

17.0805 CHANGES AND SUBSTITUTIONS

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

17.0806 FLOODLAND NONCONFORMING USES

Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this code shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the 100-year recurrence interval flood.

17.0807 WETLAND NONCONFORMING USES

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the SWO Shoreland Wetland Overlay District and in existence at the time of adoption or subsequent amendment of this Ordinance is permitted pursuant to Section 61.351(5) of the Wisconsin Statutes.

SECTION 17.0900 PERFORMANCE STANDARDS**17.0901 COMPLIANCE**

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air, and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

17.0902 AIR POLLUTION

No person, operation, or activity shall exit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code. No person, operation or activity shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation or property. In no case shall any activity emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas.

17.0903 FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed,- and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall comply with COMM 10.

17.0904 GLARE AND HEAT

No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

7.0905 WATER QUALITY PROTECTION

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall withdraw water or discharge any liquid, or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all moveable waters in the County.

17.0906 NOISE

No activity in any district shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second)	Sound Level (Decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Ordinance. There shall be a maximum noise level of 65 decibels measured from the lot line that is emanating from any site.

17.0908 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

17.0909 VIBRATION

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	(Inches) Outside the District
0 to 10	.0008
10 to 20	.0005
20 to 30	.0002
30 to 40	.0002
40 and over	.0001

Vibrations shall be further subject to applicable Federal, State and local laws and regulations.

17.0910 FLOODPROOFING

Where floodproofing by means of elevating on fill is deemed inappropriate or impractical, and where floodproofing by means other than filling is permitted, floodproofing measures shall be in accordance with the following:

A. Floodproofing Measures shall be designed to:

- (1) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the 100-year recurrence interval flood; and
- (2) Assure protection to an elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood; and
- (3) Provide anchorage of structures to foundations to resist flotation and lateral movement; and
- (4) Insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood.

B. No Permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect certifying that the floodproofing measures are adequately designed to protect the structure or development to a point at least two (2) feet above the elevation of the 100-year recurrence interval flood for the particular area.

C. Floodproofing Measures may include, but are not limited to:

- (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;
- (2) Addition of mass or weight to structures to prevent flotation;
- (3) Placement of essential utilities above the flood protection elevation;
- (4) Surface subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
- (5) Construction of water supply wells, and waste treatment and collection systems to prevent the infiltration of floodwaters into such systems;
- (6) Cutoff valves on sewer lines and the elimination of gravity flow basement drains; and/or

- (7) The construction of permanent or moveable watertight bulkheads, erection of permanent watertight shutter" and doors, and installation of wire reinforced glass or glass block for windows.

SECTION 17.1000 BOARD OF APPEALS

17.1001 ESTABLISHMENT

There is hereby established a Board of Appeals for the Village of Thiensville for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of this Ordinance.

17.1002 MEMBERSHIP

The Board of Appeals shall consist of five (5) members appointed by the Village President and approved by the Village Board. The Village President shall make his nominations at least one (1) month prior to their appointment. In addition:

- A. Terms shall be for staggered three-year periods, except that of those first appointed: one (1) shall serve for one (1) year, two (2) for two (2) years, and (2) for three (3) years.
- B. Two (2) Alternate Members may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
- C. The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
- D. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
- E. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

17.1003 ORGANIZATION

The Village Board herein adopts rules for the conduct of the business of the Board of Appeals in accordance with the provisions of this Ordinance. The Board may adopt further rules as necessary.

- A. Meetings shall be held at the call of the chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the Board, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- C. The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a temporary, unclassified, or substituted use.

17.1004 POWERS

The Board of Appeals shall have the following powers:

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Zoning Administrator.
- B. Variances. To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.
- C. Special Exceptions. To hear and authorize special exceptions for all of the dimensional requirements of the zoning code, including height, setback and yards of each zoning district.
- D. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Zoning Administrator has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- E. Permits. The Board may reverse, affirm wholly or partly or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.
- F. Assistance. The Board may request assistance from other Village officers, departments, commissions, and boards.

G. Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

17.1005 APPEALS AND APPLICATIONS

Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the Village affected by the decision of the Zoning Administrator. Such appeals shall be filed in the Office of the Zoning Administrator within 90 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed in the Office of the Zoning Administrator. Such appeals and application shall include the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of Survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and approved by the Zoning Administrator, showing all of the information required under Section 17.1200 for a Zoning Permit.
- C. Additional Information, required by the Zoning Administrator, the Board of Appeals, or the Village Plan Commission.

17.1006 HEARINGS

The Board of Appeals shall fix a reasonable time and place for the hearing, publish a Class Two (2) notice thereof and shall give due notice to the parties in interest, the Zoning Administrator, and the Village Plan Commission. At the hearing the appellant or applicant may appear in person, by agent, or by attorney.

- A. Due Notice of all hearings on floodland and wetland appeals, applications for variances to the floodland or wetland provisions of this Ordinance, or for floodplain or wetland mapping disputes shall be given to the Wisconsin Department of Natural Resources (DNR) at least 10 days prior to the hearing. Final action on applications shall not be taken for 30 days or until the DNR has made its recommendations, whichever comes first. A copy of all decisions relating to floodland or wetland appeals, variances to floodland or wetland regulations, or floodplain or wetland mapping disputes shall be transmitted to the DNR within 10 days of the effective date of such decision.

17.1007 FINDINGS

No variance or special exceptions to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. 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, accessory use, or conditional use in that particular district.
- B. Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- C. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. 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.

- D. Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- E. Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- F. Additional Requirements in Floodland Districts. No variance shall be granted where:
- (1) Filling and development contrary to the purpose and intent of the FW floodway district would result.
 - (2) A change in the boundaries of the FU floodway district or the FFO floodplain fringe overlay district would result.
 - (3) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval flood for the particular area would result.
 - (4) Any action contrary to the provisions of Chapter NR 116 of the Wisconsin Administrative Code would result.

17.1008**FLOODLAND AND WETLAND MAPPING DISPUTES**

- A. Floodland Disputes. Whenever the Board of Appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by use of the flood profiles contained in an engineering study, or where such information is not available, by experience flood maps or any other evidence available to the Board of Appeals. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. There it is determined that the floodplain is incorrectly mapped, the Board of Appeals shall advise the Village Plan Commission of its findings and the Plan Commission shall proceed to petition the Village Board for a map amendment.
- B. Wetland Disputes. Whenever the Board of Appeals is asked to interpret a SWO Shoreland Wetland Overlay District boundary where an apparent discrepancy exists between the Village's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the Village Plan Commission to initiate appropriate action to rezone the property within a reasonable amount of time.

17.1009**DECISION**

The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator. In addition:

- A. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- B. Variances, Substitutions or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- C. Applicants Receiving Variances in Floodlands shall be notified in writing by the Board of Appeals that increased flood insurance premiums may result from the granting of the variance. The Board shall keep a permanent record of the notification in its files.

17.1010**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 offices of the Board.

SECTION 17.1100 CHANGES AND AMENDMENTS

17.1101 AUTHORITY

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission.

17.1102 INITIATION

A change or amendment may be initiated by the Village Board, Village Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

17.1103 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- A. Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 300 feet of the area proposed to be rezoned.
- B. Owners' Names and Addresses of all properties lying within 100 feet of the area proposed to be rezoned.
- C. Additional Information required by the Plan Commission, or Village Board.

17.1104 RECOMMENDATIONS

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.

