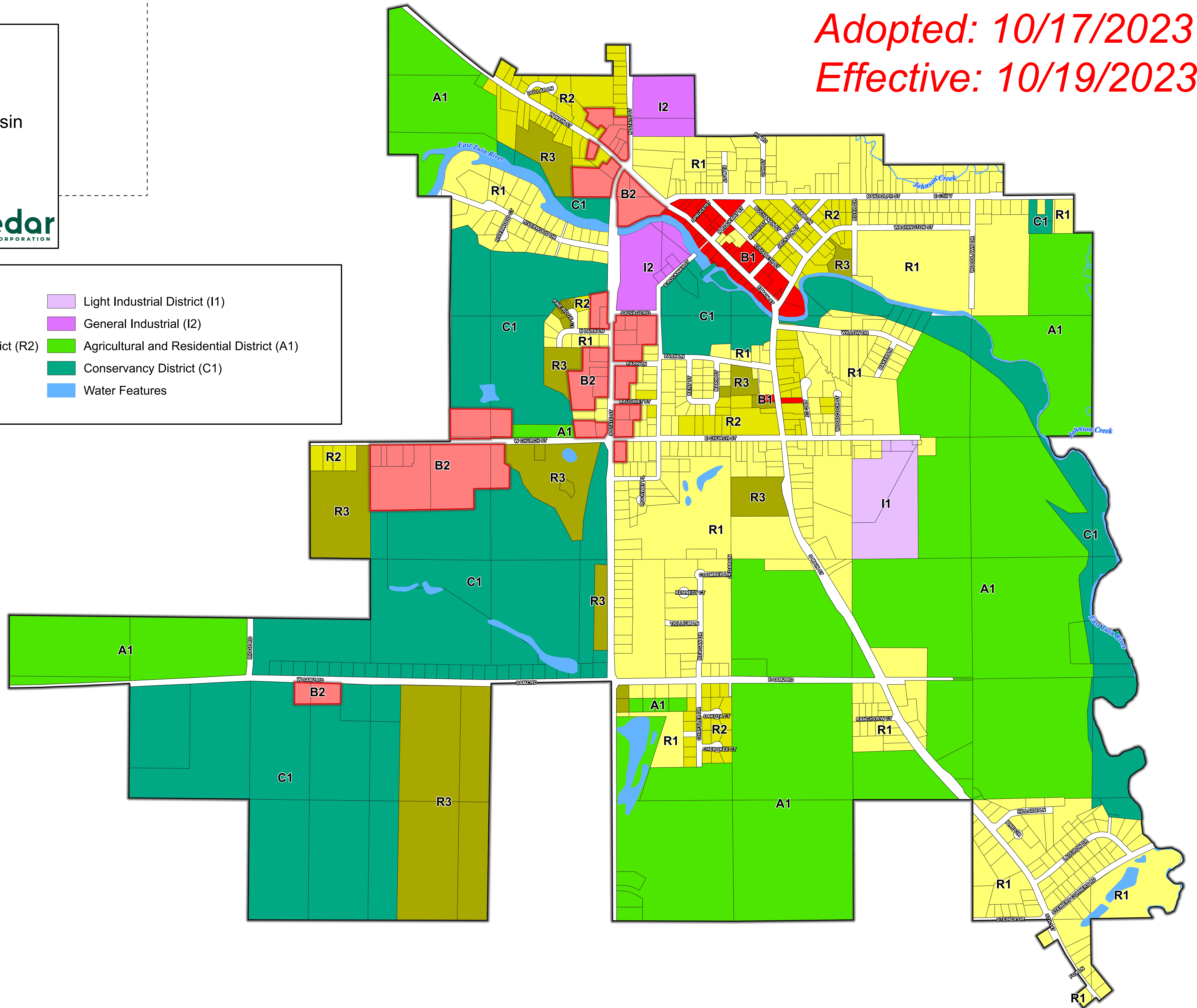


September 13, 2023



Zoning

- | | |
|--|--|
|  Proposed Changes to B-2 |  Light Industrial District (I1) |
|  Single-Family Residential District (R1) |  General Industrial (I2) |
|  Single and Two Family Residential District (R2) |  Agricultural and Residential District (A1) |
|  Multiple Family Residential District (R3) |  Conservancy District (C1) |
|  General Business District (B1) |  Water Features |
|  Community Business District (B2) | |



Village of Mishicot Manitowoc County, Wisconsin

ZONING ORDINANCE

Effective Date: October 19, 2023

Adopted: October 17, 2023 (Ordinance No. 2023-13)
Effective Date: October 19, 2023

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ARTICLE I TITLE, AUTHORITY AND GENERAL PROVISIONS

§395-1 TITLE. This Chapter shall be known as the “Mishicot Village Zoning Ordinance”, hereinafter referred to as “this Chapter”.

§395-2 AUTHORITY. These regulations are adopted pursuant to and under the authority granted by §61.35 and §62.23, Wis. Stats.

§395-3 EFFECTIVE DATE This Chapter and any amendments thereto shall be effective following adoption by the Village of Mishicot Board of Trustees pursuant to § 62.23, Wis. Stats.

§395-4 CONTENTS. This Chapter consists of two distinct but inseparable and integrated parts: written text and the zoning map. The written text and zoning map taken together constitute this Chapter and, therefore, shall at all times be considered as interrelated and inseparable parts of a whole. In addition, other maps and materials referenced in the text are used to support this Chapter.

§395-5 PURPOSE AND INTENT. The purposes and intent of this Chapter include:

- A. To promote and protect the health, safety, morals and general welfare of the Village of Mishicot.
- B. To regulate and restrict the erection, construction, reconstruction, alteration or use of buildings, structures or land in the Village of Mishicot according to their specific purposes and characteristics.
- C. To regulate and restrict the:
 - (1) Height, number of stories and size of buildings and other structures;
 - (2) Percentage of a lot that may be occupied;
 - (3) Size of yards, courts and other open spaces;
 - (4) Density of population; and
 - (5) Location and use of buildings, structures and land.
- D. To establish, regulate and restrict the uses of buildings, structures and land by dividing the Village of Mishicot into districts of such number, shape and area as deemed best suited to carry out the purposes of this Chapter,
- E. To provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning.

- F. To provide, administer and enforce regulations designed to
 - (1) Lessen congestion in the streets;
 - (2) Secure safety from fire, flooding, pollution, contamination, panic, and other dangers;
 - (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
 - (4) Encourage the protection of groundwater resources;
 - (5) Prevent the overcrowding of land;
 - (6) Avoid undue concentration of population;
 - (7) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public services in an economical and efficient manner; and
 - (8) Protect and preserve community resources such as farmland, woodlands, groundwater, surface water, historic and cultural resources, and burial sites.
- G. To create a Board of Appeals and defining and limiting the powers and duties of said Board.
- H. To provide the means for enforcing this Chapter and prescribe penalties for the violation of the provisions thereof.
- I. To promote planned and orderly land use development in accordance with the Village comprehensive plan.
- J. To separate incompatible land uses and foster a more rational pattern of relationship between land uses for the mutual benefit of all.
- K. To protect property values, tax base and public and private investments.

§395-6 JURISDICTION AND COMPLIANCE.

- A. JURISDICTION. This Chapter, unless otherwise provided herein, shall be administered and be in force on all lands within the corporate limits of the Village of Mishicot.
- B. COMPLIANCE.
 - (1) Unless otherwise provided by this Chapter, after the effective date of this Chapter, no land or water shall hereafter be used and no structure or part thereof shall hereafter be used, located, erected, moved, reconstructed, extended, enlarged,

converted, or structurally altered without full compliance with the provisions of this Chapter.

- (2) Unless specifically exempted by law, all cities, villages, towns, counties and states are required to comply with this Chapter and obtain all necessary permits in areas under the jurisdiction of this Chapter.

§395-7 ABROGATION AND GREATER RESTRICTIONS

- A. The previous Mishicot Village Zoning Ordinance, originally adopted October 5, 1965, is hereby repealed on the date in which this Chapter becomes effective.
- B. The regulations of this Chapter shall be construed as being supplementary to the regulations imposed on the same lands by the following Chapters of the Code of the Village of Mishicot:
 - (1) Chapter 356, Comprehensive Plan
 - (2) Chapter 360, Floodplain Zoning
 - (3) Chapter 367, Mobile Wireless Service Facilities
 - (4) Chapter 373, Shoreland-Wetland Zoning
 - (5) Chapter 377, Subdivision of Land
 - (6) Chapter 384, Wind Energy Systems
- C. It is not the intent of this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, codes, rules, regulations, or permits previously adopted or issued pursuant to law. However, when the regulations of this Chapter conflict with other applicable ordinance or code provisions, the most restrictive combination of such regulations shall control.
- D. The Village of Mishicot shall not enforce any easement, covenant, deed restriction, or agreement to which it is not a party. Enforcement of any such covenant, deed, easement, or restriction via the Village's zoning authority would constitute an impermissible delegation of the Village's authority and power.

§395-8 INTERPRETATION In the interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

§395-9 SEVERABILITY If any section, paragraph, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

ARTICLE II ZONING DISTRICTS, ZONING MAP, AND USE REGULATIONS

§395-10 ZONING DISTRICTS. For the purpose of this Chapter, the lands of the Village of Mishicot are hereby divided into the following zoning districts:

- A. A-1 Agricultural and Residential District.
- B. R-1 Single-Family Residential District.
- C. R-2 Single- and Two-Family Residential District.
- D. R-3 Multiple-Family Residential District.
- E. B-1 General Business District.
- F. B-2 Community Business District
- G. I-1 Light Industrial District.
- H. I-2 General Industrial District.
- I. C-1 Conservancy District.

§395-11 ZONING MAP.

- A. The location and boundaries of the districts established shall be as shown on the map designated as the “Zoning Map of the Village of Mishicot” , hereinafter referred to as “Zoning Map”. The Zoning Map with all notations, dimensions, designations, references and other data shall accompany and is part of this Chapter. The Zoning Map is available on the Village website or upon request filed with the Village Clerk.
- B. INTERPRETATION OF ZONING DISTRICT BOUNDARIES.
 - (1) Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:
 - (a) Boundaries indicated as approximately following or parallel to the center lines of streets, streams or highways, street lines, or road right-of-way lines, shall be construed to follow or as being parallel thereto and at such distance therefrom such center lines, street lines or road right-of-way lines as indicated on the Zoning Map.
 - (b) Boundaries indicated as approximately following a railroad line shall be construed as to follow the middle of the main tracks of such railroad line.
 - (c) Where boundaries do not follow center lines, street lines, road right-of-way lines or railroad lines and distances are not specified on the Zoning Map,

boundaries shall be determined by the use of the scale shown on said Zoning Map.

(d) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

(e) Questions or disputes concerning the exact location of district boundary lines shall be determined by the Village Board of Appeals.

§395-12 PURPOSE AND INTENT OF ZONING DISTRICTS. The following specifies the purpose and intent of each of the zoning districts established by this Chapter.

- A. A-1 AGRICULTURAL AND RESIDENTIAL DISTRICT. This district is intended to help conserve good farming and natural resource areas and ensure that development that does occur outside of water and sewer service areas will have lots sufficiently large to safely accommodate on-site sewage disposal and wells.
- B. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. This district is intended to provide areas for single-family dwellings on comparatively large lots.
- C. R-2 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT. This district is intended to provide for areas in which single-family and two-family dwellings may be permitted on moderate-sized lots that have community water and sewers.
- D. R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT. This district is intended to aid in providing for the rental housing needs of the community at a comparatively high density in areas that have community water and sewers available.
- E. B-1 GENERAL BUSINESS DISTRICT. This district is intended to provide areas in which the convenience, shopping and service needs of the community can be met. Dimensional standards are generally consistent with the existing downtown development pattern near E Main St.
- F. B-2 COMMUNITY BUSINESS DISTRICT. This district is intended to provide areas in which the convenience, shopping and service needs of the community can be met. Dimensional standards are generally consistent with the existing development pattern near S State St.
- G. I-1 LIGHT INDUSTRIAL DISTRICT. This district is intended to provide for any manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably ensure compatibility in this respect.

- H. I-2 GENERAL INDUSTRIAL DISTRICT. This district is intended to provide for areas devoted to manufacturing and similar enterprises in which community water and sewers are available.
- I. C-1 CONSERVANCY DISTRICT. This district is intended to provide for the conservation and preservation of natural resources and areas of special environmental importance.

§395-13 TYPES OF USES.

- A. PRINCIPAL USES. Principal uses are sorted and assigned to specific zoning districts. (See §395-14, Principal Uses.). Such uses may be established only if they are located in the zoning district to which they are assigned. These uses are further divided into the following two (2) categories:
 - (1) Permitted uses. These uses are permitted by right, provided all requirements of this Chapter are met.
 - (2) Conditional uses. These uses will be allowed, and a conditional use permit will be granted, if the applicant demonstrates, by substantial evidence, that the application and all requirements and conditions established by the Village as specified in this Chapter or imposed by the Village Board are or will be satisfied. (See §395-73, Conditional Use Permits)
- B. ACCESSORY USES. (See §395-15, Accessory Uses.)
- C. TEMPORARY USES. (See §395-16, Temporary Uses and Structures.)
- D. USES NOT LISTED. (See §395-17, Uses Not Listed.)

§395-14 PRINCIPAL USES.

- A. The principal uses allowed in each zoning district shall be as shown in Table II-1, Table of Principal Uses.
- B. HOW TO USE THE TABLE OF PRINCIPAL USES.

Figure II-1: How to Use Table of Principal Uses

Zoning Districts

| Type of Use | A-1 | R-1 | R-2 | R-3 ⁶ | B-1 ⁶ | B-2 ⁶ | I-1 ⁶ | I-2 ⁶ | C-1 | Notes: |
|-----------------------------|------------------|-----|-----|------------------|------------------|------------------|------------------|------------------|-----|----------------|
| AGRICULTURAL USES | | | | | | | | | | |
| Agriculture | P/C ¹ | | | | | | | | P | See §395-29 A. |
| Accessory Agriculture | | P | P | P | P | P | P | | | See §395-29 B. |
| Feedlot/Stockyard | | | | | | | | C | | |
| Agriculture-Related Use | C | | | | | | | | | |
| On-Site Agricultural Retail | C | | | | | | | | C | |
| Roadside Stand | P | | | | | | | | P | |
| Community Garden | P | C | C | C | C | C | C | C | C | |
| Commercial Greenhouse | C | | | | | | C | | | See §395-29 C. |

Key:

P = Permitted Use
C = Conditional Use

Space without
symbol means
the use is not
allowed

Refer to listed
section for
requirements
applicable to
specified use

C. TABLE OF PRINCIPAL USES

TABLE II-1 TABLE OF PRINCIPAL USES

| Type of Use | A-1 | R-1 | R-2 | R-3 ⁶ | B-1 ⁶ | B-2 ⁶ | I-1 ⁶ | I-2 ⁶ | C-1 | Notes: |
|--|------------------|-----|-----|------------------|------------------|------------------|------------------|------------------|-----|----------------|
| AGRICULTURAL USES | | | | | | | | | | |
| Agriculture | P/C ¹ | | | | | | | | P | See §395-29 A. |
| Accessory Agriculture | | P | P | P | P | P | P | | | See §395-29 B. |
| Feedlot/Stockyard | | | | | | | | C | | |
| Agriculture-Related Use | C | | | | | | | | | |
| On-Site Agricultural Retail | C | | | | | | | | C | |
| Roadside Stand | P | | | | | | | | P | |
| Community Garden | P | C | C | C | C | C | C | C | C | |
| Commercial Greenhouse | C | | | | | | C | | | See §395-29 C. |
| RECREATIONAL USES | | | | | | | | | | |
| Campground | C | | | | | | | | | See §395-30 A. |
| Camping | P | P | P | P | P | P | P | P | P | See §395-30 B. |
| Recreation Camp | C | | | | | | | | C | |
| Public/Private Park | C | P | P | P | | | | | P | |
| Outdoor Public Recreation | P | P | P | P | P | P | P | P | P | |
| Outdoor Commercial Recreation | C | C | C | C | | | | | | |
| Commercial Riding Stable | C | | | | | | | | | |
| Outdoor Shooting Range/Gun Club | C | | | | | | | | | See §395-30 C. |
| RESIDENTIAL USES | | | | | | | | | | |
| Farm Residence | P | | | | | | | | | |
| Non-Farm Residence | C | | | | | | | | | |
| Single Family Residence | | P | P | | | | | | | |
| Two-Family Residence (Duplex) | | | P | P | C | C | | | | See §395-31 A. |
| Multi-Family Residence (3-8 Units per Structure or Parcel/Lot) | | | | P | C | C | | | | See §395-31 B. |
| Multi-Family Residence (9+ Units per Structure or Parcel/Lot) | | | | C | C | C | | | | See §395-31 B. |

TABLE II-1 TABLE OF PRINCIPAL USES (Continued)

| Type of Use | A-1 | R-1 | R-2 | R-3 ⁶ | B-1 ⁶ | B-2 ⁶ | I-1 ⁶ | I-2 ⁶ | C-1 | Notes: |
|--|-----|-----|-----|------------------|------------------|------------------|------------------|------------------|-----|----------------|
| RESIDENTIAL USES (Continued) | | | | | | | | | | |
| Accessory Dwelling Unit | P | P | P | | C | C | | | | See §395-31 C. |
| Manufactured Home Community | | | | C | | | | | | See §395-31 D. |
| Manufactured/Mobile Home ² | | | | P ² | | | | | | |
| Short Term Rentals | C | C | C | C | C | C | | | | See §395-31 E. |
| Boardinghouse | | | C | C | | | | | | See §395-31 F. |
| Accessory Residence | | | | | P | P | P | | | See §395-31 G. |
| COMMERCIAL USES | | | | | | | | | | |
| Hotel/Motel | | | | | C | C | | | | |
| Artisan Gallery/Studio | C | | | | P | P | P | P | | |
| Retail/Wholesale | | | | | P | P | | | | |
| Professional Office/Service Establishment | | C | C | C | P | P | P | P | | |
| Winery/Brewery/Distillery | C | | | | C | C | C | C | | |
| Bakery | | | | | P | P | | | | |
| Family Day Care Home | P | P | P | P | | | | | | |
| Group Day Care Center | | | | | C | C | | | | |
| Vehicle Sales/Service/Rental | | | | | P | P | | P | | |
| Farm Implement/Heavy Vehicle Sales/Service/Rental | | | | | | | | P | | |
| Gas Station/Carwash | | | | | P | P | | | | |
| Indoor Commercial Entertainment Facility (e.g., restaurant, tavern, wedding/concert venue, etc.) | | | | | P | P | | | | |
| Special Event | C | C | C | C | C | C | | | C | See §395-32 A. |
| Outdoor Theater | | | | | | | | | | |
| Contractor Storage Yard | | | | | P | P | P | P | | |
| Kennel | C | | | | C | C | P | P | C | |
| Commercial Storage Facility | C | | | | C | C | P | P | | |
| Commercial Radio/TV Broadcast Studio | | | | | C | C | C | C | | |
| Adult Entertainment/Adult-Oriented Establishment | | | | | | | | C | | See §395-32 B. |