17.1105 HEARINGS

The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Plan Commission, giving notice of the time, place, and the change or amendment proposed by publication of a Class Two (2) notice, pursuant to Chapter 985 of the Wisconsin Statutes. The Village Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

17.1106 VILLAGE BOARD ACTION

Following such hearing and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

17.1107 FLOODLAND DISTRICT BOUNDARY CHANGES LIMITED

The Village Board shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this Ordinance; or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

- A. Changes in the FW Floodway District Boundaries shall not be permitted where the change will increase the flood stage elevation 0.01 foot or more unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Petitions for Floodway District changes shall show the effects of the change within the associated flood fringe utilizing the single degree of hydraulic encroachment principle, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- B. Removal of Land from the Floodland Districts shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the 100-year recurrence interval flood and provide that such land is contiguous to lands lying outside of the floodlands.
- C. Amendment of Floodlands Which Were Delineated by Approximate Methods shall not be permitted unless the petitioner provides the Village with engineering data showing the flood profile, necessary river cross-sections, flood elevations, and any effect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth above for changes in the FW Floodway District. If the Approximate Flood Zone is less than five acres in area and where the cost of the proposed development is estimated to be less than \$125,000, the Department of Natural Resources (DNR) will assist the petitioner in determining the required flood elevations.
- D. No River or Stream Shall be Altered or Relocated until a floodland zoning change has been applied for and granted in accordance with the requirements of this Section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of the altered or relocated watercourse shall not be reduced to less than the flood carrying capacity before the watercourse was altered or relocated.
- E. Notice to DNR: A copy of all notices for amendments or rezoning in the Floodland Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR). No amendments to the floodland district boundaries or regulations shall become effective until approved by the DNR. In the case a floodland district boundary changes, an official letter of map amendment from the Federal Emergency Management Agency may also be required.

17.1108**AMENDMENTS TO SHORELAND WETLAND OVERLAY DISTRICTS**

- A. The Village shall Transmit a Notice of any change (text or map) in the SWO Shoreland Wetland Overlay District to the Wisconsin Department of Natural Resources (DNR). Notice requirements shall be as follows:
 - (1) A copy of every petition for a text or map change mailed within five days of filing with the Village Clerk.
 - (2) At least 10 days prior notice of any public hearing on a SWO Shoreland Wetland Overlay District zoning amendment.
 - (3) Notice of a Village Plan Commission recommendation no later than 10 days following the recommendation.
 - (4) Notice of a Village Board decision no later than 10 days following the decision.
- B. No Wetland in the SWO Shoreland Wetland Overlay District shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.

- C. If the DNR has notified the Village Plan Commission that an amendment to the SWO Shoreland Wetland Overlay District may have a significant adverse impact upon any of the criteria listed in Paragraph B above, that amendment, if approved by the Village Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the Village Boards approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Village Board that it will adopt a superseding Shoreland ordinance for the Village pursuant to Section 62.231 of the Wisconsin Statutes. If the Department does so notify the Village Board, the effect of this amendment shall be stayed until the Section 62.231 adoption procedure is completed or otherwise terminated."

17.1109 PROTEST

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto exceeding 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

SECTION 17.1200 ADMINISTRATION

17.1201 PLAN COMMISSION

The Village Plan Commission shall have the duties of making reports and recommendations relating to the plan and development of the Village to public officials, agencies, public utility companies, civic, educational, professional, and other organizations, and citizens. The Plan Commission shall hear and decide interpretations of the zoning code regulations and location of the boundaries of the zoning district. The Plan Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

17.1202 ZONING ADMINISTRATOR DESIGNATED

The Village Administrator or his designee is hereby designated as the administrative and enforcement officer for the provisions of this Ordinance. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after onsite inspection, all permits required by this Ordinance. The Zoning Administrator shall further:

- A. Maintain Records of all permits issued and inspections made, work approved, and other official actions.
- B. Record the First Floor and Lowest Floor (basement or crawlway) Elevations of all structures erected, moved, altered, or improved in the floodland districts.
- C. Inspect all structures, lands, and waters as often as necessary to assure compliance with this Ordinance.
- D. Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Ordinance to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
- E. Assist the Village Attorney in the prosecution of Ordinance violations.

- F. Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by the Zoning Administrator to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.
- G. Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
- H. Request Assistance and cooperation from the Village Police Department and Village Attorney as deemed necessary.
- I. Make Available to the Public, to the fullest extent possible, all reports and documents concerning the Village's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Plan Commission may set fees necessary to recover the cost of providing information to the public. Where useful, the Zoning Administrator, or Administrator's agent, may set marks on bridges or buildings or other markers may be set to show the depth of the 100-year recurrence interval flood; or may set marks delineating the boundaries of wetlands.
- J. Determine whether or not specific ordinance requirements shall be waived and a permit should be issued in situations where the applicant alleges that he or she is handicapped or disabled and is entitled to "reasonable accommodations" under the federal Fair Housing Act, 42 U.S.C. aa3601-3631, or the Wisconsin Open Housing law S.106.04, Wisconsin Statutes, or where the owner of a place of public accommodations alleges that certain zoning restrictions must be waived in order to make the public accommodations accessible to the disabled.

17.1203 ZONING PERMIT

Permit Required. No building shall be erected, added onto, moved or structurally altered until a zoning permit has been applied for and issued.

Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by the Village Clerk and shall include the following where pertinent and necessary for proper review:

- A. Names and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- B. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and approved by the Zoning Administrator showing the location, boundaries, dimensions, uses, and size of the following:
 - (1) Subject Site
 - (2) Existing and proposed structures
 - (3) Existing and proposed easements
 - (4) Streets and other public ways
 - (5) Off street parking
 - (6) Existing highway access restrictions
 - (7) High water
 - (8) Channel, floodway, and floodplain boundaries
 - (9) Existing and proposed street. side and rear yards
- D. Additional Information as may be required by the Village Plan Commission or the Zoning Administrator in situations where the applicant is requesting that certain zoning restrictions

be waived in order to provide equal housing opportunities, or access to public accommodations, for a handicapped or disabled person, the following should be included:

- (1) The nature of the handicap or disability.
- (2) An explanation of the need for a waiver of specified zoning restrictions.
- (3) A discussion of alternative solutions that have been considered, if any.

E. A Zoning Permit shall be granted or denied in writing by the Zoning Administrator within 30 days of application and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within six (6) months unless substantial work has commenced, or within 18 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, and the applicant shall reapply for a zoning permit before commencing work on the structure. Any permit issued in conflict with the provisions of this Ordinance shall be null and void. Permits that authorize "Reasonable Accommodations" for handicapped persons:

- (1) The zoning administrator shall issue a zoning permit that waives specified zoning ordinance requirements if the zoning administrator determines that both of the following have been met.
 - a. The accommodation (i.e., the waiver of zoning restrictions) that has been requested, or another less extensive accommodation, is necessary to afford equal housing opportunity, or equal access to public accommodations, for disabled or handicapped persons, and is the minimum accommodation that will give the handicapped or disabled persons adequate relief.
 - b. The accommodation will not unreasonably undermine the basic purposes that the zoning ordinance seeks to achieve.
- (2) If the zoning administrator issues a zoning permit to a handicapped or disabled person, or to the owner of a place of public accommodation, that waives certain specified zoning requirements, the permit shall state that:
 - a. Issuance of the permit is required by the Federal Fair Housing Act, and the Wisconsin Open Housing Law, or the Americans with Disabilities Act.
 - b. Where appropriate, the zoning administrator shall attach to the permit the condition that the building addition or other structure (such as entrance ramps) that is authorized by the permit must be constructed in such a way that it can easily be removed when the handicapped or disabled person no longer occupies the property. If such a condition is attached to the permit, the property owner is required by this ordinance to notify the zoning administrator no later than 30 days after the handicapped or disabled person vacates the property.

17.1204 OCCUPANCY PERMIT REQUIRED

An occupancy permit shall be required in the following instances:

- A. No Vacant Land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of occupancy permit has been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such certificate shall be applied for at the time of occupancy of any land and/or building.

- B. No Undeveloped Land Within the Floodland Districts shall be occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this Ordinance have been fully complied with. Such certification shall include the first floor elevation of any structure erected on the site.
- C. No Building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Zoning Ordinance, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village of Thiensville and State of Wisconsin. Such certificate of compliance to occupy a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner.
- D. Application for Certificate of Occupancy shall be made in the same manner as for a zoning permit pursuant to Section 17.1203 of this Ordinance.
- E. Existing Uses. Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

17.1205

CONDITIONAL USE PERMIT

The Village Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community. Application for conditional use permit. Application for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Village Clerk and shall include the following where pertinent and necessary for proper review by the Plan Commission.