TABLE II-1 TABLE OF PRINCIPAL USES (Continued)

| Type of Use | A-1 | R-1 | R-2 | R-3 ⁶ | B-1 ⁶ | B-2 ⁶ | I-1 ⁶ | I-2 ⁶ | C-1 | Notes: |
|--|-----|------------------|------------------|------------------|------------------|------------------|------------------|------------------|-----|----------------|
| COMMERCIAL USES (Continued) | | | | | | | | | | |
| Commercial Trucking Establishment | | | | | | | P | P | | |
| Lumber/Building Supply Yard | | | | | P | P | P | P | | |
| Passenger Bus/Train Terminal | | | | | P | P | | | | |
| Home Occupation | P | P | P | P | P | P | | | | See §395-32 C. |
| INSTITUTIONAL USES | | | | | | | | | | |
| Places of Worship | C | P | P | P | P | P | | | | |
| Cemetery | C | P | P | P | | | | | P | |
| School/College/University | C | P/C ³ | P/C ³ | P/C ³ | | | | | | |
| Municipal Building | C | C | C | C | P | P | P | P | P | |
| Social Clubs/Lodges | | | | | P | P | | | | |
| Funeral Home | C | | C | C | P | P | | | | |
| Institutional Residential | | | C | C | C | C | | | | |
| Community Living Arrangement | | C | C | C | C | C | | | | |
| Library/Museum | C | C | C | C | C | C | | | | |
| INDUSTRIAL USES | | | | | | | | | | |
| Asphalt/Concrete Plant | | | | | | | | C | | |
| Nonmetallic Mining | | | | | | | | C | | See §395-34 A. |
| Solid Waste Facility (e.g., sanitary landfill) | | | | | | | | C | | |
| Bulk Storage of Fuel Products | | | | | | | | C | | |
| Manufacturing, Assembly, Processing ⁴ | | | | | | | P/C ⁴ | P/C ⁴ | | |
| Salvage Yard | C | | | | | | | C | | |
| Wastewater Treatment Plant | C | | | | C | C | C | C | | |
| Slaughterhouse | C | | | | | | | C | | |
| Warehouse | | | | | C | C | P | P | | |

TABLE II-1 TABLE OF PRINCIPAL USES (Continued)

| Type of Use | A-1 | R-1 | R-2 | R-3 ⁶ | B-1 ⁶ | B-2 ⁶ | I-1 ⁶ | I-2 ⁶ | C-1 | Notes: |
|---|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|----------------|
| MISCELLANEOUS USES | | | | | | | | | | |
| Airports & Private Airstrips/Landing Fields | C | | | | | | | C | | See §395-35 A. |
| Animal Shelters/Pounds | C | | | | C | C | C | C | | |
| Utility Installation-Major | C | C | C | C | C | C | C | C | C | See §395-35 B. |
| Utility Installation-Minor | P | P | P | P | P | P | P | P | P | See §395-35 B. |
| Mobile Wireless Service Facility ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | P/C ⁵ | See Ch. 367 |

FOOTNOTES:

1. Fur farming and insect-breeding facilities are Conditional Uses.
2. Manufactured/mobile homes shall only be permitted within a legally established Manufactured Home Community
3. Post-secondary schools, colleges, and universities are Conditional Uses.
4. Acid, cement, lime, gypsum, plaster, explosives, fertilizer and glue manufacturing, bone distillation, fat rendering, petroleum/petroleum product refining, and smelting are Conditional Uses
5. Mobile wireless service facilities are regulated under Chapter 367 of the Code of the Village of Mishicot
6. A site development plan, prepared in accordance with Article VIII of this Chapter, shall be submitted and approved by the Village Board before a permit can be granted to any new use or expansion of an existing use in this District which involve:
 - a. New construction (e.g., new buildings/structures or additions);
 - b. Expansion of parking areas (proposed or required by this Chapter) and/or outdoor storage/display areas; or
 - c. Expansion of an outdoor use.

A site development plan pursuant to Article VIII of this Chapter shall not be required for signs or a new use on an already developed property which does not involve activities outlined in a through c above.

§395-15 ACCESSORY USES. Accessory uses are permitted in all zoning districts. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of §395-26, Accessory Structures.

§395-16 TEMPORARY USES AND STRUCTURES.

- A. Uses which are conducted on a lot for not more than 10 days total, including not more than 7 consecutive days, in a calendar year shall be known as temporary uses and may be conducted or placed in any zoning district. All temporary uses conducted on a lot within a calendar year count toward the allowed number of days. Uses which are conducted for more than the allowed number of days shall be regarded as principal or accessory uses and regulated accordingly.
- B. Uses which are directly associated with and incidental to a permitted construction project may be conducted on a lot for more than the allowed number of days per sub. A and shall be considered a temporary use, provided the temporary use ceases within 7 days of completion of the construction project or expiration of the building permit, whichever comes first.
- C. Temporary uses and structures shall not require a building/zoning permit.
- D. Temporary uses and structures shall meet all setback and yard requirements of §395-19, District Requirements, of this Chapter.
- E. Temporary uses shall not involve the construction or alteration of any permanent structure.

§395-17 USES NOT LISTED

- A. DETERMINATION OF USE CLASSIFICATION BY THE PLAN COMMISSION. The Plan Commission, upon referral and recommendation by the Zoning Administrator, shall determine if a proposed use can be classified as one of the principal uses already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this Chapter.
- B. UNCLASSIFIED USES. A proposed use that cannot be classified as one of the principal uses shall be considered an unclassified use and shall be regulated as follows:
 - (1) The Plan Commission, upon referral and recommendation by the Zoning Administrator, shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this Chapter.
 - (2) If the Plan Commission determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be so notified in writing.

- C. After making a determination regarding an unclassified use, the Plan Commission shall recommend an amendment to this Chapter adding the previously unclassified use to the table of principal uses. The recommended ordinance amendment shall be adopted prior to consideration of an application for the previously unclassified use.

ARTICLE III GENERAL REQUIREMENTS

§395-18 COMPLIANCE. All uses and development shall comply fully with the requirements of this Article. When general requirements and district and/or use regulations differ, the more restrictive combination of regulations shall prevail.

§395-19 DISTRICT REQUIREMENTS.

- A. Developments shall meet the minimum requirements for the applicable district as shown in Table III-1, Table of District Requirements.
- B. HOW TO USE TABLE OF DISTRICT REQUIREMENTS.

Figure III-1: How to Use Table of District Requirements

| Zoning Districts | Individual Lot Requirements | | | Setbacks (ft.) | | | | |
|---|----------------------------------|-------------------------|---------------------------------------|----------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Min. Lot Area (ac. & sq. ft.) | Min. Lot Width (ft.) | Max. Lot Coverage (% Lot Coverage) | Front Yard | Side Yard (Principal) | Side Yard (Accessory) | Rear Yard (Principal) | Rear Yard (Accessory) |
| A-1 Agricultural and Residential District | 1 acre | 150 | 35 | 25 | 10 | 10 | 25 | 4 |
| R-1 Single-Family Residential District | 12,000 | 70/50 ¹ | 35 | 25 | 10 | 5 | 25 | 4 |
| R-2 Single- and Two-Family Residential District | 7,200 | 70/50 ¹ | 35 | 25 | 10 | 5 | 25 | 4 |
| R-3 Multiple-Family Residential District | 7,200 ² | 70/50 ¹ | 70 | 25 | 15 | 15 | 25 | 10 |
| B-1 General Business District | N/A | N/A | 100 | 0 ³ | 0/10 ⁴ | 0/10 ⁴ | 25 | 25 |
| B-2 Community Business District | 15,000 | 70/50 ¹ | 70 | 25 | 15 | 15 | 25 | 10 |
| I-1 Light Industrial District | 15,000 | 70/50 ¹ | 90 | 50 | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ |
| I-2 General Industrial District | 7,200 | 70/50 ¹ | 90 | 25 | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ |
| C-1 Conservancy District | N/A | N/A | 35 | 50 | 30 | 30 | 30 | 30 |

Refers to the minimum size of a lot shown in acres or square feet.

Refers to the minimum width of a lot.

Refers to the maximum percentage of a lot that may be covered with principal and accessory buildings.

Refers to the minimum allowable distance between a front lot line and a structure.

Refers to the minimum allowable distance between a side lot line and a principal or accessory structure.

Refers to the minimum allowable distance between a rear lot line and a principal or accessory structure.

C. TABLE OF DISTRICT REQUIREMENTS

Table III-1 Table of District Requirements

| Zoning Districts | Individual Lot Requirements | | | Setbacks (ft.) | | | | |
|---|----------------------------------|-------------------------|---------------------------------------|----------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | Min. Lot Area (ac. & sq. ft.) | Min. Lot Width (ft.) | Max. Lot Coverage (% Lot Coverage) | Front Yard | Side Yard (Principal) | Side Yard (Accessory) | Rear Yard (Principal) | Rear Yard (Accessory) |
| A-1 Agricultural and Residential District | 1 acre | 150 | 35 | 25 | 10 | 10 | 25 | 4 |
| R-1 Single-Family Residential District | 12,000 | 70/50 ¹ | 35 | 25 | 10 | 5 | 25 | 4 |
| R-2 Single- and Two-Family Residential District | 7,200 | 70/50 ¹ | 35 | 25 | 10 | 5 | 25 | 4 |
| R-3 Multiple-Family Residential District | 7,200 ² | 70/50 ¹ | 70 | 25 | 15 | 15 | 25 | 10 |
| B-1 General Business District | N/A | N/A | 100 | 0 ³ | 0/10 ⁴ | 0/10 ⁴ | 25 | 25 |
| B-2 Community Business District | 15,000 | 70/50 ¹ | 70 | 25 | 15 | 15 | 25 | 10 |
| I-1 Light Industrial District | 15,000 | 70/50 ¹ | 90 | 50 | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ |
| I-2 General Industrial District | 7,200 | 70/50 ¹ | 90 | 25 | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ | 0/100 ⁵ |
| C-1 Conservancy District | N/A | N/A | 35 | 50 | 30 | 30 | 30 | 30 |

FOOTNOTES:

1. Minimum lot width shall be 70 feet or 50 feet if the lot fronts a cul-de-sac bulb.
2. Minimum lot area shall be 7,200 square feet for the first unit plus 2,500 square feet for each additional unit greater than 2 units.
3. Minimum front yard shall be 0 feet or not less than the average of existing principal structures on adjacent lots, whichever is greater.
4. Minimum side yard shall be 0 feet, except that the minimum side yard shall be 10 feet where a lot abuts a residential zoning district.
5. Minimum side & rear yards shall be 0 feet, except that the minimum side and rear yards shall be 100 feet where a lot abuts a residential zoning district.

§395-20 LOT REQUIREMENTS.

- A. LOT CREATION AND RECONFIGURATION. No lot shall hereafter be created which does not meet the minimum width and area requirements of this Chapter. No lot shall be so reconfigured or reduced that it fails to meet any density, dimensional, or other requirement of this Chapter.
- B. LOT OF RECORD REQUIRED. Every building or structure hereafter erected, structurally altered, or relocated shall be placed on a lot of record.
- C. ACCESS TO ROAD. No lot shall hereafter be created nor any building or structure placed on a lot which does not have direct access to and abut a public road.
- D. MULTIPLE PRINCIPAL BUILDINGS. In any district, more than one (1) building housing a principal use may be erected on a single lot, except as follows:
 - (1) Only one (1) single family residence and one (1) accessory dwelling unit shall be permitted on a lot.
 - (2) Only one (1) duplex shall be permitted on a lot.
 - (3) Only one (1) manufactured home shall be permitted on a lot, unless the lot is authorized as a manufactured home community.
 - (4) Only one (1) short term rental shall be permitted on a lot.
- E. SUBSTANDARD LOTS. Lots of record which were created before the effective date of this Chapter but do not meet the minimum lot area and width requirements of this Chapter shall be considered building sites, provided they meet the criteria established in both subs.(1) through (4) below:
 - (1) The substandard lot is a lot of record in at least one of the following forms to establish the lot's date of creation:
 - (a) A recorded land subdivision or certified survey map on file in the Manitowoc County Register of Deeds Office showing the lot in its present form.
 - (b) A recorded deed or land contract on file in the Manitowoc County Register of Deeds Office and which predates the effective date of this Chapter.
 - (c) A recorded condominium plat.
 - (2) The substandard lot was never reconfigured or combined with another lot or parcel by plat, survey, or deed; and
 - (3) The substandard lot contains at least 75% of the minimum lot area and width required for the district in which it is located.

- (4) The substandard lot is developed to comply with all other ordinance requirements.
- (5) Substandard lots which qualify as building sites may be enlarged through acquisition of adjacent property, but need not comply with the minimum lot area and width provisions of §395-19 C, Table of District Requirements. Any such lots which have been enlarged through land acquisition or combining of separate parcels into a single legal description shall not be thereafter reduced or rearranged except in compliance with §395-19, District Requirements.

§395-21 TRAFFIC VISIBILITY AND VISION CLEARANCE TRIANGLE

- A. No structure, sign, wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility.
- B. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2½ feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and line joining points on such lines located a minimum of 15 feet from their intersection.
- C. 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 50 feet.

§395-22 HEIGHT REQUIREMENTS.

- A. HEIGHT LIMITATION. Except as provided below and in subs. B and C, no building or structure shall exceed the following heights above the finished grade elevation:
 - (1) 35 feet in height in the A-1, R-1, R-2, and C-1 Districts.
 - (2) 45 feet in height in the R-3, B-1, B-2, I-1, and I-2 Districts.
- B. EXEMPTIONS. The following shall be exempted from the height requirements of this Section:
 - (1) Nonresidential buildings and structures in the A-1 District.
 - (2) Architectural projections including but not limited to: spires; belfries; parapet walls; domes; chimneys; and cupolas.
 - (3) Agricultural structures including but not limited to barns, silos and grain storage structures.
 - (4) Special structures including but not limited to mechanical/elevator penthouses, grain elevators, observation/lookout towers on public property, utility and

telecommunication poles, towers, masts, and associated appurtenances, windmill or wind energy systems, cooling towers, and stacks.

- C. PUBLIC OR QUASI-PUBLIC FACILITIES. Public or quasi-public facilities such as churches, schools, hospitals, sanitoriums, monuments, libraries, and government offices and stations may be erected to a height of 60 feet, provided that all required setbacks and yards are increased by not less than one foot for each foot the structure exceeds the applicable height for the district in which it is located.

§395-23 FRONT, REAR, AND SIDE YARDS. The following shall apply to front, rear, and side yards:

- A. HOW MEASURED. The yard distances shall be measured from the nearest portion of the structure, except that the first two (2) feet of overhanging eaves and gutters of buildings shall not be included where the yard requirement exceeds five (5) feet.
- B. CORNER LOT. In the case of a corner lot, the standards specified for front yard setback for that zoning district shall apply to those sides of the lot which abut both roads forming the corner.
- C. EXEMPTIONS. The following structures are permitted in front, rear, and/or side yards provided they do not violate any other provision of this Chapter:
 - (1) Structures which are not buildings and which are less than six (6) inches above preconstruction grade, including but not limited to driveways, patios, and at-grade decks.
 - (2) One (1) open porch or terrace may occupy a front yard, provided it maintains a minimum 15 foot setback from any public right-of-way.
 - (3) Fire escapes, provided they project not more than five (5) feet into a required yard and are not located within a public right-of-way or vision clearance triangle.
 - (4) Fences, provided they are not located within a public right-of-way or vision clearance triangle. Fences shall also comply with the requirements of Chapter 186, Fences, of this Code.
 - (5) Public utility poles, lines, and related equipment without permanent foundations.
 - (6) Signs, as provided by Article VII of this Chapter.
 - (7) Private outdoor lighting installations, provided these items are not located within a public right-of-way or vision clearance triangle.
 - (8) Structures such as ramps and landings, lifts, or elevator housing, which are designed and intended to comply with the requirements of the Americans with Disabilities Act or fair housing laws to make existing buildings accessible to disabled people, and where no feasible alternative locations exist.

- D. **APPLICABILITY TO FUNCTIONAL APPURTENANCES.** Except as exempted above in sub. C, any functional appurtenances to a principal building which are attached to the principal building, such as decks, stairways and balconies, shall comply with the yard requirements for principal structures.

§395-24 FLOOR AREA REQUIREMENTS.

- A. **MINIMUM FLOOR AREA.** Every dwelling unit shall contain the following minimum floor area usable for living quarters:
- (1) Single-family residence: 900 square feet
 - (2) Two-family residence: 500 square feet for each unit
 - (3) Multifamily (3+ units) residence: 500 square feet for each unit
 - (4) Accessory dwelling unit: 500 square feet
 - (5) Accessory residence: 500 square feet for each unit
- B. **MAXIMUM FLOOR AREA.** The floor area usable for living quarters in the accessory dwelling units and accessory residences shall not exceed the floor area as described below:
- (1) Accessory dwelling unit: Shall be less than 900 square feet.
 - (2) Accessory residence: Shall be less than 100% of the floor area of the nonresidential use in which the accessory residence serves or 3,000 square feet, whichever is less

§395-25 Building Grades.

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

§395-26 ACCESSORY STRUCTURES. Accessory structures are permitted subject to the following requirements:

- A. PERMIT REQUIRED. Accessory structures shall require a building/zoning permit except minor structures, including but not limited to:
 - (1) Birdhouses
 - (2) Yard light poles
 - (3) Birdbaths
 - (4) Doghouses
 - (5) Playhouses/treehouses
 - (6) Noncommercial fuel storage tanks and pumps
 - (7) Clothes line poles
 - (8) Lawn ornaments
 - (9) Flag poles
 - (10) Mailboxes
 - (11) Garbage containers
 - (12) Ice fishing shanties and hunting stands/blinds
 - (13) School bus waiting shelters
 - (14) Farm livestock hutches
 - (15) Unenclosed firewood storage structures
- B. Accessory structures shall be located on the same lot as the principal use to which it is accessory.
- C. Accessory structures shall not be permitted until its associated principal structure is present or under construction.
- D. Accessory structures, except for minor structures, which are attached to the principal building in any way shall comply in all respects with the requirements of this Chapter applicable to the principal building.
- E. ADDITIONAL REQUIREMENTS IN THE R-1 AND R-2 DISTRICTS. Buildings which are accessory to single-family dwellings and two-family dwellings in the Single-Family Residential (R-1) and Single- and Two-Family Residential (R-2) Districts shall comply with the following requirements:
 - (1) No more than three (3) accessory buildings shall be permitted on a lot in these districts.
 - (2) Accessory buildings shall not exceed the height of the principal building.
 - (3) Accessory buildings 150 square feet or less in size shall be placed no further into the front yard on a parcel than the rearmost extension of the principal dwelling.
 - (4) Accessory buildings over 150 square feet in size shall not extend any further into the front yard than the existing principal dwelling but shall not be closer than 30 feet from the right-of-way line.

- F. ITEMS PROHIBITED AS ACCESSORY STRUCTURES. Such items as, but not limited to:
- (1) Boats
 - (2) Truck bodies
 - (3) Manufactured homes
 - (4) Buses
 - (5) Railroad cars
 - (6) Shipping containers
 - (7) Temporary storage containers
 - (8) Trailers
 - (9) Campers

ARTICLE IV ADDITIONAL USE REQUIREMENTS

§395-27 PURPOSE. The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.

§395-28 APPLICABILITY. In addition to complying with other regulations established in this Chapter, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this Chapter for the zoning districts, but only to the extent that they conflict with and are more restrictive than such requirements.

§395-29 AGRICULTURAL USES

A. AGRICULTURE

- (1) Nonresidential accessory buildings or structures used solely in conjunction with the agricultural use on the property or an adjacent property in common ownership may be constructed prior to a principal structure or residence (e.g., sugar shacks, agricultural storage buildings, barns, etc.).
- (2) Buildings or structures in which livestock are kept shall be located a minimum of 2,000 feet from any residential or business zoning district.
- (3) Swine farming and fur farming shall be prohibited in the Conservancy (C-1) District.

B. ACCESSORY AGRICULTURE

- (1) Such use shall only be permitted as an accessory use to a principal residential use or as an accessory use to a principal "School/College/University" land use.
- (2) Agricultural activities shall not be for commercial purposes and shall only include the following agricultural activities:
 - (a) Horticulture
 - (b) Floriculture
 - (c) Keeping of poultry hens
 - (d) Beekeeping
- (3) Beekeeping shall only be permitted as an accessory use to a "School/College/University" land use.
- (4) The keeping of poultry hens and beekeeping shall be subject to the requirements of §128-21 of the Code of the Village of Mishicot.

- (5) Such use may involve the construction of a greenhouse and/or other accessory structures incidental to such accessory agriculture use, subject to the applicable provisions of this Chapter.

C. COMMERCIAL GREENHOUSE

- (1) Outdoor storage and display shall be prohibited except as follows:
 - (a) Outdoor display of products and materials for retail sale may be allowed at the discretion of the Village Board.
 - (b) Outdoor storage of equipment and materials may be allowed at the discretion of the Village Board, provided such equipment and materials are screened from right-of-ways and adjacent properties through means such as vegetation/shrubbery, fences, walls, enclosures, etc.

§395-30 RECREATIONAL USES

A. CAMPGROUNDS

- (1) Campgrounds shall be subject to the provisions of Ch. ATCP 79, Wis. Adm. Code

B. CAMPING

- (1) Camping shall only be permitted as follows:
 - (a) In legally established campgrounds without the issuance of a building/zoning permit.
 - (b) As allowed pursuant to §260-48 of this Code.

C. OUTDOOR SHOOTING RANGE/GUN CLUB

- (1) The club or range and any structure associated with the club or range must be located so that the use of a firearm on the premises does not create a nuisance or danger to any person or property on any adjacent parcel.
- (2) Accessory uses, such as a bar, dining facility, kitchen, or storage shed that is incidental to the operation of the club or range, may be allowed.

§395-31 RESIDENTIAL USES

A. TWO-FAMILY RESIDENCE (DUPLEX)

- (1) In the General Business (B-1) and Community Business (B-2) Districts, two-family residences shall comply with the following requirements:

- (a) Such residences shall only be allowed if located within or attached to a building containing a commercial and/or institutional use.
- (b) Residential dwelling units shall be at least ten (10) feet above the adjacent street grade. Residential dwelling units shall be prohibited on the ground floor.

B. MULTI-FAMILY RESIDENCE

- (1) Multi-family residences shall only be allowed on parcels or lots served by public water and sewer.
- (2) In the General Business (B-1) and Community Business (B-2) Districts, multi-family residences shall comply with the following requirements:
 - (a) Such residences shall only be allowed if located within or attached to a building containing a commercial and/or institutional use
 - (b) Residential dwelling units shall be at least ten (10) feet above the adjacent street grade. Residential dwelling units shall be prohibited on the ground floor

C. ACCESSORY DWELLING UNIT

- (1) Not more than one (1) accessory dwelling unit shall be permitted per lot.
- (2) Accessory dwelling units shall be attached to the single family residence via a common wall and/or enclosed breezeway.
- (3) Accessory dwelling units shall comply with the setbacks as required for principal structures.
- (4) Accessory dwelling units shall have a consistent exterior design theme as the single family residence which it is attached to.
- (5) Minimum and maximum floor area for accessory residences shall be provided per §395-24 of this Chapter.
- (6) A minimum of one (1) off-street parking space shall be provided in addition to the required parking spaces for the single family residence and any other use(s) on the property requiring off-street parking per Article V of this Chapter.
- (7) Occupancy of the accessory dwelling unit shall not be allowed until a certificate of occupancy is obtained for the primary residence.
- (8) Accessory dwelling units shall not be used for short term rentals.
- (9) Accessory dwelling units shall not be conveyed or separated in ownership from the primary residence on the lot.

- (10) Accessory dwelling units shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation (i.e., living area, bedroom, kitchen, and bathroom).

D. MANUFACTURED HOME COMMUNITY

- (1) Manufactured home communities shall be subject to the requirements of Ch. SPS 326, Wis. Adm. Code.
- (2) Manufactured home communities shall only be allowed on parcels or lots served by public water and sewer.

E. SHORT TERM RENTALS (STR)

- (1) State and County License. An STR is subject to licensing requirements contained in Ch. ATCP 72, Wis. Admin. Code (e.g., State Tourist Rooming House License) and the Manitowoc County Public Health Ordinance.
- (2) Occupancy Limit. Occupancy is limited to no more than two (2) persons per bedroom, plus two (2) additional persons, per structure, and may not exceed a total of 12 persons.
- (3) Required inspection for public safety. Before the issuance of any Conditional Use Permit, an inspection of the residential structure shall occur by the Village's Building Inspector. All STR rooms for rent shall be UDC (Uniform Dwelling Code) compliant. Inspections may be required every five years at a minimum, by discretion of the Village.
- (4) Parking.
 - (a) All vehicle parking shall occur on-site. No on-street parking shall be permitted.
 - (b) The owner shall provide sufficient off-street parking for all day-time visitors, and shall provide off-street parking on the parcel or lot for each vehicle that is parked overnight.
 - (c) The maximum number of vehicles that may be parked on the property overnight is six (6).
- (5) The owner of a short term rental must keep a register detailing the use of the premises. The register must include, at a minimum, the name, address, and telephone number of each guest using the property and the license number of each vehicle that is parked on the property. A copy of the register must be made available to the Village upon request
- (6) It is unlawful for any person to use or allow another person to use a camper, motor home, recreation vehicle, trailer, or any other means to provide overnight accommodations outside of the principal structure on the premises of a short term

rental.

- (7) The Village Board may impose conditions intended to reduce the impact of the proposed use on neighboring properties. The conditions may include, but are not limited to, the installation of a fence or vegetative screening along a property line, or the imposition of specified quiet hours.

F. BOARDINGHOUSE

- (1) No boardinghouse or rooming house may contain or be occupied by more than 10 boarders.
- (2) One off-street parking space shall be provided for every two sleeping rooms contained in each residence in addition to the parking required for the manager or permanent household.
- (3) The minimum lot area required shall be as specified in the zoning district in which the boardinghouse or rooming house is located, plus 500 square feet for each sleeping room provided beyond that which is required for the owner or managers.
- (4) The boardinghouse or rooming house must meet all other applicable state, county or Village codes and regulations.

G. ACCESSORY RESIDENCE

- (1) Accessory residences shall be subject to the regulations herein and shall not be regulated as single-family residences, two-family residences, multi-family residences, or accessory dwelling units.
- (2) Accessory residences may be attached or detached dwelling units.
- (3) The setbacks shall be the required setbacks for principal structures.
- (4) One parking space shall be provided for each residential unit.
- (5) Minimum and maximum floor area for accessory residences shall be provided per §395-24 of this Chapter.
- (6) Accessory residences shall contain permanent provisions for living, sleeping, eating, cooking, and sanitation (i.e., living area, bedroom, kitchen, and bathroom).

§395-32 COMMERCIAL USES

A. SPECIAL EVENT

- (1) Activities shall not obstruct pedestrian or vehicular circulation, including vision clearance triangles.

- (2) Adequate parking, drinking water, toilet facilities, and crowd control shall be provided.
- (3) If the subject property is located within or adjacent to a residentially-zoned area, activities shall be limited to daylight hours, unless approved for longer hours at the discretion of the Village Board.
- (4) Special events shall not exceed 14 total days in a calendar year nor seven (7) consecutive days on any single parcel or lot.

B. ADULT ENTERTAINMENT/ADULT ORIENTED ESTABLISHMENT

- (1) Adult entertainment/adult oriented establishments shall comply with the regulations and requirements of Chapter 115, Adult Entertainment Businesses, of this Code.

C. HOME OCCUPATION. A home occupation use shall comply with the following special requirements:

- (1) No persons other than residents of the dwelling unit on the premises shall be engaged in home occupations. Other persons may be employed by the home occupation, but shall not work on the premises
- (2) The use of the dwelling unit and/or its attached garage for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.
- (3) A home occupation may be conducted in a dwelling unit and/or its attached garage, subject to the following floor area limitations:
 - (a) Not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
 - (b) The total floor area used in the conduct of the home occupation (within the dwelling unit and/or attached garage) shall be no more than 25% of the gross floor area of the dwelling unit (including the basement or cellar).
- (4) There shall be no change in the outside appearance of the building or premises or other visible evidence of conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that signs in compliance with Article VII of this Chapter may be permitted.
- (5) No home occupation shall be conducted in any accessory building nor shall there be any exterior storage of any materials on the premises.

- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.
- (7) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (8) A maximum of one on-site vehicle and one trailer bearing business insignia or used in conjunction with the home occupation may be stored outdoors, and visible from rights-of-way and neighboring properties. Any additional on-site vehicle(s) or trailer(s) bearing business insignia or used in conjunction with the home occupation shall be stored indoors or shall not be visible from the rights-of-way and neighboring properties.
- (9) The home occupation shall not include the conduct of retail, wholesale, or personal/professional service business on the premises, except for the sale of products or services produced by the home occupation.
- (10) Deliveries to or shipments from the property of products, materials, equipment, or machinery used in conjunction with a home occupation shall not exceed five (5) per week.

§395-33 INSTITUTIONAL USES (NONE)

§395-34 INDUSTRIAL USES

A. NONMETALLIC MINING

- (1) Purpose. These supplemental regulations are intended to assure that nonmetallic mining operations are properly controlled, while providing the maximum degree of flexibility in dealing with mineral deposits whose locations are not precisely known, and are in addition to any requirements contained in the Manitowoc County Nonmetallic Mining Operations Ordinance.
- (2) Aerial Photograph and Map. An application for a nonmetallic mining conditional use permit must include an aerial photograph and map that provides the following information:
 - (a) The boundaries of the affected parcel and any adjacent parcel and the location and name of all pipelines, railroads, roads, streams, utilities, and wetlands on the affected parcel and any adjacent parcel.

- (b) The name of the owner of each adjacent parcel and the location of all structures within 1,000 feet of the outer perimeter of the area, the purpose for which the structure is used, and the names of each structure's occupants.
 - (c) The proposed location, extent, and depth of the intended sand, gravel, and rock excavation, showing the setback distances.
 - (d) The proposed location of any ponds, sediment basins, stockpiles, and waste dumps, showing the setback distances.
 - (e) The surface drainage of the affected land and the estimated depth to groundwater.
- (3) Operational Information. An application for a nonmetallic mining conditional use permit must include the following operation information:
- (a) The duration of any applicable lease.
 - (b) The estimated date that operations will commence and terminate.
 - (c) The anticipated hours of operation.
 - (d) The proposed primary travel routes to transport material to and from the property.
 - (e) A description of the excavation and processing equipment to be used.
 - (f) A description of measures to be taken to screen the operation from view from any residence on an adjacent parcel.
 - (g) A description of measures to be taken to control dust, noise and vibrations from the operation.
- (4) Operations.
- (a) All blasting must be done by a state licensed and certified blaster, who must have a certificate of liability or proof of liability insurance.
 - (b) All excavation equipment must be constructed, maintained, and operated in such a manner as to eliminate, as far as practicable, any dust, noise, or vibration that might adversely affect or injure any person living in the vicinity of the operation.
 - (c) Any excavation access road must have and be maintained with a dustless surface, and a stop sign must be placed where the access road intersects a public road.

- (d) Any part of an excavation in which water collects to a depth of 2 feet or greater for 30 consecutive days or more must be drained or filled so as to prevent such a collection of water.
- (e) Operations must be conducted in such a manner that any water runoff from operation does not adversely affect any adjacent parcel.
- (f) All equipment and temporary structures, such as an asphalt plant, conveyor, or screener, must be removed from the parcel within 90 days of the termination of extraction operations.
- (g) All rubble and other debris must be removed from the parcel within 90 days of the termination of extraction operations.

(5) Setback Requirements.

- (a) The excavation must be setback at least 1,000 feet from any existing residence unless the Village Board determines that it is in the public interest to permit an excavation at a distance that is less than 1,000 from an existing residence.
- (b) The excavation must be setback at least 200 feet from all right-of-way lines.
- (c) The excavation must be setback at least 100 feet from any lot line, except that the Village Board may set a smaller setback or waive the setback requirement if the adjacent parcel is or will be excavated.

(6) Options.

- (a) The Village Board may require fencing if warranted by existing conditions.
- (b) The Village Board may restrict the hours of operation if warranted by existing conditions.
- (c) The Village Board may require the testing of wells adjacent to the proposed operation for turbidity, water levels, or other factors after the conditional use permit is granted.

B. SOLID WASTE FACILITIES AND SALVAGE YARDS

- (1) Any solid waste facility or salvage yard shall be located so that it does not prevent or interfere with the proper development of the surrounding area.
- (2) Screening. Any solid waste facility or salvage yard shall be adequately fenced or otherwise screened year-round with a dense shrub growth from public right-of-ways and neighboring properties to prevent unsightliness and the blowing of materials off of the premises. The fence or vegetative screen shall be a minimum of eight (8) feet in height and shall be properly maintained to satisfy the obscuring objective.

- (3) Setbacks. The minimum front, side and rear yard setback for any solid waste facility or salvage yard is 50 feet.
- (4) The Village Board shall take into consideration the temporary nature of solid waste facility operations and the public necessity for waste disposal in considering the application for a conditional use permit for a solid waste facility operation.
- (5) Solid waste facilities shall comply with solid waste disposal standards and polluting control requirements of the State of Wisconsin.
- (6) Sureties. In order to cover the cost of road maintenance and repair, the Village Board may require that a bond, letter of credit, or other financial guarantee satisfactory to the Village Board be submitted by the owner or operator. The amount and form of financial surety/guarantee shall be specified by the Village Board and shall be used to cover the cost of repairing roads which deteriorate due to traffic generated by the facility.

§395-35 MISCELLANEOUS USES

A. AIRPORTS AND PRIVATE AIRSTRIPS/LANDING FIELDS

- (1) A tract of land used for an airport or private airstrip/landing field shall be of sufficient size and adequate in all other respects to provide for the safe operation of the facility, to prevent hazards to surrounding property, and to meet the standards of the Federal Aviation Administration for the class of airport or private airstrip/landing field proposed.
- (2) An airport or landing strip may not interfere with the development of any thoroughfare in the area.

B. UTILITY INSTALLATIONS

- (1) No building/zoning permit shall be required for any installation that is at or below grade elevation, nor for electrical poles, towers and wires.
- (2) Structures which are four (4) feet or less above grade elevation are not required to meet yard/setback requirements.
- (3) Electrical substations and water storage facilities shall be enclosed by a fence or wall at least eight (8) feet in height.

ARTICLE V PARKING, LOADING, AND ACCESS/DRIVEWAY REQUIREMENTS

§395-36 PURPOSE AND APPLICABILITY

- A. **PURPOSE.** The intent of this Section is to prevent or alleviate the congestion of the public streets and promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading according to the use of the property, and to promote safety and convenience for people by requiring that parking areas and driveways be located and constructed according to good standards for visibility, accessibility and safety. It is the responsibility of property owners to provide adequate parking to meet their specific needs.
- B. **APPLICABILITY.**
 - (1) The requirements of this Section shall apply to all uses enumerated in Table V-1.
 - (2) All uses hereafter established, expanded, changed in use to create a need for ten percent (10%) greater parking capacity, reduced in size, or alteration to existing surfaces shall provide off-street parking and loading space in accordance with the standards set forth in this Section. Alteration means adding asphalt or concrete to a gravel parking lot or parking space or removing asphalt or concrete from a parking lot or parking space and exposing the gravel base course and repaving of such area, but does not include seal coating or lining/stripping.

§395-37 OFF-STREET PARKING REQUIREMENTS

- A. **ACCESS.** Adequate access to a public street shall be provided for each parking space. Internal driveways providing access to parking spaces shall be at least 12 feet wide for one-way traffic and 24 feet wide for two-way traffic.
- B. **DIMENSIONS.** The Minimum Dimensions of each parking space shall be 9 feet wide by 20 feet long, except for properly signed spaces provided for use by handicapped persons.
- C. **PARKING SPACES FOR HANDICAPPED PERSONS**
 - (1) Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate handicapped persons, and these shall be clearly marked as such.
 - (2) Handicapped stalls shall be located in close proximity to the principal entrance(s).
 - (3) Parking spaces shall be designed in accordance with the state and federal building code and, as a minimum, shall meet the Federal ADA standards.
 - (4) Handicap ramps shall meet the Federal ADA standards.

D. LOCATION.

- (1) Parking Spaces shall be on the same lot as the Principal Use or on an adjoining lot under the same ownership as the lot containing the use it serves.
- (2) Adjoining lots used to provide required off-street parking shall be located in a commercial/business or industrial district, or the same district as the lot containing the use it serves.
- (3) No parking space shall be located closer than 5 feet from any property line or public right-of-way line, or within a vision clearance triangle.
- (4) No parking space, except in residential districts, shall be closer than 25 feet to a lot within a residential district.

E. DESIGN STANDARDS

- (1) All parking lot development or expansion of existing parking lots that need to accommodate more than ten (10) parking stalls shall be subject to development plan design standards as identified below:
 - (a) Drainage. All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties.
 - (b) Protection Devices Barriers, curbing, or wheel stops shall be installed and so located as to prevent any portion of a vehicle from projecting beyond property lines, into any landscaping and screening, or into a pedestrian space. Such barriers, curbs or wheel stops shall be constructed and anchored to prevent their dislocation.
 - (c) Surfacing. Parking areas, including stalls and access ways, shall be either concrete or asphalt. Parking areas designed solely for heavy duty vehicle (e.g., semi-truck, garbage truck, dump truck, passenger bus, etc.) traffic and parking may provide a gravel surface under the following conditions:
 - [1] The entrance must be asphalt or concrete for at least the first twenty-five (25) feet from the right-of-way, except only concrete shall be allowed within the road right-of-way, as directed or approved by the Director of Public Works.
 - [2] The gravel must be periodically graded and maintained in a dust free manner, free of debris, weeds and other plant materials.
 - [3] The street adjoining the driveway must be free of gravel from the parking lot.

(d) Screening.

- [1] Off-street parking areas containing 5 or more spaces shall be effectively screened on all sides which adjoin, face or is visible from adjacent premises situated in any residential district by a fence of acceptable design, wall or compact hedge.
- [2] Such fence, wall or hedge shall not be less than four (4) feet in height and no solid portion shall be more than six (6) feet in height, and shall be maintained in good condition.
- [3] The space between such fence, wall or hedge and the lot line of adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition.

F. MAINTENANCE

- (1) Parking Lot Conditions. The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all weeds, standing water, trash, abandoned or junk vehicles and other debris.
- (2) Lighting. Parking lot and loading space lighting fixtures shall be of a full cut-off type to avoid light spilling over onto adjacent properties and public rights-of-way. Compliance with this requirements shall be supported by a photometric lighting study completed by a qualified individual or firm.
- (3) Striping. All parking areas shall be striped to delineate parking stall locations.
- (4) Maneuvering. All parking and loading spaces shall be designed to provide safe maneuvering to occur within the property line.
- (5) Snow storage. Snow storage must be provided on-site or shall be removed from the site and properly disposed of in a timely fashion. Snow storage shall be prohibited in a public road or railroad right-of-way.