- A. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and all opposite and abutting property owners of record.
- B. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat of Survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Zoning Administrator, showing all of the information required under Section 17.1203(c) for a zoning permit and in addition, areas subject to inundation by floodwaters.
- D. In Areas Subject to Inundation by floodwaters, the plat of survey shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations of depth of inundation, floodproofing measures, and plans for proposed structures, giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structures or its effects on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by a registered professional engineer or architect, that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the 100-year recurrence interval flood. Prior to the issuance of certificate of compliance, the applicant shall also submit a certification by the registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this Ordinance.

- E. In Addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; mean and historic highwater lines, on or within 40 feet of the subject premises, and existing and proposed landscaping when so required by the Plan Commission.
- F. Additional Information, as may be required by the Village Board, Village Plan Commission, Village Engineer, or the Zoning Administrator.
- G. Review and Approval. The Village Plan Commission shall review the site, existing and proposed structures, neighboring uses, parking areas, driveway locations, highway access, traffic orientation and circulation, drainage, sewerage and water systems, and the proposed operation; also conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting.
- H. Hearings. The Plan Commission shall fix a reasonable time and place for the hearing, publish a Class Two (2) notice thereof and shall give due notice to the parties in interest and Zoning Administration. At the hearing the applicant may appear in person, by agent, or by attorney.

17.1206**NOTICE TO DNR**

The Zoning Administrator shall transmit a copy of each application for a conditional use permit in the FW Floodway District, The FFO Floodplain Fringe Overlay District, and the SWO Shoreland Wetland Overlay District to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions granting conditional uses in the FW Floodway District, the FFO Floodplain Fringe Overlay District, and the SWO Shoreland Wetland Overlay District shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

17.1206.1**PROHIBITION OF PERMIT OR LICENSE ISSUANCE TO PERSONS WHO HAVE NOT PAID OVERDUE FORFEITURES OR TAXES**

The issuance of any license or permit under this section may be withheld from any person who has not yet paid an overdue forfeiture resulting from a violation of a Village Ordinance, unless the forfeiture is being appealed.

The issuance of any license or permit may be withheld under this section to any premises of license where there are outstanding municipal taxes, including but not limited to, real estate taxes and assessments and personal property taxes.

17.1207**SITE PLAN AND ARCHITECTURAL REVIEW**

Site plan reviews of developments in certain districts are deemed necessary and appropriate to preserve and promote attractive, well-planned, and stable urban conditions. For the purpose of promoting stability of property values and to prevent impairment, or depreciation of property values, no person shall commence any use or erect any structure in the R-1, R-2 and R-3 Residential districts, without first obtaining the approval of detailed site and architectural plans as set forth in this section by the Plan Commission. The site plan review ensures the compatible interaction of the site plan elements with conditions both on and of the subject property and ensures the site plans conformance with the regulations, provisions and general intent of this ordinance and other ordinances. All other districts shall require approval by the Plan Commission for compliance with site plan and architectural requirements.

The Zoning Administrator shall review the site plans, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, drainage, sewerage and water systems, and utilization of landscaping and open space as deemed appropriate for all development in the R-1, R-2, and R-3 residential districts. The Zoning Administrator shall grant or deny associated Zoning Permit applications, or refer applications to the Plan Commission for further consideration. In addition, the Zoning Administrator shall review sign permit applications in all districts, grant or deny the permit, or refer the application to the Plan Commission for further consideration.