G. NUMBER OF PARKING SPACES REQUIRED.

- (1) Except as provided in sub. (b), the minimum number of off-street parking spaces to be provided shall be in accordance with Table V-1.
- (2) Exceptions.
 - (a) Multiple Uses on a Lot. In developments involving the establishment or addition of two or more uses on one lot or parcel, shared parking arrangements shall be encouraged, provided it can be shown that the number of spaces can meet the parking needs of the multiple establishments. Shared parking agreements and cross-access easements may be required as part of approval. The Plan

Commission may allow a reduction of required parking spaces below the requirements described in Table V-1, without a variance, if the applicant or property owner can prove:

[1] Peak demands for individual uses on the lot or parcel do not coincide, or

[2] The same parking space can simultaneously serve both uses.

(b) The Plan Commission may allow a reduction of required parking spaces below the requirements described in Table V-1, without a variance, if the applicant or property can prove, through submittal of a detailed parking analysis/study completed by a qualified individual/firm, that the subject use will not warrant the minimum number of parking spaces described in Table V-1.

(3) Uses not enumerated. In the case of uses specifically not listed in Table 5-1, the minimum number of parking spaces shall be determined by the Plan Commission based upon requirements for similar uses.

(TABLE V-1, MINIMUM OFF-STREET PARKING SPACE REQUIREMENTS,
BEGINS ON NEXT PAGE)

| Table V-1: Minimum Off-Street Parking Space Requirements | |
|---|--|
| Type of Use | Minimum Required Off-Street Parking Spaces |
| AGRICULTURAL USES | |
| On-Site Agricultural Retail | 1 space per 200 square feet of useable floor area |
| Commercial Greenhouse | |
| RESIDENTIAL USES | |
| Farm Residence | 1 space per dwelling unit |
| Non-Farm Residence | |
| Single Family Residence | |
| Two-Family Residence (Duplex) | |
| Accessory Dwelling Unit | |
| Manufactured Home Community | |
| Manufactured/Mobile Home ⁴ | |
| Accessory Residence | 1.5 spaces per dwelling unit |
| Multi-Family Residence (3-8 Units per Structure) | |
| Multi-Family Residence (9+ Units per Structure) | |
| Boardinghouse | 1 space per sleeping room |
| COMMERCIAL USES | |
| Hotel/Motel | 1 space per lodging unit, plus 1 space per 2 employees during peak shifts |
| Restaurant/Tavern | 1 space for each 3 seating accomodations, based on maximum seating capacity |
| Artisan Gallery/Studio | 1 space per 200 square feet of useable floor area, plus 1 space for each company vehicle operating from the premises |
| Retail/Wholesale | |
| Professional Office/Service Establishment | |
| Winery/Brewery/Distillery | |
| Bakery | |
| Group Day Care Center | |
| Vehicle Sales/Service/Rental | |
| Farm Implement/Heavy Vehicle Sales/Service/Rental | |
| Gas Station/Carwash | |
| Indoor Commercial Entertainment Facility (except restaurants/taverns) | |
| Special Event | |
| Contractor Storage Yard | |
| Kennel | |
| Adult Entertainment/Adult-Oriented Establishment | 1 space per employee during peak shifts |
| Commercial Radio/TV Broadcast Studio | |
| Commercial Trucking Establishment | |
| Lumber/Building Supply Yard | |

| Table V-1: Minimum Off-Street Parking Space Requirements (Continued) | |
|--|--|
| Type of Use | Minimum Required Off-Street Parking Spaces |
| INSTITUTIONAL USES | |
| Places of Worship | 1 space for each 4 seating accomodations based on maximum seating capacity of the main assembly room |
| Municipal Building | 1 space per 200 square feet of useable floor area |
| Social Clubs/Lodges | |
| Funeral Home | |
| Library/Museum | |
| Institutional Residential | 0.5 spaces per sleeping accomodation/bed |
| Community Living Arrangement | |
| INDUSTRIAL USES | |
| Asphalt/Concrete Plant | 0.75 spaces per employee during peak shifts, plus 1 space for each company vehicle operating from the premises |
| Nonmetallic Mining | |
| Solid Waste Facility (e.g., sanitary landfill) | |
| Manufacturing, Assembly, Processing | |
| Salvage Yard | |
| Wastewater Treatment Plant | |
| Slaughterhouse | |
| Warehouse | |
| MISCELLANEOUS USES | |
| Animal Shelters/Pounds | 1 space per employee during peak shifts |

NOTE: Useable floor area excludes hallways, bathrooms, utility or storage areas, and any areas not accessible to the general public.

§395-38 LOADING REQUIREMENTS

- A. On the same lot with every building structure or part thereof erected hereafter, to be used for other than exclusive dwelling purposes, there shall be provided on the lot adequate space for standing, loading and unloading motor vehicles in order to avoid undue interference with the public use of streets or alleys.
- B. Such space, unless otherwise adequately and specifically provided for, shall include a 10 foot by 25 foot loading space with 15 foot height clearance. One (1) such space shall be provided for each 20,000 square feet or fraction thereof of floor or lot area used for other than residential purposes.
- C. The loading and unloading space shall be separate from any parking aisle or parking spaces unless delivery or pickup activities are scheduled for hours when the parking area is not in use.

§395-39 ACCESS/DRIVEWAY REQUIREMENTS

- A. Every use shall have legal access to a public road. However, property owners have the responsibility of securing such access.
- B. No direct access shall be permitted to an existing or proposed public right-of-way without the permission of the entity maintaining access control over that public right-of-way.
- C. For all uses, except Agricultural Uses, no more than 2 driveways per lot shall be permitted.
- D. DRIVEWAY WIDTH.
 - (1) For all Residential Uses, access driveways shall be at least 15 feet wide and not more than 35 feet wide.
 - (2) Access driveways for all other uses, except Agricultural Uses, shall be at least 20 feet wide and not more than 35 feet wide. Such drives may be reduced to 12 feet wide if they are enter-only or exit-only drives.
- E. SETBACK.
 - (1) Except as provided in (2) below, all access driveways shall be placed such that the driveway edge nearest to any lot line is at least 5 feet from the neighbor's lot line, unless driveways are shared by adjoining property owners.
 - (2) No access driveway, except in residential districts, shall be closer than 25 feet to a lot within a residential district.
- F. DRIVEWAY MATERIAL. All access driveways serving lots in a residential, commercial/business or industrial district shall be either concrete, asphalt or gravel, except only concrete shall be allowed within the road right-of-way, as directed or approved by the Director of Public Works.
- G. LOCATION.
 - (1) Access drives shall be located opposite median crossovers, where present.
 - (2) At road intersections, access driveways shall be located at least 25 feet from the point of intersection of the road right-of-ways. For lots existing prior to the effective date of this Chapter which cannot meet this provision, one access driveway less than 25 feet from the point of intersection of the road right-of-ways shall be permitted.

ARTICLE VI SUPPLEMENTAL REQUIREMENTS

§395-40 Excavations or Holes. The construction, maintenance, or existence within the Village of Mishicot of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, is hereby prohibited; provided, however, that this section shall not prevent any excavation under a permit issued pursuant to this Chapter or the Building Code of the Village of Mishicot where such excavations are properly protected and warning signs posted in such manner as may be approved by the Zoning Administrator or Building Inspector, and provided further that this section shall not apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of any government agency.

§395-41 Removal of Soil, Sand or Other Material.

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

§395-42 Storage or Dumping of Used Materials, Junk or Other Refuse.

- A. The use of land for the storage or collection or accumulation of used lumber and other used materials, yard waste, or for the dumping, disposal or salvage of automobiles, scrap, iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products, shall not be permitted in any district, except as specifically permitted in other sections of this Chapter.

- B. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district, provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district.

ARTICLE VII SIGNS

§395-43 PURPOSE AND INTENT The intent of this Section is to provide comprehensive and balanced sign regulations that will preserve the right of free speech and expression; avoid excessive levels of visual clutter or distraction that are potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance; and ensure that signs are well-constructed and maintained and expressive of the identity of individual activities and the community as a whole.

§395-44 COMPLIANCE No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Section and a sign permit, unless exempted from sign permit requirements under subsections D or G.

§395-45 NONCOMMERCIAL SIGNS Any sign authorized by this Section may contain a noncommercial message. Noncommercial signs shall be subject to the same permit requirements, restrictions on size and type, and other specifications set forth in this Section.

§395-46 EXEMPTIONS The following signs are exempt from the regulations contained in this Section:

- A. A sign posted by: the Village; a County, State or Federal agency; or school, college or university (including both on-premise and off-premise signs).
- B. A sign integrated into or on an automatic teller machine, coin-operated machine, or vending machine.
- C. A sign carried by a person.
- D. A sign not visible from any public right-of-way, public property, or navigable water. this includes signs located within the interior of any building which is not oriented or intended to be visible from outside the building.
- E. Street addresses and numbers.
- F. Murals and other works of art that are not related by logo, pictorial depiction, or other means to the advertisement of any product or service or the identification of any business.
- G. Seasonal, holiday or other temporary lights and decorations containing no commercial message and displayed during the appropriate time of year.
- H. Flags of the United States and Wisconsin and other countries or states, up to a maximum of three per lot or parcel. If the flag is displayed on a flagpole, the maximum dimension of any flag shall be proportional to the flagpole height, and the hoist side of the flag shall not exceed 20 percent of the vertical height of the pole. Flags must be flown in accordance with protocol established by the U.S. Congress. Any flag not meeting these requirements shall be considered a sign subject to the requirements of this Section and not allowed as an exemption under this subsection E.

§395-47 PERMIT PROCEDURES

- A. PERMIT REQUIRED. No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without conformance with the provisions of this Chapter and a sign permit, except a sign permit shall not be required for the following:
- (1) A change of copy of any sign, nor for the repainting, cleaning and other normal maintenance and repair of the sign and sign structure.
 - (2) Signs exempted in subsections D or G.
- B. APPLICATION FOR A SIGN PERMIT. Application for a permit shall be filed with the Zoning Administrator upon forms provided by the Village and shall include the following information:
- (1) Applicant and Property Owner. Name, address, and telephone number of the applicant and property owner.
 - (2) Location. Location of the building, structure, or lot upon which the sign is to be attached or erected.
 - (3) Responsible Parties. Name of the person, firm, corporation, or association erecting the sign.
 - (4) Consent. Written consent of the owner or lessor of the building, structure, or lot upon which the sign is to be affixed. No written consent is required if the property owner is the applicant.
 - (5) Sign Plan. A scaled drawing or image of the sign, including colors to be used. A written description of the drawing shall also be submitted, including a detailed description of the materials and colors to be used; the sign dimensions; the type of illumination, if any; and the method of construction and attachment. A foundation plan, prepared by a professional engineer, may be required at the discretion of the Zoning Administrator or Building Inspector.
 - (6) Site Plan. A scaled drawing of the site indicating the location and position of the sign in relation to nearby buildings and structures, existing signs on the site, property lines, public rights-of-way, and easements.
 - (7) Other Permits. Copies of any other permits required and issued for the sign.
 - (8) Additional Information. Additional information as may be required by the Zoning Administrator or Plan Commission.
- C. APPLICATION FEE. All permit applications shall be accompanied by a fee established by the Village of Mishicot Board of Trustees. Any costs associated with a third-party

consultant hired by the Village for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.

D. PERMIT REVIEW.

- (1) The Zoning Administrator shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 20 working days of receipt of a complete application, unless Plan Commission review is required or the time is extended by written agreement with the applicant. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit.
- (2) If deemed necessary because of sign type, location, or proposed construction, the Zoning Administrator may refer any application for a sign permit to the Plan Commission for review and guidance. The Plan Commission shall review and make a recommendation within 45 days of receiving the application.
- (3) When reviewing a sign permit application, the Village shall consider the following:
 - (a) Compliance with this Section and other appropriate laws and regulations.
 - (b) The location, appearance, material, lighting, height, and size of the proposed sign and supporting structure in relation to the site and surrounding uses.
 - (c) The safety of pedestrians, bicyclists, and vehicle operators on adjoining streets and highways and occupants of abutting properties.
 - (d) The effect of the sign on the scenic beauty or character of the streetscape, neighborhood, and community.

E. TIME TO CONSTRUCT. A sign permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance. The Zoning Administrator may approve an extension of up to three months based on a written request from the applicant.

F. FINANCIAL SURETY. Applicants for a sign permit, before the permit is granted, may be required to execute a cash bond or other appropriate surety in a sum fixed by the Plan Commission upon recommendation of the Zoning Administrator, but not to exceed \$25,000. The cash bond or other surety shall be of a form and type approved by the Village Attorney. The form of the cash bond or other surety shall indemnify the Village against all loss, cost of damages, or expense incurred or sustained by or recovered against the Village by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Section may be permitted by the Plan Commission in lieu of a bond or other surety.

G. INDEMNIFICATION. By applying for a sign permit, all persons engaged in the erection and maintenance of the sign, including the applicant, shall indemnify, defend, and hold harmless the Village, its officers, agents, and employees from and against any and all third party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

§395-48 STANDARDS

A. GENERAL PROVISIONS

- (1) Signs Facing Residential Districts. No sign, except those permitted in subsections §395-46, §395-49, §395-51 and §395-55, shall be permitted to face a residential district within 50 feet of such district boundary. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the residential zoning district, in a straight line without regard to intervening structures.
- (2) Words for phrases on signs should be minimized to allow reading or interpretation from a moving vehicle at posted speed limits without hazard. A combination of 10 words, sets of numbers, logos, or pictures normally will be considered as a guide and the applicant may be requested to modify the sign to delete excessive verbiage or numbers.
- (3) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices and shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (4) Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.
- (5) Sign Colors.
 - (a) Florescent colors shall not be permitted. Where such colors constitute a component of a standard corporate theme or identity, muted versions of such colors shall be used.
 - (b) Color schemes and lettering styles shall be used consistently on all signage used on a single lot, shopping center or other multi-tenant building.

B. CONSTRUCTION AND MAINTENANCE

- (1) Wind Pressure and Dead Load Requirements. All signs and supporting structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the Village Building Code or other applicable ordinance.
- (2) Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped or fenced off, or otherwise isolated.
- (3) Maintenance. The owner of any sign shall keep the sign and supporting structure in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, and

weeds. Restoration or painting which changes the size, color, or location of a sign will require a new sign permit.

(4) Supporting Foundations, Posts, or Braces.

- (a) Supporting foundations, posts, or braces shall be constructed of galvanized iron or properly treated wood, steel, copper, brass, or other noncorrosive and noncombustible material.
- (b) Projecting signs shall be attached to the supporting building or structure by noncorrosive metal bolts, anchors, cable, or other metal attachments so as to ensure permanent and safe construction, and shall be maintained free from rust or other defects.

[1] Every means or device used for attaching any sign shall extend through the walls of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the underside of two or more roof or ceiling joists in accordance with instructions given by the Building Inspector.

[2] Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.

- (5) No Signs or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe. No sign or any sign anchor, brace, or guide rod shall be erected or maintained so as to hinder or prevent ingress or egress through any door, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department.
- (6) Signs with electrical wiring shall require an electrical permit from the Village Building Inspector. Overhead electrical wiring shall be prohibited.

C. MEASUREMENT STANDARDS

(1) Measuring Sign Area.

- (a) In calculating the area of a sign to determine whether it meets the requirement of this Section, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting posts or foundations shall be excluded from the area calculation.
- (b) The area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.
- (c) When a sign has more than one display face, the combined surface area of all display faces that can be viewed simultaneously shall be considered the sign area.



- (2) Measuring Sign Height. The sign height shall be the vertical distance measured from the grade at the base of the sign structure to the highest point of such sign or sign structure. In the case where a sign is to be located in a raised planting bed or berm, the grade shall be determined by the average of the grades measured at the base of the planting bed or the toes of the slope at the front and back of the bed or berm.

D. SETBACKS

- (1) All freestanding signs, including all components, shall be set back a minimum of five (5) feet from any property line or public right-of-way line.
- (2) All projecting signs, including all components, shall be set back a minimum of five (5) feet from any side or rear property line
- (3) No sign, including all components, shall be erected within the vision clearance triangle of any road intersection.

E. ILLUMINATION

- (1) Signs may be illuminated provided they are not located in an R-1 Single-Family Residential District, R-2 Single- and Two-Family Residential District, or R-3 Multiple Family Residential District.
- (2) Signs, other than public traffic control signs, shall have no elements that are flashing, blinking, rotating, or pulsating. Bare (uncovered) light bulbs are prohibited. Signs that include changeable copy reader boards and Electronic Message Boards

(EMBs) shall not be considered flashing or pulsating signs, provided they comply with all other applicable provisions of this Section.

- (3) No sign shall be illuminated by any source of light that is not shielded to prevent glare or illumination of property containing a residential use or property in a R-1 Single-Family Residential District, R-2 Single- and Two-Family Residential District or R-3 Multiple Family Residential District, other than that of the sign owner; nor shall the glare or any light source be so directed as to impair the safety of moving vehicles.
- (4) Internal illumination, including neon lighting, shall be static in intensity and color.
- (5) External illumination shall be by a steady, stationary light source that is static in intensity and color, shielded, and directed either downward or solely at the sign.
- (6) If external illumination is approved, the fixture shall be mounted on a permanent unmovable base and the neck soldered so as to prevent the fixture from being tampered with or redirected.

F. ELECTRONIC MESSAGE BOARDS (EMBS) AND CHANGEABLE COPY READER BOARDS. EMBs or changeable copy reader boards shall be subject to the following additional requirements:

- (1) Blinking or flashing messages are prohibited.
- (2) Text or images, or any portions thereof, on an EMB shall not change more frequently than once every five (5) seconds and shall not change more than six (6) times per minute.
- (3) The maximum illumination of any electronic message or manual changeable letter sign shall not exceed 15 foot-candles when measured with a light meter held perpendicular to the sign at a distance of 24 inches.
- (4) Each sign shall be placed in such a manner so as to not interfere with, confuse, or present any hazard to traffic or pedestrians.
- (5) A sign containing an EMB shall not be located closer than 50 feet from a property in an R-1 Single-Family Residential District, R-2 Single- and Two-Family Residential District or R-3 Multiple Family Residential District. The distance shall be calculated as the shortest measurable distance between the face of the sign to the edge of the property in a R-1, R-2 or R-3 District, in a straight line without regard to intervening structures.
- (6) Audio speakers and all forms of pyrotechnics are prohibited.

§395-49 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT The following signs are permitted in all zoning districts without a permit, subject to the specified conditions:

- A. SIGNS CARVED INTO OR AFFIXED FLAT TO A BUILDING in such a way that they are not directly illuminated, are not made of a reflecting material, do not contrast sharply in color with the building, and do not exceed two (2) inches in thickness. Examples include but are not limited to memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or constructed of metal.
- B. TEMPORARY FREESTANDING OR WALL SIGNS on properties or buildings for sale, lease, or rent, subject to the following requirements:
 - (1) For properties in the A-1, R-1, R-2, R-3, and C-1 Districts, such signs shall not exceed six (6) square feet in area and a maximum of six feet in height.
 - (2) For properties in the B-1, B-2, I-1, and I-2 Districts, such signs shall not exceed 24 square feet in area and a maximum of 12 feet in height.
 - (3) Such signs shall be removed within 10 days after the property or building is sold, leased, or rented.
- C. ONE (1) ADDITIONAL TEMPORARY FREESTANDING SIGN, not exceeding six square feet in area, provided that no such signs shall exceed four feet in height or be erected or placed within a public right-of-way. Such temporary signs are limited to no more than three days duration two times in any calendar year.
- D. ONE (1) PERMANENT WALL SIGN not to exceed two (2) square feet in area and mounted flush against a dwelling.
- E. TWO (2) PERMANENT ON-PREMISE FLAG SIGNS not to exceed 32 square feet in area. Such flag signs shall meet the setback requirements described in subsection F. (4) of this Section
- F. ELECTION CAMPAIGN SIGNS. As provided in Section 12.04 of the Wisconsin Statutes, election campaign signs are permitted in residential zoning districts subject to the following requirements:
 - (1) The sign shall not be erected prior to the first day of the “election campaign period” as defined in the Wisconsin Statutes, and shall be removed within 10 days following the election.
 - (2) Election signs shall not exceed 11 square feet in area unless the sign is affixed to a permanent structure; does not extend beyond the perimeter of the structure; and does not obstruct a window, door, fire escape, ventilation shaft, or other area which is required by the Village building code to remain unobstructed.
 - (3) No election campaign sign shall be placed within a public right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.

§395-50 SIGNS PERMITTED IN AGRICULTURAL AND CONSERVANCY DISTRICTS WITH A PERMIT The following signs are permitted in the A-1 Agricultural and Residential and C-1 Conservancy Districts:

- A. ON-PREMISE WALL SIGNS affixed to or painted on non-residential buildings, provided the total cumulative area of such signs shall not exceed 100 square feet.
- B. ONE (1) ON-PREMISE FREESTANDING SIGN, subject to the following requirements:
 - (1) Maximum Sign Height: Eight (8) feet in height above the mean centerline street grade.
 - (2) Maximum Sign Area: 32 square feet.
- C. ONE (1) OFF-PREMISE FREESTANDING SIGN, subject to the following requirements:
 - (1) Maximum Height: Eight (8) feet in height
 - (2) Maximum Sign Area: 32 square feet.
- D. SIGNS LOCATED ON BACKRESTS OF PEDESTRIAN BENCHES, subject to the following requirements:
 - (1) Such signs may only be permitted as a conditional use.
 - (2) Maximum Sign Area: 12 square feet.

§395-51 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A PERMIT The following signs are permitted in the R-1 Single-Family Residential, R-2 Single- and Two-Family Residential, R-3 Multiple Family Residential Districts:

- A. ONE (1) PERMANENT GROUND SIGN placed at the entrance to a subdivision or development, subject to the following requirements:
 - (1) Such sign shall not be located in a public right-of-way.
 - (2) The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
 - (3) The Subdivider, condominium association, or homeowners association shall be responsible for paying all costs for maintenance of the sign and associated landscaping. Written agreements shall be on file between the Village and the Subdivider, condominium association, and/or homeowners association as to the maintenance and care of the sign and landscaping. The agreement shall also identify the responsible party for paying the costs of removing the sign in the event it is not properly maintained.

- (4) All subdivision or development ground sign placement, replacement, relocation, and removal shall be at the expense of the Subdivider, condominium association, or homeowners association. If the sign is in disrepair or becomes a hazard to public safety, the Village shall have the authority to remove the sign and assess the costs as provided for in the agreement.
- B. TEMPORARY SIGNS on land actively being subdivided or developed, subject to the following requirements:
 - (1) Maximum Sign Height: Eight (8) feet in height above the mean centerline street grade.
 - (2) Maximum Sign Area: 32 square feet on one side or 64 square feet on all sides.
 - (3) The sign shall be removed at the time development has been completed, as determined by the Zoning Administrator.
- C. ONE (1) ON-PREMISE WALL SIGN on a property containing a home occupation, public, institutional, or nonconforming land use, subject to the following requirements:
 - (1) Such sign shall not extend more than 12 inches from the wall surface.
 - (2) Maximum Sign Height: Such sign shall not extend above the building's roof line.
 - (3) Maximum Sign Area: 16 square feet
 - (4) Such sign shall not be illuminated.
- D. ONE (1) ON-PREMISE GROUND SIGN on a property containing a home occupation, public, institutional, or nonconforming land use, subject to the following requirements:
 - (1) Maximum Sign Height: Eight (8) feet in height above the mean centerline street grade.
 - (2) Maximum Sign Area: 16 square feet.
- E. SIGNS LOCATED ON BACKRESTS OF PEDESTRIAN BENCHES, subject to the following requirements:
 - (1) Such signs may only be permitted as a conditional use.
 - (2) Maximum Sign Area: 12 square feet.

§395-52 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS WITH A PERMIT The following signs are permitted in the B-1 General Business, B-2 Community Business, I-1 Light Industrial, and I-2 General Industrial Districts:

- A. ON-PREMISE WALL SIGNS, subject to the following requirements:
 - (1) Such signs shall not extend more than 12 inches from the wall surface.
 - (2) Maximum Sign Height: 20 feet in height above the mean centerline street grade or above the building's roof line, whichever is lower. For signs affixed on the face of a parapet, the top plane of the parapet shall be considered the building's roof line.
 - (3) Maximum Sign Area: 200 square feet.
- B. ON-PREMISE FREESTANDING SIGNS, subject to the following requirements:
 - (1) Maximum Sign Height: 20 feet in height above the mean centerline street grade.
 - (2) Maximum Sign Area: 100 square feet.
- C. ONE (1) OFF-PREMISE FREESTANDING SIGN, subject to the following requirements:
 - (1) Maximum Height: 20 feet in height above the mean centerline street grade.
 - (2) Maximum Sign Area: 32 square feet on one side or 64 square feet on all sides.
- D. ON-PREMISE PROJECTING SIGNS, subject to the following requirements:
 - (1) Location:
 - (a) Such signs shall not extend more than three (3) feet into a required side or rear yard.
 - (b) Such signs may extend a maximum of three (3) feet into a public right-of-way, upon approval by the Village Board.
 - (c) Such signs shall be located a minimum of 10 feet above any sidewalk and a minimum of 15 feet above any driveway or alley.
 - (2) Maximum Sign Height: 20 feet in height above the mean centerline street grade or above the building's roof line, whichever is lower. For signs affixed on the face of a parapet, the top plane of the parapet shall be considered the building's roof line.
 - (3) Maximum Sign Area: 100 square feet of total, cumulative sign area for all projecting signs.
- E. ELECTRONIC MESSAGE BOARDS (EMBS) AND CHANGEABLE COPY READER BOARDS, subject to the requirements of §395-48 F.

- F. ON-PREMISE AWNING, CANOPY, OR MARQUEE SIGNS affixed flat to the surface of the marquee, awning, or canopy, subject to the following requirements:
- (1) Location:
 - (a) A marquee, awning, or canopy shall not extend more than three (3) feet into a required side or rear yard.
 - (b) A marquee, awning, or canopy may extend a maximum of three (3) feet into a public right-of-way, upon approval by the Village Board.
 - (c) A marquee, awning, or canopy shall be located a minimum of 10 feet above any sidewalk and a minimum of 15 feet above any driveway or alley.
 - (d) Such signs shall be applied only to the surface and shall not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy.
 - (2) Maximum Sign Height: 20 feet in height above the mean centerline street grade.
 - (3) Maximum Sign Area: 25% of the marquee, awning, or canopy area.
- G. ON-PREMISE MENU BOARDS, not to exceed two per drive-through or walk-up food establishment.
- H. ON-PREMISE WINDOW SIGNS, subject to the following requirements:
- (1) Except for painted signs and decals, such signs shall be placed only on the inside of commercial buildings.
 - (2) Such signs shall not exceed 25 percent of the glass area of the pane upon which the sign is displayed.
- I. ON- OR OFF-PREMISE WAYFINDING AND DIRECTIONAL SIGNS provided that no sign shall exceed four (4) square feet in area or exceed a height of four (4) feet.
- J. SIGNS LOCATED ON BACKRESTS OF PEDESTRIAN BENCHES, subject to the following requirements:
- (1) Such signs may only be permitted as a conditional use.
 - (2) Maximum Sign Area: 12 square feet.
- K. COMBINATIONS AND MAXIMUM NUMBER OF SIGNS.
- (1) Combinations. Combinations of any of the above signs shall meet all the requirements for that type of sign.
 - (2) Maximum Number of Signs. The total number of signs shall be limited as follows:
 - (a) *Shopping centers or other multi-tenant buildings* may provide one (1) freestanding sign for each 500 feet of street frontage. The shopping center or

multi-tenant building may also provide one (1) wall, canopy, and/or fascia sign for each business in the shopping center or multi-tenant building.

(b) The Village may require the owner of a shopping center or other multi-tenant building to submit a master sign plan for review and approval. The number and size of signs shall conform to the requirements of this Section.

(c) *Gasoline and/or service stations* may provide:

[1] One (1) freestanding sign and one (1) wall sign per street frontage.

[2] Additionally, gas pump protection canopies may contain one (1) wall sign per street frontage, not to exceed 50 percent of the street-facing gas pump protection canopy wall.

[3] Price signs for gasoline or diesel fuel sales required by State or Federal regulatory agencies shall be incorporated into permanent sign(s) as permitted in this Section.

(d) *Maximum Number of Signs*. For all other free-standing businesses and industries, total signs shall be limited by the following table:

| Floor Area (square feet) | Maximum Number of Signs Permitted |
|-----------------------------|--------------------------------------|
| 0 – 20,000 | 3 |
| 20,001 – 50,000 | 4 |
| Greater than 50,000 | 5 |

(e) *Menu boards, wayfinding/directional signs, window signs, flag signs and signs located on backrests of pedestrian benches* shall not be included in the calculation of the maximum number of signs under this subsection.

§395-53 TEMPORARY AND PORTABLE SIGNS In addition to the temporary signs allowed under §395-46 and §395-49, the following temporary and portable signs are permitted in all districts without a permit subject to the following requirements:

A. TEMPORARY FLAG SIGNS AND BANNERS are permitted without a permit in any district. A maximum of two (2) total temporary flag signs and/or banners may be erected/displayed at any one time for a period not to exceed 30 consecutive days. Temporary flag signs and banners shall not exceed 32 square feet in area.

B. TEMPORARY SIGNS. A temporary sign other than a flag or banner is permitted in any district without a permit for up to 30 consecutive days, provided the sign is not permanently mounted or affixed to the ground. The sign area shall not exceed 32 square feet and shall meet the setback requirements described in §395-48 D of this Chapter. Only one (1) temporary sign in addition to temporary flag signs or banners described in subsection A of this Section may be located on a lot.

- C. **MOVEABLE SIGNS.** Moveable signs on sidewalks are permitted without a permit in the General Business (B-1) and Community Business (B-2) Districts. The sign shall not exceed 2.5 feet in width or four (4) feet in height. The sign shall not be permanently attached to the sidewalk and shall not be chained or attached to street trees, street furniture, or other structures or fixtures. The sign shall be displayed only during hours in which the business it advertises is open, and shall be located within 10 feet of the main building entrance. The sign shall be placed to allow at least three feet of sidewalk width for pedestrian movement.

§395-54 SIGNS PROHIBITED IN ANY DISTRICT The following signs are not permitted in any zoning district:

- A. **ROOF SIGNS.**
- B. **ABANDONED OR DISCONTINUED SIGNS.** See §395-56.
- C. **ADVERTISING VEHICLES OR TRAILERS.** A vehicle or trailer which has attached to or located thereon any sign or device for the purpose of advertising a business, product, or service or for directing people to a business or activity. No person shall park any such vehicle or trailer on a public right-of-way, on public property, or on private property so as to be visible from a public right-of-way. This provision is not intended to prohibit vehicle signs that are customarily attached, lettered, or painted on a vehicle or trailer to identify the ownership or function of the vehicle, provided the vehicle is operated in the normal course of business which is not primarily the display of signs.
- D. **SIGNS WHOSE CONTENT VIOLATES VILLAGE, COUNTY, STATE, OR FEDERAL LAWS OR REGULATIONS,** including but not limited to the obscenity provisions of Chapter 944 of the Wisconsin Statutes.
- E. Signs painted, attached, or affixed to trees or other living vegetation.
- F. See §395-48 A for additional types of prohibited signs.

§395-55 NONCONFORMING SIGNS

- A. Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size or location does not conform with the provisions of this Chapter. Such signs shall be deemed nonconforming uses or structures and the nonconforming use and structure provisions of Article IX shall apply. Maintenance of a nonconforming sign shall comply with §395-48 B (3).
- B. When a business or other use changes necessitate a new sign message or sign structure, the sign shall be brought into conformance with the provisions of this Section, including an application for a sign permit.
- C. A sign loses its legal, nonconforming status if one of the following occurs:

- (1) The sign is structurally altered in any way, except for normal maintenance and repair.
- (2) The sign is relocated.
- (3) The sign is abandoned.
- (4) The permitted or conditional use associated with the sign changes.

§395-56 ABANDONED OR DISCONTINUED SIGNS

- A. All signs, sign messages, and/or supporting structures, as applicable, shall be removed by the owner or lessee of the premises upon which a sign is located if such sign has been abandoned or discontinued, or if the sign is dilapidated or beyond repair under the provisions of §66.0413, Wis. Stats.
- B. A sign is abandoned or discontinued if for a period of 12 months or longer it is composed of obsolete advertising matter or is without advertising matter or is in need of substantial repair (See Trans 201.10(2)(f), Wis. Adm. Code).
- C. If the owner or lessee fails to remove such signs or sign structures, the Zoning Administrator shall give the owner a 30-day written notice by certified mail to remove said sign. Upon failure to comply with the first notice, the Zoning Administrator shall, by certified mail, send a second notice giving the owner an additional 10 days to remove the sign. Upon failure to comply with the second notice, the Village may cause removal to be executed. Removal expenses of which will be charged to the owner of the sign or to the owner of the property where the sign is located. In the event removal costs are unpaid by the owner of the sign or to the owner of the property, removal costs shall be assessed as a special tax to the property on which the abandoned sign is located.

ARTICLE VIII SITE DEVELOPMENT PLAN

§395-57 APPLICABILITY. No permit(s) shall be granted, no building shall be erected, structurally altered or expanded, and no grading shall take place on any lot or parcel in the multiple-family residential, business and industrial zoning districts where a development plan is required unless such development plan is approved by the Village Board in consideration of prior recommendation by the Plan Commission. A site development plan pursuant to this Article shall not be required for signs or a new use on an already developed property which does not involve the following activities: (1) new construction; (2) expansion of parking areas and/or outdoor storage/display areas; or (3) expansion of an outdoor use. Copies of the development plan shall be submitted to the Zoning Administrator, drawn to scale, and shall contain at least the following information. The Zoning Administrator will provide copies to the Plan Commission and Village Board for review and consideration at their respective meetings.

- A. Total area in the development project.
- B. Location, shape, area and dimension of the lot, lots or acreage to be used.
- C. Present zoning of the subject property and adjacent property.
- D. All public and private rights-of-way and easement lines located on and adjacent to the subject property which are proposed to be continued, created, relocated or abandoned.
- E. Location and total number of curb cuts, driveways, off-street parking spaces and loading spaces.
- F. Proposed exterior building dimensions (horizontal and vertical), gross floor area, number of floors and proposed uses.
- G. Location and dimensions of all existing and proposed structures, walks, malls, open areas, walls, fences, screen plantings and/or other landscaping.
- H. Existing and proposed sewer, water and other utility lines plus location and type of sewage treatment facility and water source.
- I. Required setbacks of the zoning district.
- J. Area of subject property to be covered by buildings.
- K. Location, size, height and orientation of all signs.
- L. Development plans for residential projects (multiple-family developments and mobile home parks) shall include the following information:
 - (1) Minimum floor area of dwelling units.
 - (2) Total number of units proposed.

- (3) Number of bedrooms per unit in multiple-family developments.
 - (4) Areas to be used for open space and recreation.
- M. Such other information regarding the development area that may be required to determine conformance with this Chapter.
- N. OUTDOOR STORAGE.
 - (1) No outdoor storage of any material shall be permitted in the Multiple Family Residential (R-3), General Business (B-1), Community Business (B-2), and Light Industrial (I-1) Districts unless such materials are to be screened from view from any street right-of-way and adjacent property through means of evergreen vegetation and/or fencing, subject to review and approval by the Village Board.
- O. EXTERIOR LIGHTING. No lighting shall be permitted which would glare from the subject lot or parcel onto any street right-of-way or onto any adjacent property.
- P. BUILDING DESIGN COMPATIBILITY. It is the intent to preserve the existing architectural image of the Village.
 - (1) Building size and massing shall be compatible with other structures on adjoining properties.
 - (2) Proposed exterior roofing and building/siding materials shall be compatible with materials and colors of other structures on adjoining properties.
 - (3) For developments that will infill between adjoining developed properties, such developments shall be compatible in massing, scale, use of exterior materials and general aesthetic design in such a manner to enhance the overall appearance of the entire grouping of properties.

ARTICLE IX NONCONFORMING

§395-58 APPLICABILITY. The provisions of this Section shall apply to uses, structures, signs and lots that legally existed as of the effective date of this Chapter, but that become nonconforming as the result of application of this Chapter to them or from reclassification of the property under any subsequent amendments to this Chapter.

§395-59 PURPOSE. It is the general policy of the Village of Mishicot to allow nonconforming uses, structures, signs or lots to continue to exist and to be put to productive use. However, it is also the general policy of the Village to bring as many aspects of such nonconformities into conformance with this Chapter as is reasonably practicable, all subject to the limitations of this Article. The limitations of this Article are intended to recognize the interests of property owners in continuing to use their property but to reasonably control expansions, reestablishment of discontinued uses, and reestablishment of nonconforming buildings, structures and signs that have been substantially destroyed.

§395-60 AUTHORITY TO CONTINUE. Nonconformities shall be allowed to continue in accordance with the requirements of this Article.

§395-61 REPAIRS AND MAINTENANCE. Repairs and normal maintenance required to keep nonconforming uses and structures in a safe condition shall be permitted, provided that no alterations shall be made except those allowed by this Article or required by law or ordinance.

§395-62 NONCONFORMING USES. Nonconforming uses shall be subject to the following standards:

A. ENLARGEMENT AND EXPANSION.

- (1) A nonconforming use may be enlarged, increased, or extended beyond the area it occupied as of the effective date of this Chapter, provided that the expansion is approved by the Village Board after a public hearing before the Plan Commission.
- (2) All enlargements, increases, and extensions of a nonconforming use shall not exceed 50% of the area that the nonconforming use occupied as of the effective date of this Chapter.

B. DISCONTINUANCE. If a nonconforming use is discontinued for a period of 12 consecutive months or more, any use of the property thereafter shall be in conformance with regulations and provisions set by this Chapter for the district in which such property is located.

C. DAMAGE OR DESTRUCTION.

- (1) If any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity, the structure and nonconforming use may be restored or replaced to the size, location, and use that it had immediately before

the damage or destruction occurred, subject to building code and other applicable requirements.

§395-63 NONCONFORMING STRUCTURES

- A. Nonconforming structures may be repaired, maintained, renovated, rebuilt, or remodeled, subject to building code and other applicable requirements.
- B. Additions to or extensions of nonconforming structures beyond the existing building envelope are permitted provided that such additions or extensions comply with all the provisions of this Chapter.
- C. A nonconforming structure that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced to the size, location, and use that it had immediately before the damage or destruction occurred, subject to building code and other applicable requirements.
 - (1) The size of the structure may be larger than the size immediately before the damage or destruction occurred if necessary for the structure to comply with applicable State or Federal requirements.
 - (2) Any reconstruction shall commence within 12 months of the date of damage or destruction, unless an extension is granted by the Plan Commission.

§395-64 NONCONFORMING SIGNS

- A. Except as specified in sub. (B), nonconforming signs may continue provided that:
 - (1) The sign shall remain substantially the same.
 - (2) Only customary maintenance shall be allowed, unless the sign is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity.
 - (3) A nonconforming sign that is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, infestation, or other calamity may be restored or replaced as it was prior to being damaged or destroyed, provided that a village sign permit is issued within twelve (12) months from the date of the damage to the sign. Any replacement of a sign face or sign supporting structure shall be with like materials.
- B. Non-conforming signs shall not be allowed any of the following:
 - (1) Substantial change.
 - (2) Any change not considered customary maintenance.
 - (3) Replacement of a sign face or sign supporting structure with dissimilar materials.

(4) The conversion from a one-face sign to a two-face sign.

§395-65 NONCONFORMING LOTS

- A. DEVELOPMENT PERMITTED. A nonconforming lot may be developed and used for any use permitted in the district in which the lot is located.
- B. LAND DIVISION. A nonconforming lot shall not be reconfigured or divided which would increase the degree of nonconformity(ies).

ARTICLE X ADMINISTRATION

§395-66 ORGANIZATION

- A. The administration and enforcement of this Chapter is hereby vested in offices of the Village as follows:
 - (1) Zoning Administrator
 - (2) Plan Commission
 - (3) Board of Appeals
 - (4) Board of Trustees

§395-67 ZONING ADMINISTRATOR

- A. The Zoning Administrator or Village Board designee and such deputies or assistants that have been, or shall be, duly appointed by the Village Board is hereby designated as the administrative and enforcement officer for the provisions of this Chapter. The Village Board may designate and appoint the Village Clerk or Building Inspector as the Zoning Administrator.
- B. DUTIES AND POWERS. The Zoning Administrator shall possess the following duties and powers:
 - (1) To receive applications, issue permits and make inspections and maintain records as required by this Chapter.
 - (2) To administer this Chapter with the authority to enter upon any public or private premises at a reasonable time and make an inspection thereof and, upon reasonable cause or question of proper compliance, revoke any building/zoning permit and issue cease-and-desist orders requiring the cessation of any building, moving, alteration or use which is in violation of this Chapter, such revocation to remain in effect until reinstated by the Zoning Administrator, Board of Appeals or the Village Board.
 - (3) Under rule established by the Village Board of the Village of Mishicot the Zoning Administrator may issue temporary permits of up to one year's duration.

§395-68 PLAN COMMISSION

- A. The Plan Commission, as defined herein and as established in Chapter 62.23, Wis. Stats., is the Plan Commission referred to in this Chapter.
- B. MEMBERSHIP. The Plan Commission shall consist of seven (7) members which shall include the Village President, the Village Clerk, one (1) Village Board Trustee, and four (4) citizen members who are not otherwise Village officials.

- (1) Appointment.
 - (a) The Village Board Trustee shall be elected by a two-thirds vote of the Village Board upon creation of the Commission and during each April thereafter.
 - (b) The four (4) citizen members shall be appointed by the Village President and confirmed by the Village Board.
 - (2) Terms. Terms for citizen members shall be for staggered three-year periods.
 - (3) Chairperson. Chairperson shall be the Village President or a Plan Commission member elected by majority vote of the Plan Commission.
 - (4) Alternates. Two (2) alternate citizen members shall be appointed by the Village President for a term of three years and shall act only when a regular member is absent or refuses to vote due to conflict of interest.
 - (5) Secretary. Secretary shall be the Village Clerk or a Plan Commission member appointed by the Plan Commission Chairperson. The Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question.
 - (6) Quorum. The presence of four members shall be necessary to constitute a quorum.
 - (7) Staff. The Zoning Administrator and any other staff or Village officers shall attend all meetings for the purpose of providing technical assistance when requested by the Commission.
 - (8) Oaths of Office. Official Oaths shall be taken by all members in accordance with Chapter 19.01 and 60.31, Wis. Stats., within five (5) days of receiving notice of their appointment.
 - (9) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
 - (10) Compensation. Each member of the Plan Commission shall receive compensation at a rate set by the Village Board per meeting for attendance at all duly held Plan Commission meetings.
- C. DUTIES AND POWERS. The Plan Commission shall have the powers authorized in § 62.23, Wis. Stats., and shall discharge the following duties under this Chapter:
- (1) Hear all applications for conditional uses and amendments to this Chapter and report said findings and recommendations to the Village Board in the manner prescribed in this Chapter for Amendments and Conditional Uses;

- (2) Prepare and recommend to the Village Board for adoption of a Comprehensive Plan for the Village, and from time to time to recommend amendments as it may deem appropriate.
- (3) Be enabled to promote Village planning.
- (4) Make reports and recommendations, per §62.23(4), Wis. Stats., relating to the plan and development of the Village to the Village Board, other public bodies, citizens, public utilities and organizations.
- (5) Receive from the Zoning Administrator their recommendations as related to the effectiveness of this Chapter and report its conclusions and recommendations to the Village Board not less frequently than once a year.
- (6) For itself, its members and employees, in the performance of their duties, enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under §66.0119, Wis. Stats., or other court-issued warrant.
- (7) To hear and decide all other matters as delegated by the Village Board.

§395-69 BOARD OF APPEALS

- A. The Board of Appeals, as defined herein and as established in Chapter 62.23, Wis. Stats., is the Board of Appeals referred to in this Chapter.
- B. MEMBERSHIP. The Board of Appeals shall consist of five (5) members appointed by the Village President, subject to confirmation of the Village Board.
 - (1) Terms. Terms shall be for three-year periods.
 - (2) Chairperson. Chairperson shall be designated by the Village President. Such Chairperson, or in his absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
 - (3) Alternates. Two (2) alternate member shall be appointed by the Village President in accordance with § 62.23(7)(e)2, Wis. Stats., and shall act only when a regular member is absent or refuses to vote due to conflict of interest.
 - (4) Secretary. Secretary shall be the Village Clerk or a Board of Appeals member appointed by the Board of Appeals Chairperson. The Secretary shall keep minutes of its proceedings, showing the vote of each member upon each question.
 - (5) Quorum. The presence of three members shall be necessary to constitute a quorum.

- (6) Staff. The Zoning Administrator and any other staff or Village officers shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
 - (7) Meetings. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public.
 - (8) Rules of Procedure. The Board shall adopt its own rules of procedure deemed necessary to carry out the provisions of this Section.
 - (9) Oaths of Office. Official Oaths shall be taken by all members in accordance with Chapter 19.01 and 60.31, Wis. Stats., within five (5) days of receiving notice of their appointment.
 - (10) Vacancies. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
 - (11) Compensation. Each member of the Board of Appeals shall receive compensation at a rate set by the Village Board per meeting for attendance at all duly held Board of Appeals meetings.
- C. DUTIES AND POWERS. Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district. The Board of Appeals shall have the following powers:
- (1) Appeals.
 - (a) To hear and decide upon appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
 - (b) To hear and decide upon appeals for interpretation of provisions of this Chapter.
 - (2) Variances. To authorize, upon appeal in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done. In every case where a variance from these regulations has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an unnecessary hardship or practical difficulty exists, and the records of the Board shall clearly show in what particular or specific respects an unnecessary hardship or practical difficulty has been created.
 - (3) To determine the precise location of zoning district boundary lines where there is appeal upon such a decision by the Zoning Administrator.

- (4) To determine off-street parking requirements for any use not mentioned in Article V of this Chapter, either by classifying it with one of the groups listed in that section or by an analysis of the specific need.
- D. DECISIONS. In exercising the preceding powers, the Board may, in conformity with the provisions of this Chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue the permit. If a quorum is present, the Board of Appeals may take action under this section by a majority vote of the members present. The grounds of every such determination shall be stated.
- E. REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

ARTICLE XI PROCEDURES AND ENFORCEMENT

§395-70 BUILDING/ZONING PERMITS

- A. **APPLICABILITY.** Unless specifically exempted in this Chapter, building/zoning permits, certifying that any use, structure or site complies with the provisions of this Chapter shall be required in the following instances:
- (1) Construction, reconstruction, location, relocation, erection, extension, enlargement, conversion, or structural alteration of any building, structure, or part thereof, except:
 - (a) Signs; However, many types of signs require a sign permit. Refer to Section 7, Signs.
 - (b) Structures which are less than six (6) inches in height above preconstruction grade elevation.
 - (2) Establishment or expansion of any accessory or principal use, except uses permitted as conditional uses.
- B. **APPLICATIONS.**
- (1) Every application for a building/zoning permit shall be submitted to the Zoning Administrator on forms furnished by the Village of Mishicot. All applications shall be accompanied by plans in duplicate, drawn to scale, showing:
 - (a) The location, actual shape and dimensions of the lot to be built upon;
 - (b) The exact size and location of the proposed building or existing buildings and accessory buildings on the lot;
 - (c) The existing and/or intended use of the building;
 - (d) The number of families to be accommodated;
 - (e) The building/use situation with reference to the street, the distances between the nearest point of the building and the center line of the street and the street right-of-way; and
 - (f) Building plans including all floor plans and at least two (2) elevation views.
 - (g) Additional information as may be required by the Zoning Administrator in order to determine the full compliance with the requirements of this Chapter.
 - (h) Fee. All permit applications shall be accompanied by a fee established by the Village of Mishicot Board of Trustees. Any costs associated with a third-party

consultant hired by the Village for review of an application (e.g., engineering, architectural, legal, etc.) may be the responsibility of the applicant.

- (2) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until all fees established by the Village of Mishicot have been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

C. PERMIT ISSUANCE OR DENIAL. A building/zoning permit shall be issued or the application shall be denied within 20 days after receipt of a complete application.

- (1) Upon the Zoning Administrator's determination that the proposed use or structure complies with the provisions of this Chapter, a building/zoning permit shall be issued.
- (2) The permit shall authorize the applicant to proceed subject to all provisions of the Ordinance and any conditions attached to the permit.
- (3) An application for a use or structure not in conformity with the provisions of this Chapter shall be denied a building/zoning permit and the reasons for denial shall be stated.
- (4) No permit shall be issued for uses or structures involving human occupancy without documentation that provision has been made for safe and adequate water supply and disposal of sewage.
- (5) The permit shall be posted on the premises so as to be visible from the street at all times, until such construction has been completed.

D. EXPIRATION.

- (1) Building/zoning permits to establish a use shall expire 12 months from date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a building/zoning permit shall be considered a violation of this Chapter.
- (2) Except as sub.(5) applies, building/zoning permits for construction of a structure shall expire 12 months from the date of issuance. Any exterior construction after the expiration of a building/zoning permit shall be considered a violation of this Chapter

E. RENEWAL.

- (1) If construction has commenced prior to the expiration of a building/zoning permit, but is not completed prior to such expiration, a 12 month renewal building/zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. Additional renewals shall be granted by the Zoning

Administrator upon a finding that progress had been made during the previous year toward completion of the structure. If a 12 month period passes without evidence of progress towards completion, the Zoning Administrator shall advise the Plan Commission of same and the Plan Commission may call a public hearing on the matter and may impose a completion schedule.

- F. **BUILDING PERMITS REQUIRED.** In addition to a building/zoning permit, a building permit may be required as per the Wisconsin Uniform Dwelling Code and Commercial Building Code.

§395-71 CERTIFICATE OF OCCUPANCY

- A. **APPLICABILITY.**

- (1) No building, or addition thereto, constructed after the effective date of this Chapter, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Chapter, shall be used for any purpose until a certificate of occupancy has been issued by the Zoning Administrator.
 - (2) No change in a use, other than that of a permitted use to another similar permitted use, shall be made until a certificate of occupancy has been issued by the Zoning Administrator.

- B. Every certificate of occupancy shall state that the use or occupancy complies with the provisions of this Chapter.

- C. **APPLICATION FOR CERTIFICATE OF OCCUPANCY.**

- (1) Every application for a building/zoning permit shall be deemed to be an application for an certificate of occupancy. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.
 - (2) Upon written request from the owner of any building or premises existing at the time of adoption of this Chapter.

- D. **ISSUANCE OF CERTIFICATE OF OCCUPANCY.**

- (1) No certificate of occupancy for a building, or portion thereof, constructed after the effective date of this Chapter, shall be issued until construction has been completed and the premises inspected and certified by the Zoning Administrator to be in conformity with the plans and specifications upon which the building/zoning permit was based.
 - (2) Pending the issuance of a regular certificate, a temporary certificate may be issued to be valid for a period not to exceed six (6) months from its date during the completion of any addition or during partial occupancy of the premises.

- (3) The certificate of occupancy shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than 14 days after the Zoning Administrator is notified in writing that the building or premises is ready for occupancy.
- (4) Upon written request from the owner, the Zoning Administrator shall issue an certificate of occupancy for any building or premises existing at the time of adoption of this Chapter certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the applicable provisions of this Chapter.

§395-72 CONDITIONAL USE PERMITS

A. APPLICABILITY.

- (1) A conditional use permit shall be required for the establishment of each use listed as a conditional use in §395-14 of this Chapter.
- (2) A conditional use permit shall be required for certain mobile wireless service facilities as described in Chapter 367 of this Code.
- (3) Expansions, changes to, or substitution of a use permitted as a conditional use shall require a conditional use permit and shall be subject to review and approval in accordance with this Section, except that the minor expansion of a building housing a use permitted as a conditional use which will not increase the scale or intensity of such use and will not increase the floor area of such building shall only require a building/zoning permit.

B. APPLICATION

- (1) Application. All applications for conditional use permits shall be made to the Zoning Administrator using forms furnished by the Village of Mishicot. Such application shall include the following:
 - (a) Facts and information, other than merely personal preferences or speculation, directly pertaining to the conditions and requirements relating to the conditional use, including the required information and plans as indicated on the application form furnished by the Village.
 - (b) Plans and data which include:
 - [1] The location, size and shape of the lot(s) involved and of any existing and proposed structures;
 - [2] The existing and proposed use of each structure and lot.
 - [3] Such factors as existing and proposed drainage, sanitary sewage disposal, water systems, waste disposal, driveway locations, off-street parking,

highway access, neighboring land uses, and such other information regarding the proposed conditional use and surrounding area that may be required to determine conformity with this Chapter.

(c) Fees.

- [1] Application for conditional use permit shall be accompanied by a fee established by the Village Board.
- [2] The applicant shall pay the total cost associated with public hearing notification and legal publications to the Village of Mishicot.
- [3] Costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the applicant.

- (2) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until the fee established by the Village Board has been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

C. PUBLIC HEARING AND NOTIFICATION.

- (1) A public hearing on all conditional use permits shall be held by the Plan Commission within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.
- (2) Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.
- (3) Not less than 10 days before the hearing, a copy of the notice shall be provided to the clerk of any municipality whose boundaries are within 1,000 feet of property affected by a conditional use permit and property owners of all lands located within 300 feet of any part of the parcel(s) affected by a conditional use permit. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the conditional use permit.

D. PLAN COMMISSION RECOMMENDATION.

- (1) Within 45 days after the public hearing and after consideration of comments provided therein, the Plan Commission shall review the conditional use permit application and make a recommendation to the Village Board that the permit be approved as proposed, approved with conditions or modifications, or denied, unless the time is extended by agreement with the applicant. If the Plan Commission makes a recommendation to deny the proposed conditional use permit, the Plan Commission shall include reasons for denial. If the Plan Commission fails to make a recommendation within this timeframe, the application shall be forwarded to the Village Board without recommendation.
- (2) The Plan Commission recommendation to approve or deny the conditional use permit must be supported by substantial evidence.

E. VILLAGE BOARD ACTION

- (1) Within 120 days after receipt of a complete application, the Village Board shall review the conditional use permit application and Plan Commission recommendation, and act to approve, approve with conditions or modifications, or deny the permit, unless the time is extended by agreement with the applicant. Failure of the Village Board to act within such timeframe shall constitute approval of the conditional use permit as presented.
- (2) The Village Board may approve a conditional use permit by a favorable vote of a simple majority of a voting quorum.
- (3) The Village Board action/decision to approve or deny the conditional use permit must be supported by substantial evidence.
- (4) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Chapter and conditions established by the Village relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.
- (5) A copy of the decision with any conditions or reasons for rejection shall be sent promptly to the applicant. If the application is denied, the reasons for denial shall be stated in the decision.

F. BASIS OF APPROVAL OR DENIAL

- (1) The Plan Commission and Village Board shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Chapter. The Plan Commission and Village Board action/decision to approve or deny the conditional use permit must be supported by substantial evidence.
- (2) To aid in the review and decision-making regarding the proposed conditional use, the Plan Commission and Village Board shall evaluate the following specific criteria, as applicable, but shall not be limited thereto:
 - (a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the health, safety, and general welfare of the Village and of the immediate area in which such use would be located.
 - (b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor adversely affect property values in the area.

- (c) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surround property for uses allowed in the district.
- (d) Adequate utilities, access, drainage, and/or other necessary facilities have been or are being provided.
- (e) The proposed use will be adequately served by essential public services and facilities and the use will not create excessive additional public costs or be detrimental to the economic welfare of the Village.
- (f) Adequate measures have been or will be taken to provide ingress and egress and the proposed project will not adversely affect traffic flow and congestion on public streets.
- (g) The conditional use conforms to the applicable regulations of the district in which it is located.

G. CONDITIONS

- (1) The Village Board may, in approving an application for a conditional use permit, impose such conditions and requirements that it determines are required to prevent or minimize adverse effects from the proposed conditional use on other properties in the neighborhood and on the general health, safety, and welfare of the Village. All such conditions placed on a Conditional Use shall be:
 - (a) Consistent with the general purpose or intent of this Chapter.
 - (b) Based upon substantial evidence, defined as facts and information other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion; and
 - (c) Measurable, to the extent practical.

H. EXPIRATION, DURATION, AND TRANSFER

- (1) Expiration. All conditional use permits shall expire 12 months from the date of authorization by the Village Board where the Village Board determines that no action has commenced to establish the authorized use.
- (2) Duration. A conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. The Village Board may, at its discretion, grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a public hearing before the Plan Commission and approval by the Village Board.

(3) Transfer. Subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit.

- I. REVOCATION OF CONDITIONAL USE PERMIT. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Village Board or should the use, or characteristics of the use be changed without prior written approval by the Village Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in this Chapter.
- J. EFFECT OF DENIAL. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

§395-73 SIGN PERMITS

Refer to Article VII, Signs, of this Chapter for sign permit requirements and procedures.

§395-74 AMENDMENTS

- A. APPLICABILITY. The Village Board may from time to time, on its own motion or on petition, amend, supplement or change the district boundaries or the regulations of this Chapter following the procedures prescribed by § 62.23, Wis. Stats.
- B. INITIATION. Amendments may be initiated by the Village Board, Plan Commission, or by any interested person or organization.
- C. APPLICATION.
 - (1) Application. All applications for an amendment to this Chapter shall be made to the Zoning Administrator using forms furnished by the Village of Mishicot. Such application shall include the following:
 - (a) Name and address of the petitioner.
 - (b) Signature of the petitioner.
 - (c) If the application is for a zoning text amendment, the proposed text changes including reference(s) to the affected section(s) of this Chapter.
 - (d) If the application is for a zoning map amendment, a description of the affected property, the current zoning district classification(s), and the proposed zoning district classification(s)

(e) Fees.

- [1] Application for an amendment shall be accompanied by a fee established by the Village Board.
- [2] The applicant shall pay the total cost associated with public hearing notification and legal publications to the Village of Mishicot.
- [3] Costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the applicant.

- (2) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until the fee established by the Village Board has been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

D. PUBLIC HEARING AND NOTIFICATION.

- (1) A public hearing on all proposed amendments shall be held by the Plan Commission within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.
- (2) Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.
- (3) Not less than 10 days before the hearing, a copy of the notice shall be provided to the following. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the proposed amendment.
 - (a) The clerk of any municipality whose boundaries are within 1,000 feet of property affected by a proposed amendment. (Note: For zoning text amendments, it is assumed that all property within the Village are affected)
 - (b) For zoning maps amendments (rezoning), property owners of all lands located within 300 feet of any part of the parcel(s) affected by a proposed zoning map amendment.

E. PLAN COMMISSION RECOMMENDATION.

- (1) Within 45 days after the public hearing and after consideration of comments provided therein, the Plan Commission shall review the proposed amendment and make a recommendation to the Village Board that the application be granted as requested or modified, or denied, unless the time is extended by agreement with the applicant. If the Plan Commission fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation.
- (2) The Plan Commission shall not recommend adoption of a proposed amendment unless it finds that adoption of such amendment is consistent with the Village's adopted comprehensive plan and is in the public interest.

F. VILLAGE BOARD ACTION.

- (1) Within 120 days after receipt of a complete application, the Village Board shall review the proposed amendment and Plan Commission recommendation, and act to approve or deny the proposed amendment, unless the time is extended by agreement with the applicant. Failure of the Village Board to act within such timeframe shall constitute approval of the proposed amendment as presented.

The Village Board may approve an amendment by a favorable vote of a simple majority of a voting quorum.

- (2) The Village Board shall not approve an amendment unless it finds that adoption of such amendment is consistent with the Village's adopted comprehensive plan and is in the public interest.

- G. EFFECT OF DENIAL. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

§395-75 VARIANCES

- A. APPLICABILITY. The Board of Appeals may, upon appeal in specific cases, authorize variance from the terms of this Chapter where it finds such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.

B. APPLICATION.

- (1) Application. All applications for variance from the terms of this Chapter shall be made to the Zoning Administrator using forms furnished by the Village of Mishicot. Such application shall include the following:

- (a) Name and address of the petitioner.
- (b) Signature of the petitioner.
- (c) Location of property involved in the petition.
- (d) Proposed use or structure in question, including a site plan showing the preferred arrangement for which the variance is sought.
- (e) Section(s) of this Chapter from which a variance is requested.
- (f) Details as to the narrowness, shallowness, shape, topography, or other characteristics of the land or the physical conditions applying to the building,

structure, use or intended use which make it not merely inconvenient but extremely difficult, if not impossible, to comply with the provisions of the Ordinance.

- (g) A statement that the conditions detailed above are unique to this property and are not generally existing on other properties in the same zoning district.
- (h) A statement that the unnecessary hardship was not caused by the applicant nor by any persons still having an interest in the property.
- (i) Fees.
 - [1] Application for a variance shall be accompanied by a fee established by the Village Board.
 - [2] The applicant shall pay the total cost associated with public hearing notification and legal publications to the Village of Mishicot.
 - [3] Costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the applicant.
- (2) No application shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until the fee established by the Village Board has been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

C. PUBLIC HEARING AND NOTIFICATION.

- (1) A public hearing on all variance applications shall be held by the Board of Appeals within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.
- (2) Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.
- (3) Not less than 10 days before the hearing, a copy of the notice shall be provided to the clerk of any municipality whose boundaries are within 1,000 feet of property affected by a variance application and property owners of all lands located within 300 feet of any part of the parcel(s) affected by a variance application. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the variance application.

D. BOARD OF APPEALS ACTION.

- (1) Within 45 days after the public hearing and after consideration of comments provided herein, the Board of Appeals shall review the variance application and act to approve, approve with conditions or modifications, or deny the variance, unless the time is extended by agreement with the applicant. Failure of the Board of

Appeals to act within such timeframe shall constitute approval of the variance as presented.

- (2) The Board of Appeals may approve a variance by a favorable vote of a simple majority of a voting quorum.

E. FINDINGS. No variance to the terms of this Chapter shall be granted by the Board unless it finds by the preponderance of evidence presented that all the following facts and conditions exist. The burden of proof, at all times, remains with the applicant to establish that the proposed variance satisfies the following findings:

- (1) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the District in which the development is located. No variance shall have the effect of permitting a use in any District that is not a stated Permitted Use or Conditional Use in that particular District (i.e., use variances are prohibited).
- (2) Unnecessary Hardship. No variance shall be granted unless compliance with the provisions of this Chapter cause an unnecessary hardship. Unnecessary hardship exists when compliance would unreasonably prevent the owner from using the property for a permitted purpose (leaving the property owner without any use that is permitted for the property) or would render conformity with such restrictions “unnecessarily burdensome”.
- (3) Unique Property Limitations. No variance shall be granted unless there are unique physical limitations of the lot or parcel that do not apply generally to other properties in the same District and the granting of the variance would not be of so general or recurrent nature as to suggest that this Chapter should be changed.
- (4) No Harm to Public Interest. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- (5) Economic Hardship and Self-Imposed Hardship. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (6) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same District and same vicinity.

F. REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the final decision of the Board of Appeals.

§395-76 APPEALS

A. APPLICABILITY.

- (1) The Board of Appeals shall, upon appeal in specific cases, hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
- (2) Such appeals shall be filed with the Zoning Administrator within 30 days after the date of written notice of the order, requirement, decision or determination made by the Zoning Administrator.
- (3) Stays. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the Board of Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Appeals or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

B. APPLICATION.

- (1) Application. All appeals shall be made to the Zoning Administrator using forms furnished by the Village of Mishicot. Such appeal shall include the following:
 - (a) Name and address of the appellant.
 - (b) Signature of the appellant.
 - (c) Location of property involved in the appeal.
 - (d) The order, requirement, decision or determination being appealed and the grounds claimed for the appeal.
 - (e) Additional Information as may be required by the Board of Appeals.
 - (f) Fees.
 - [1] Appeals shall be accompanied by a fee established by the Village Board.
 - [2] The appellant shall pay the total cost associated with public hearing notification and legal publications to the Village of Mishicot.
 - [3] Costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the appellant.
- (2) No appeal shall be accepted by the Zoning Administrator until complete as judged by the Zoning Administrator and until the fee established by the Village Board has

been paid in full. Submittal of a complete appeal and required application fee does not guarantee approval of the appeal.

C. PUBLIC HEARING AND NOTIFICATION.

- (1) A public hearing on all appeals shall be held by the Board of Appeals within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.
- (2) Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.
- (3) Not less than 10 days before the hearing, a copy of the notice shall be provided to the clerk of any municipality whose boundaries are within 1,000 feet of property affected by an appeal and property owners of all lands located within 300 feet of any part of the parcel(s) affected by an appeal. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the appeal.

D. BOARD OF APPEALS ACTION.

- (1) Within 45 days after the public hearing and after consideration of comments provided herein, the Board of Appeals shall review the appeal and act to approve, approve with conditions or modifications, or deny the appeal, unless the time is extended by agreement with the applicant. Failure of the Board of Appeals to act within such timeframe shall constitute approval of the appeal as presented.
- (2) The Board of Appeals may approve a variance by a favorable vote of a simple majority of a voting quorum.
- (3) The burden of proof at all times remains with the appellant.

E. REVIEW BY COURT OF RECORD. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the final decision of the Board of Appeals.

§395-77 FEE SCHEDULE

- A. PUBLISHING. Fees for building/zoning permits, certificate of occupancy, conditional uses, sign permits, zoning amendments, variances, appeals, or other requests before the Village shall be required to defray the cost of administration, map preparation, inspections, public notices, and record keeping. The Village Board shall establish a Fee Schedule by resolution and the Fee Schedule shall be published and made available through the Village Clerk. The said Fee Schedule may be updated from time to time by resolution of the Village Board.

- B. DOUBLE FEES. A double fee shall be charged by the Village if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter, nor from prosecution for violation of this Chapter.
- C. THIRD-PARTY CONSULTATION/ASSISTANCE. Any costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the applicant.

§395-78 VIOLATIONS AND PENALTIES

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

ARTICLE XII DEFINITIONS

§395-79 DEFINITIONS

- A. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning.

 (1) Words used in the present tense in this Chapter include the future.
- B. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual.
- C. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive.
- D. Any words not defined in this Chapter shall be presumed to have their customary dictionary definitions.

§395-80 GENERAL DEFINITIONS

Accessory Structure: A structure which is incidental or subordinate to the principal structure on the same parcel, and may be desirable but not necessary for the use of the parcel as permitted by this Chapter.

Accessory Use: A use customarily incident and accessory to the principal use of a lot or parcel, or building or structure on the same lot or parcel as the principal use.

Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Alteration: A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one location to another.

Basement: That portion of a building the floor-line of which is below lot grade and the ceiling of which is not more than five feet above lot grade.

Board of Appeals: Means a body designated by the legislative body to hear appeals from land-use decisions and variances from the terms of this Chapter.

Building: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

Building, Accessory: A subordinate or supplemental building, the use of which is incidental to that of the principal building on the same lot or incidental to the use of the premises on which it is located.

Building, Principal: A non-accessory building used for the protection of goods or chattels in which a principal use of the premises on which it is located is conducted.

Building Height: The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridges for gable, hip, and gambrel roofs.

Building Site: A lot on which buildings or structures that are permitted in the applicable zoning district may be placed.

Certificate of Occupancy: An official written document, issued by the Zoning Administrator, which certifies that the use or structure complies with all applicable provisions of this Chapter and the building/zoning permit, sign permit, or conditional use permit issued for that use or structure.

Class 2 Public Notice: The publication of a legal notice in a newspaper likely to give notice in the area or to the person affected, requiring two (2) insertions which must be published once each week for consecutive weeks, the last of which shall be at least one week before the act or event, unless otherwise specified by law. (See Chapter 985, Wis. Stats.)

Closed Construction: Any building, building component, assembly or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage or destruction. (See §101.71(1), Wis. Stats.)

Club: An association for some common purpose, but not including a group organized for or which is actually engaged in rendering a service which is customarily carried on as a business. A roadhouse or tavern shall not be construed as a club.

Conditional Use: A use allowed under a conditional use permit. Specifically, a use whose nature, character, or circumstance is so unique or so dependent upon specific conditions that predetermination of permissibility by right is not practical, but which may be permitted on a case-by-case basis subject to the conditional use permit procedure

Development: Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of building or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewerage disposal systems or water supply facilities.

District: A designated area of the Village for which the regulations governing the use of the land and buildings are uniform.

Duplex: See Two Family Residence.

Dwelling: A structure, or portion thereof, which is used or intended to be used as residential living quarters.

Family: One or more persons each related to the other by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A family includes any domestic servants and not more than one gratuitous guest residing with said family.

Farm: All land under common ownership that is primarily devoted to agricultural use.

Floor Area: The gross horizontal areas of the several stories within the outer lines of the exterior walls of a building or from the centerline of party walls; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways and unenclosed porches, or terraces.

Fur Farm: Any property comprising land or building or both, used for the purpose of raising or harboring fur bearing animals, including those defined in Chapter 29.627, Wis. Stats., and also including chinchillas and other fur bearing animals, whether the animals are kept for breeding or slaughtering or pelting purposes.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Grading: The physical disturbance of the ground by the addition, removal, or re-distribution of soil.

Implements of Husbandry: A self-propelled or towed vehicle that is manufactured, designed or reconstructed to be used and that is exclusively used in the conduct of agricultural operations. (See §340.01(24)(a) & (b), Wis. Stats.)

Improvement: Any building, structure, place, work of art, or other object constituting the physical betterment of real property, or any part of such betterment, including street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.

Lot: A continuous parcel of land, not divided by a public right-of-way, occupied or intended to be occupied by a principal structure or use and the accessory structures or uses permitted thereto, and sufficient in size to meet the lot width and lot area provisions of this Chapter.

Lot Area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot Line: A line bounding a lot which divides one lot from another lot or from a street or road.

Lot Line, Front: The lot line nearest to the centerline of the public or private road from which the lot takes access, except that for essentially rectangular lots abutting cul de sacs, the front lot line shall be that lot line which is generally parallel and closest to the centerline of the access road.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is generally parallel to and most distant from the front lot line of the lot. In the case of an irregular

or triangular lot, a line 20 feet in length, entirely within the lot, parallel to, and at the maximum possible distance from, the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot of Record: Any lot, the description of which is properly recorded with the Manitowoc County Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

Lot Width: The shortest distance between side lot lines, measured at/through both of the following locations:

- (1) At the intersection of the side lot lines with the public road right-of-way or private road easement; and
- (2) Through the midpoint of the lot. The midpoint of the lot shall be the midpoint of the shortest line that can be drawn between the front lot line and the rear lot line.

Livestock: Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

Living Quarters: A building or a portion of a building which provides, as a minimum, an area equipped or furnished for sleeping purposes, or those finished portions of a building in which normal residential activities occur.

Major Subdivision: See "Subdivision, Major".

Minor Subdivision: See "Subdivision, Minor".

Modular Home: Any structure or component thereof which is intended for use as a dwelling and:

1. Is of closed construction and fabricated or assembled on-site or off-site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or
2. Is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation, on the building site and for which certification is sought by the manufacturer.

Modular home" does not mean any manufactured home or any building of open construction which is not subject to par. 2 above. (See § 101.71(6), Wis. Stats.)

Mural: A picture painted on an exterior surface of a structure.

Nonconforming Structure: Any structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Nonconforming Use: Any building or land lawfully occupied by a use at the effective date of this Chapter or amendment thereto which does not conform after the passage of this Chapter or amendment with the use requirements of the district in which it is situated.

Noxious Matter: Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic wellbeing of individuals. This may include, but is not limited to asbestos, silicon, silica, radon, fumes, odor, smoke, chemicals, fuel, oil, lead, solvents, waste, and hazardous substances.

Open Construction: Any building, building component, assembly or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage or destruction. (See § 101.71(7), Wis. Stats.)

Open Fence: A fence whose entire length is not greater than 50% opaque and whose individual elements or sections are also not greater than 50% opaque.

Parking Lot: A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobile or other vehicles or storage for the purpose of repair or wrecking.

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

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Principal Structure: The primary structure on a parcel of land where the Principal Use occurs.

Principal Use: The Permitted Use or Conditional Use that fulfills the primary function the parcel.

Property Lines: The lines bounding a lot, as defined herein.

Road, Private: A thoroughfare which affords principle means of access to abutting property, but which has not been dedicated to the public and/or subject to public easements.

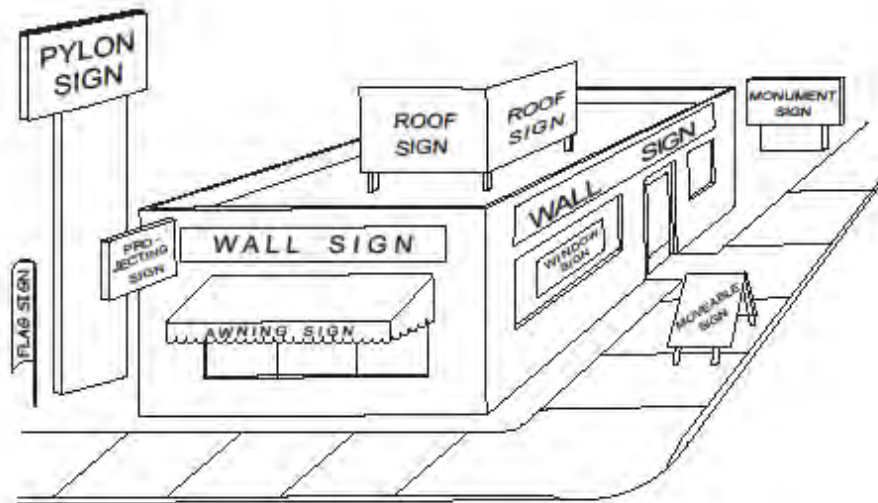
Road, Public: A thoroughfare which affords principle means of access to an abutting property which has been dedicated to the public and/or subject to public easements.

Setback: The minimum horizontal distance between the existing or proposed property lines, street, road, or highway to a structure or use.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a unified entity that share a common on-site parking area for customers and employees, with provision for goods delivery separated from customer access, and with aesthetic considerations and protection from the elements.

Sign: Any object, device, display, structure, or part thereof which is designed to advertise, announce, direct, identify, or inform by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign Types



Source: Southeastern Wisconsin Regional Planning Commission.

Sign, Air-Activated: A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

Sign, Awning, Canopy, or Marquee: A sign that is mounted or painted on, or attached to an awning, canopy, or marquee (see Sign Types illustration under Sign definition).

Sign, Banner: A temporary sign composed of cloth, canvas, plastic, fabric, or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or similar method or that may be supported by stakes in the ground. Banners attached to fences shall be considered wall signs.

Sign Copy: The message or advertisement, and any other symbols on the face of a sign.

Sign, Electronic Message: A changeable message sign whose message is electrically activated.

Sign, Externally Illuminated: A sign illuminated by light sources from outside the sign.

Sign Face: The area or display surface used for the message on a sign.

Sign, Fascia: A sign that is mounted or painted on, or attached to, the flat horizontal surface piece of a building typically located directly above the front door, and sometimes referred to as a signboard or nameplate.

Sign, Flag: Devices generally made of flexible materials, such as cloth, paper, or plastic, and supported by a single vertical pole mounted into the ground or on a portable structure. They may or may not contain sign copy (see Sign Types illustration under Sign definition).

Sign, Freestanding: Any sign which is supported by structures or supports in or upon the ground and independent from any building. Freestanding signs include ground signs, pylon signs, and signs less than four feet in height supported by a single pole or post.

Sign, Ground: A low sign independent from any building that is in contact with or in close proximity to the ground and usually supported by posts or pillars on the sides and/or a structural base of not less than 75 percent of the width of the sign face (for example, a sign with a face eight feet wide would require a structural base of six feet or more in width). Also see Sign Types illustration under Sign definition.

Sign, Illuminated: Any sign which has characters, letters, figures, designs, or outlines illuminated, either internally or externally, by electric lights or luminous tubes.

Sign, Internally Illuminated: A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

Sign, Menu Board: A permanently mounted sign displaying the foods, products, or services for a drive-through or walk-up facility.

Sign, Moveable: A sign that is not permanently attached to the ground or attached to a building or structure, and which is removed and stored inside daily (see Sign Types illustration under Sign definition).

Sign, Noncommercial: Signs expressing personal political, religious, or other opinions, and not advertising any product, service, or event.

Sign, Off-Premise: A sign which is not related to a product sold, a service offered, or identify the property on which the sign is located. This definition does not include noncommercial signs that meet all applicable requirements of this Section.

Sign, Projecting: A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building (see Sign Types illustration under Sign definition).

Sign, Pylon: A freestanding sign permanently affixed to the ground by one or more supports so that the bottom edge of the sign face is eight feet or more above the ground (see Sign Types illustration under Sign definition). A pylon sign includes a sign supported by a single pole, also referred to as a “pole sign.”

Sign, Roof: A sign mounted on the main roof portion of a building, and which is wholly dependent upon the building for support (see Sign Types illustration under Sign definition).

Sign, Vehicle or Trailer: A sign permanently or temporarily attached to or placed on a vehicle or trailer and used primarily as a stationary sign.

Sign, Wall: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign. This definition includes signs located on a parapet wall of a building and signs composed of individual letters, numbers, or symbols (see Sign Types illustration under Sign definition).

Sign, Window: A sign that is applied, painted, or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window (see Sign Types illustration under Sign definition).

Story: The vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

Street: A public or private thoroughfare which affords a primary means of access to abutting property.

Structure: Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.

Structural Alterations: Any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footing, and piles.

Subdivision, Major: Any subdivision classified as a County, State, Condominium, Planned Unit Development, or Conservation Plat. *(See Section 18.013.02, General Code of Ordinances for Manitowoc County Chapter 18 Land Division and Surveying Code)*

Subdivision, Minor: Any subdivision classified as a certified survey map where:

- A. The act of division creates not more than 4 lots, outlots, parcels or building sites which are less than 10 acres in size; or
- B. The act of division of an outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the original exterior boundaries of such lot or outlot.

(See Section 18.013.02, General Code of Ordinances for Manitowoc County Chapter 18 Land Division and Surveying Code)

Temporary or Seasonal Use: A use which is conducted for a limited period of time within a calendar year.

Temporary or Seasonal Structure: A movable structure not designed for human occupancy which may be used for the protection of goods or chattels and which is erected for a limited period of time within a calendar year.

Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Variance: An authorization, granted by the Board of Appeals, to depart from the literal requirements of this Chapter. Use variances shall be prohibited.

Vision Clearance Triangle: A triangular space which permits an unobstructed view at the intersection of highways or streets with other highways, streets or roads or at the intersection of highways or streets with railroads.

Yard: An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky. A yard extends along a line and at right angles to such lot line to a depth or width specified in the yard regulations for the zoning district in which such lot is located.

Yard, Front: A yard extending along the full length of the front lot line between the side lot lines.

Yard, Rear: A yard extending along the full length of the rear lot line between the side lot lines.

Yard, Side: A yard extending along a side lot line from the front yard to the rear yard.

§395-81 LAND USE DEFINITIONS

Accessory Dwelling Unit: A residential dwelling unit located on the same lot as a Single-Family Residence attached to such single family residence. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

Accessory Residence: Residential dwelling unit or units accessory to a nonresidential use on the same lot or building site that provide(s) living quarters for the owner, proprietor, commercial tenant, employee, or caretaker of the nonresidential use.

Accessory Agriculture: Any of the following activities conducted for the enjoyment of those living on the premises as an accessory use to a principal residential use or as an accessory use to a principal "School/College/University" land use, but not for commercial purposes:

1. Horticulture
2. Floriculture
3. Keeping of Poultry Hens, subject the requirements of §128-21 of the Code of the Village of Mishicot.
4. Beekeeping, subject the requirements of §128-21 of the Code of the Village of Mishicot.

Such use may involve the construction of a greenhouse and/or other accessory structures incidental to such accessory agriculture use, subject to the applicable provisions of this Chapter.

Adult Entertainment/Adult-Oriented Establishment: Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated specific sexual activities or specified anatomical areas, or the removal of articles of clothing to appear totally nude or to display a nude genital area or female nude breasts. Also, an adult bookstore having as its stock in trade, for sale, rent, lease, inspection or viewing, books, films, videocassettes, CDs, SD cards, flash drives, internet connection, magazines or other periodicals that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specific sexual activities or specific anatomical areas, and in conjunction therewith have facilities for the presentation of adult-oriented films, movies or live performances, for observation by patrons.

Agriculture: Any of the following activities conducted for the purpose of producing an income or livelihood, or for purposes related to any type of hobby farm:

- Crop or forage production.
- Keeping livestock.
- Beekeeping.
- Nursery, sod, or Christmas tree production.
- Floriculture.
- Aquaculture.
- Fur farming.
- Forest management.
- Harvesting of wild crops
- Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- Any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), by rule, identifies as an agriculture-related use.

Agriculture-Related Use: A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- Providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services;
- Storing, processing or handling agricultural products or agricultural wastes;
- Marketing livestock to or from farms
- Agri-tourism; or
- Any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), by rule, identifies as an agriculture-related use.

Airport: Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

Animal Shelters/Pounds: A place and/or building, or portion thereof, that is used for the keeping and rehabilitation of lost, abandoned or surrendered household animals for future re-homing.

Artisan Gallery/Studio: A building or portion thereof used for the preparation, display, and sale of individually crafted artwork, photography, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven sections, and related items.

Asphalt/Concrete Plant: A permanent establishment devoted to the mixing and/or preparation of asphalt or concrete for construction project off-site.

Bakery: An establishment in which baked goods are made for wholesale or retail sale. A bakery may include retail sale and display of products produced on-site.

Boardinghouse: Any place of lodging, other than a hotel or motel, where sleeping accommodations are offered, with or without meals, for compensation for 5 or more non-tourist or non-transient persons, but not exceeding 20 persons.

Bulk Storage of Fuel Products: An establishment in which large quantities of liquid or gaseous fuel is stored, which may include storage for the purpose of wholesale or retail sale.

Campground: Any parcel or tract of land, owned by a person, the state, or a local government, which is used for the purpose of providing campsites for non-permanent overnight use by four or more camping units or for non-permanent overnight use by one to three camping units if the parcel or tract of land is represented as a campground. Note: Represented as a campground means to advertise using media, a sign, or a symbol.

Camping: The use of any parcel or tract of land for the purpose of overnight lodging in tents, huts, or other shelters of a temporary and/or portable nature and shall include motor homes, travel trailers, and automobiles.

Cemetery: A place and/or building, or portion thereof, which is used or is intended for burial purposes. Accessory uses include columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such area.

Commercial Greenhouse: A structure used for commercial floriculture and/or horticulture which may include retail sales of plants, vegetable produce and products related to floriculture and/or horticulture.

Commercial Radio/TV Broadcast Studio: A place and/or building, or portion thereof, in which broadcast studios and offices related to commercial radio/TV broadcasts are located.

Commercial Riding Stable: Any establishment where horses are kept for commercial riding or recreation. This term includes establishments in which the boarding of horses and/or riding opportunities are provided for compensation or a fee.

Commercial Storage Facility: A place and/or building, or portion thereof, that is divided into individual spaces and that is used or is intended as individual storage units that are rented, leased, or owned. The term includes a tract of land used to store vehicles, campers, boats, and the like that are not for sale or trade.

Commercial Trucking Establishment: A place and/or building, or portion thereof, which is used or is intended for storage of freight for routing or reshipment.

Community Garden: An area for cultivation and related activities divided into one or more plots to be cultivated by more than two operators or members, as a principal land use of a property. The Community Garden may be the sole principal use of the property or may be a second principal use on a property. Does not include personal gardens for cultivation of crops for home consumption on the site or on an adjacent property in common ownership as the personal residence.

Community Living Arrangement: A place and/or building, or portion thereof, that is used for community living arrangements for adults, as defined in Wis. Stats. § 46.03(22); community living arrangements for children, as defined in Wis. Stats. § 48.743(1); foster homes, as defined in Wis. Stats. § 48.02(6); or adult family homes, as defined in Wis. Stats. § 50.01 (1) (a) or (b).

- Community Living Arrangement for Adults per Wis. Stats. § 46.03(22): *A community-based residential facility, as defined in s. 50.01 (1g).*
 - Community-Based Residential Facility per s. 50.01 (1g): *A place where 5 or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident.*
- Foster Homes per Wis. Stats. § 48.02(6): *Any facility that is operated by a person required to be licensed by s. 48.62 (1) and that provides care and maintenance for no more than 4 children or, if necessary to enable a sibling group to remain together, for no more than 6 children or, if the department promulgates rules permitting a different number of children, for the number of children permitted under those rules.*
- Adult Family Homes per Wis. Stats. § 50.01 (1) (a) or (b):
 - (a) *A private residence to which all of the following apply:*
 1. *Care and maintenance above the level of room and board but not including nursing care are provided in the private residence by the care provider whose primary domicile is this residence for 3 or 4 adults, or more adults if all of the adults are siblings, each of whom has a developmental disability, as defined in s. 51.01 (5), or, if the residence is licensed as a foster home, care and maintenance are provided to children, the combined total of adults and children so served being no more than 4, or more adults or children if all of the adults or all of the children are siblings.*
 2. *The private residence was licensed under s. 48.62 as a home for the care of the adults specified in subd. 1. at least 12 months before any of the adults attained 18 years of age.*
 - (b) *A place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.*

Contractor Storage Yard: An establishment which is used for the storage of construction vehicles, equipment, and materials for contractors. This use may include ancillary professional offices, showrooms, and workspaces. Examples include plumbers, heating and air conditioning contractors, excavators, carpenters, painting contractors, wastewater treatment system contractors, electricians, well drillers, and similar uses.

Family Day Care Home: A dwelling licensed as a day care center by the Wisconsin Department of Health and Family Services where care is provided for not more than eight (8) children. (See §66.1017, Wis. Stats.)

Farm Implement/Heavy Vehicle Sales/Service/Rental: An establishment which is used for the sale, maintenance, service, repair and/or rental of large vehicles such as farm implements/implements of husbandry, recreational vehicles and campers, personal watercraft, and heavy trucks.

Farm Residence: Any of the following structures that is located on a farm:

- (a) A single-family residence that is the only residential structure on the farm or is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
 - 3. An individual who earns more than 50 percent of his or her gross income from the farm.
- (b) A migrant labor camp that is certified under §103.92, Wis. Stats.

Feedlot/Stockyard: A feedlot or stockyard shall be determined to be any of the following facilities, when they are a business and means of livelihood:

- (1) Any tract of land or structure wherein any type of fowl or the byproducts thereof are raised in close quarters for sale at wholesale or retail.
- (2) Any structure, pen, or corral wherein cattle, horses, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to slaughter or market.
- (3) Any structure, pen, or corral wherein transient cattle, horses, sheep, goats, or swine are kept temporarily for slaughter, market, or shipping.

Funeral Home: An establishment, occupied by a professional licensed mortician, with facilities for burial preparation or cremation and funeral services.

Gas Station/Carwash: A place and/or building, or portion thereof, that is used or is intended for the retail sale of gasoline, kerosene, diesel, or other petroleum-based motor fuels. The term includes the sale of convenience foods and goods, provided it is ancillary to the sale of fuels.

Group Day Care Center: A land use in which licensed persons and facilities provide child care services for nine or more children, such as day care centers, pre-schools, and nursery schools.

Home Occupation: A low to moderate impact economic activity conducted entirely within a dwelling unit, its attached garage, and/or an accessory building on the same parcel as the dwelling unit, where the principal use of the lot is the residence of the person conducting the economic activity. See Sec. §395-32 D.

Hotel/Motel: A building in which board and lodging are provided to the transient public for compensation.

Indoor Commercial Entertainment: All uses that provide entertainment services primarily within an enclosed building. Outdoor entertainment services and facilities may be present, but shall be clearly accessory and incidental to the Indoor Commercial Entertainment use. Indoor Commercial Entertainment uses often have operating hours that extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, brewpubs, taverns, theaters, health or fitness centers, other indoor private recreation centers, training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, indoor shooting ranges, pool halls, concert venues and wedding halls.

Institutional Residential: A place and/or building, or portion thereof, that is used for senior housing, retirement homes, assisted living facilities, nursing homes, hospices, group homes,

convents, monasteries, dormitories, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be Community Living Arrangements under Wis. Stats. §62.23.

Kennel: Any establishment wherein or whereon household animals are boarded, bred, sold, or trained on a regular basis for commercial purposes. This term includes commercial kennels, boarding kennels, pet motels, and pet training establishments. This term does not include veterinary clinics/animal hospitals, or animal grooming establishments.

Library/Museum: A place in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for use but not for sale; or an institution devoted to the procurement, care, study, and display of objects of lasting interest or value.

Lumber/Building Supply Yard: A place and/or building, or portion thereof, used or is intended for wholesale or retail sales of bulk construction materials such as roofing, lumber, bricks, component parts (trusses) and the like. The term does not include hardware stores, concrete plants, asphalt mixing plants or any facility that manufactures building materials and offers them for retail sale on the premises.

Manufactured Home Community: Any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a farm where the occupants of the manufactured homes are the father, mother, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm. (See §101.91(5m), Wis. Stats.)

Manufactured Home: A structure that is designed to be used as a dwelling with or without a permanent foundation and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC 5401 to 5425. (See § 101.91(2)(am), Wis. Stats.)

Manufacturing, Assembly, Processing: An industrial establishment in which the primary purpose is for manufacturing, assembly, and/or processing of raw materials or individual parts by hand or machinery for the purpose of wholesale distribution.

Mobile Home: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty. (See §101.91(10), Wis. Stats.)

Mobile Wireless Service Facility: As defined in Chapter 367 of the Code of the Village of Mishicot.

Motel: See "Hotel/Motel"

Multi-Family Residence: A single structure with three or more individual attached dwelling units, including “rental apartments,” condominium buildings with 3+ units each, townhouses, and row houses. Each dwelling unit may take access from a shared entrance or hallway or from a private, individual exterior doorway.

Municipal Building: A place and/or building, or portion thereof, that is used or is intended for a government office or facility. Examples include Village hall, public works/highway garages, publicly-owned community centers and the like.

Non-Farm Residence: A single-family residence other than a farm residence.

Nonmetallic Mining: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; topsoil and related processes such as crushing, screening, scalping, dewatering and blending.

On-Site Agricultural Retail: Retail sale of agricultural products grown primarily on the site or on an adjacent property in common ownership which may include the construction and maintenance of permanent structures. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) may be produced off-site.. Such use may include a permanent or seasonal dining establishment, winery/brewery, and/or bakery in which products are primarily grown, processed, prepared, and served on the site or on an adjacent property in common ownership.

Outdoor Commercial Recreation: All outdoor land uses located on private property that accommodates passive or active recreational activities for a fee. Such land uses include arboretums, natural/wildlife areas, recreational trails, open grassed areas, picnic areas, picnic shelters, gardens, fishing areas (including commercial fishing ponds), play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses open to the public, and similar land uses. Not included within this land use category are private conservancy lands restricted against further development and/or any other separately listed land use.

Outdoor Public Recreation: All outdoor recreational land uses located on public property, public easement, or public right-of-way that involves passive or active recreational activities. Also includes private conservancy lands restricted against further development.

Outdoor Shooting Range/Gun Club: Any parcel or tract of land which is designed and operated for the use and discharge of firearms, not within an enclosed building, for compensation, a fee, or membership fee.

Outdoor Theater: A place and/or building, or portion thereof, that is used or intended for dramatic performances or the showing of motions pictures outdoors.

Passenger Bus/Train Terminal: Any establishment for the storage or parking of commercial passenger vehicles or where commercial passenger vehicles pick up and discharge fare-paying passengers, with or without accessory business offices.

Places of Worship: A place and/or building, or portion thereof that is used or is intended as a place where persons regularly assemble for religious worship and associated activities. The term includes sanctuaries, chapels, cathedrals, churches, mosques, synagogues, and temples and other onsite accessory buildings such as parsonages, friaries, convents, fellowship halls, Sunday schools, and rectories. The term does not include day care centers, community recreation facilities, dormitories, private educational facilities, emergency shelters, health care facilities, and the like.

Private Airstrips/Landing Fields: A facility providing takeoff, landing, and storage for private air transportation vehicles.

Professional Office/Service Establishment: Exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples include professional services, banks, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics/animal hospitals, animal grooming establishments, barber shops, and beauty shops.

Public/Private Park: A tract of land or portion thereof, that is used or is intended for recreational activities, relaxation, leisure, or ornament, and/or kept in its natural state, and for use by the general public or by a homeowners' association. Such use may include accessory buildings and structures.

Recreation Camp: An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations, groups, or clubs for recreational purposes.

Retail: The sale of goods to the public in relatively small quantities for use or consumption rather than for resale.

Roadside Stand: Retail sale of unprocessed agricultural products, such as vegetable/fruit produce and eggs, grown exclusively on the site or on an adjacent property in common ownership, and not requiring the construction and maintenance of permanent structures dedicated to such use. Packaging and equipment used to store, display, package, or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) may be produced off-site.

Salvage Yard: Any land or structures used for a salvaging operation including but not limited to the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of more than 2 disassembled, unlicensed, inoperable, junked or wrecked motor vehicles, truck bodies, tractors, trailers. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

School/College/University: A place and/or building, or portion thereof, which is used or is intended for use as a preschool, elementary, junior high, high school, vocational school, college, or university.

Short Term Rental (STR): A single-family residence that offers overnight accommodations for a daily fee that also serves as a primary residence of the operator or owner. An STR includes bed & breakfast establishments, rental vacation home by owner or other similar overnight private rental accommodations for fewer than 29 consecutive days.

Single Family Residence: A detached residential building designed for or occupied exclusively by one family and surrounded by open space or yards and which is not attached to any other dwelling by any means. This term includes modular homes and site-built homes constructed on permanent foundations and which meet the minimum floor area requirements of this Chapter. This term excludes manufactured homes and mobile homes, except double-wide manufactured homes constructed on permanent foundations and which meet the minimum floor area requirements of this Chapter are considered single family detached residences.

Slaughterhouse: An establishment in which animals are butchered for a fee for wholesale or retail sale (except those permitted as an “Agricultural-Related Use”).

Social Clubs/Lodges: A place and/or building, or portion thereof, that is used for the assembly of private, hunting/conservation, or civic clubs or organizations for meetings and special events.

Solid Waste Facility: Any use dedicated to the collection, storage, processing, and/or disposal of solid wastes as defined by Wis. Stats. § 289.01(33), organic materials for composting or for off-site energy production, and/or materials for recycling.

Special Event: Any organized assembly of more than 200 individuals at any one time for special events, including concert and wedding venues, church festivals, community events, and other similar events open to the public. This term does not include events sponsored by the Village of Mishicot, or one-time and occasional auctions, weddings, funerals, family reunions, and other similar occasional private events.

Two Family Residence (Duplex): A single structure containing two separate dwelling units, each unit having a private individual exterior access, and with no shared internal access within the building.

Utility Installation-Major: A place, building and/or structure, or portion thereof, whether public or private, used or is intended for providing basic infrastructure or utility services and which could potentially have moderate to high impact on neighboring property. This term includes pipeline pumping stations, energy production and transmission facilities, and water towers. This term does not include wastewater treatment plants and private energy systems which produce energy primarily for use on the same lot or parcel as the private energy system is located.

Utility Installation-Minor: A utility installation generally having low impact on neighboring property. This term includes public water system wells (without a tower), below-ground sewer lift stations, and stormwater pumping stations.

Vehicle Sales/Service/Rental: An establishment which is used for the sale, maintenance, service, repair and/or rental of motor vehicles such as cars, motorcycles and light trucks.

Warehouse/Distribution Center: A place and/or building, or portion thereof, that is used for the storage of merchandise or commodities for commercial use off-site or wholesale/retail distribution.

Wastewater Treatment Plant: An establishment in which sewage is treated with chemical and/or biological means so that it is no longer harmful or dangerous to the environment.

Wholesale: The sale of goods in relatively large quantities for retail sale by others.

Winery/Brewery/Distillery: An establishment where wine, beer, or liquor is produced for wholesale or retail sale. A winery/brewery/distillery may include retail sale and display of products produced on-site.