A. **Principles.** To implement and define criteria for the purposes set forth above, the following principles are established:

- (1) No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
- (2) No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
- (3) No building shall be permitted where any exposed facade is constructed or faced with a finished material, which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
- (4) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse affect on the beauty and general enjoyment of existing structures on adjoining properties.
- (5) No fence shall be permitted the design of which would destroy or substantially damage or detract from the natural beauty of an area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or would unnecessarily have an adverse affect on the beauty and general enjoyment of existing structures on adjoining properties. It is the policy of the Village to allow only limited fence construction.
- (6) No building or use shall be permitted that would have negative impact on the maintenance of safe and healthful conditions in the Village.
- (7) Buildings and uses shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
- (8) Buildings and uses shall provide for safe traffic circulation and safe driveway locations.
- (9) Buildings and uses shall provide adequate parking and loading areas.
- (10) Buildings and uses shall be provided with adequate public services.
- (11) Buildings and uses shall make appropriate use of open spaces and the Village Plan Commission may require appropriate landscaping and planting screens.

B. **Sureties.** The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule.

C. **Appeals.** Any person or persons aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Village Clerk within 30 days after filing of the decision with the Zoning Administrator.

17.1208 SITE PLAN REQUIREMENTS

No land shall be used, occupied, or developed for any use without complying with the requirements and procedures provided in this section. Application for a site plan shall be filed with the Village by the owner or an authorized representative of the land to be included within such plan and shall include the following information:

1. Boundary survey and legal description
2. Proof of ownership current within 120 days
3. Land area to be included in the plan, present zoning of the land area, present zoning classification of abutting properties, alignment of all public and private right-of-way bounding and intersecting the designated areas, which are proposed to be dedicated, continued, relocated or abandoned with public and private right-of-way existing on abutting property, lot lines and lot design.
4. Proposed finished grade of the site, shown in contour intervals not to exceed two feet.
5. Types of surfacing, such as paving, turfing or concrete to be used on the developed site.
6. A landscape plan showing the sizes and types of all landscaping materials to be used and the method of irrigation to be used at all locations within the site.
7. Separate drawings showing architectural elevations. Such drawings should be at a scale of not less than one-eighth inch equals one foot and should also include representations of fences, walls, signs, screening, outdoor waste disposal areas and rooftop mechanical units.
8. Locations for the following facilities and features:
 - A. All existing and proposed utility easements, water and sewer lines.
 - B. All curb cuts, driving lanes, parking areas, including off street parking areas, garages, carports, loading areas, public transportation point and illumination facilities.
 - C. All signs with size, design type, height and orientation.
 - D. Existing and proposed structures, the uses to be contained therein, heights of all structures, gross floor areas, locations of enhances and loading points.
9. Locations of all common areas with all structures and improvements.
10. Location and sizes of drainage facilities, direction of flow, areas drained by the facilities, and any other information that shows the collection, transporting and disposal of runoff from precipitation on the site.
11. The following identifying information shall be shown on each site plan:
 - A. Title under which the proposed site plan is to be recorded or filed.
 - B. Names of all adjoining subdivisions with lines of abutting lots.
 - C. Owner; names and addresses and departing property lines of adjoining properties, subdivided or not.
 - D. Names and widths of existing streets and alleys.
 - E. Date, month, arrow, scale.
 - F. Name of registered surveyor, licensed to practice in the state, who is platting the tract.

17.1209 CRITERIA FOR REVIEW AND APPROVAL

Approval of site plans or preliminary development plans under this section may include conditions or limitations. The following criteria shall be considered by the Planning Commission in reviewing applications under this division:

1. Consistency with Comprehensive Plan: The proposed site plan is consistent with the spirit and intent of the comprehensive plan and with this section, it would not be contrary to the general welfare and economic prosperity of the Village or the immediate neighborhood and it has been prepared to achieve the benefits of improved design.
 2. Density: Any proposed residential development includes densities consistent with the zoning and preliminary development plan for the property that are compatible with or specific steps are taken to achieve compatibility with adjacent development and land uses.
 3. Compatibility with Surrounding Uses: The proposed development will be compatible with the character of adjacent development uses.
 4. Impact on Existing Village Infrastructures and Public Improvements: The proposed development does not result in undue or unnecessary burdens on the Villages existing infrastructure and public improvements, or that arrangements are made to mitigate such impacts.
 5. Internal Efficiency of Design: The proposed design of the site plan achieves internal efficiency for its residents, adequacy of recreation, public access, safety and other factors, including but not limited to storm drainage facilities, sewer and water facilities, grades, dust control and matters relating directly to public health and convenience.
 6. Control of External Effects: The proposed development controls external effects on nearby landuses, movement and congestion of traffic, noise generated, arrangement of signs and lighting to prevent nuisances, landscaping, features to prevent littering or accumulation of trash, and other factors deemed to affect public health, welfare, safety and convenience.
 7. Architectural Elevations: Required architectural elevations submitted with the site plan are acceptable. Renderings and elevations should reflect conditions, as they will appear upon completion of the development. Elevations should provide evidence of how compatibility with adjacent development will be achieved, internal consistency of design, and satisfaction of the Village of Thiensville design guidelines in the Architectural Guideline.
 8. Adequacy of Traffic and Circulation Plans: Designs and efficiency of traffic plan, vehicular and pedestrian circulation, adequacy and convenience of resident parking and guest parking, proportion of compact car spaces, width and construction of streets, and linkage of collector streets to the arterial street system are adequate.
 9. Zoning and Code Requirements: The proposal conforms to all applicable requirements of this code, the underlying zoning, and preliminary development plan.
 10. Outdoor Lighting Installations: It is the purpose and intent of this section to regulation and reduce the nuisance caused by unnecessary intensity of artificial illumination of property and buildings, to preserve the rural character of the Village of Thiensville, to promote the safety and welfare of its citizens by restricting glare producing sources of light and generally establish proper levels of lighting.
- A. Definitions:
- (1) **Height.** The height of a light structure shall be the vertical distance between the uppermost extremity of any light structure, pole or supporting member and the grade level.
 - (2) **Luminaries.** A complete lighting unit consisting of a lamp of lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

- (3) **Cutoff Luminaries.** Any luminary that does not emit at an angle greater than 90 degrees from vertical and has less than ten (10) percent of maximum candlepower above 75 degrees.
 - (4) **Light Source.** A single artificial point source of luminescence.
- B. General Regulations. The following regulations shall apply to all luminaries installed, erected or maintained in any zoning district.
- (1) No light structure shall exceed 20 feet in height unless otherwise approved in accordance with this section.
 - (2) Unless otherwise approved in accordance with this section, all luminaries shall be of a cutoff design and shall be shielded or directed so as to confine the area of light dispersion to the property and/or building area which it is intended to illuminate. More specifically, all lighting installations shall conform to the following standards:
 - (3) Lighting wattage shall generally not exceed 250 watts.
 - (4) Ground mounted lighting. All grounds mounted luminaries designed or intended for purposes of illuminating building, signs, flagpoles or other onsite amenities shall be completely screened with vegetative cover or other materials as approved by the Plan Commission in order to fully shield the light source from public view.
 - (5) Building lighting. All luminaries designed or intended for purposes of lighting any building on the premises shall limit, to the greatest extent possible, spill-over of light into the sky. Building mounted lighting shall be appropriately shielded to prevent glare.
 - (6) No site shall have lighting at the perimeter of the parcel that exceeds 2 luminaries measured in any direction 2' from grade.
 - (7) Lighting all site fixtures are to be Metal Halide, or Mercury vapor high intensity discharge. Sodium vapor lamps are not allowed.
- C. Permits. Prior to the erection, installation or placement of any exterior artificial light source, an application for permit shall be filed with the Building Inspector. All applications shall include a scaled plan depicting the proposed number, specific locations, intensity (stated in wattage and lumens), manufacturers fixture cutsheet and the type of illumination of all light sources. The plans submitted in compliance hereto shall not necessarily be deemed sufficient to fulfill the technical requirements of the building and electrical ordinance of the Village but are in addition thereto.
- Any permit issued by the building or electrical inspector under the provisions of this section shall expire and be null and void if not implemented within six months of the date of approval. Whenever a permit is granted in conjunction with a site plan approval, such permit shall be valid for the same time period as the related site plan.
- D. Prohibitions. The following type of lighting shall be prohibited except as otherwise approved in accordance with subsection (f) of this section.
- (1) Any artificial light source that creates glare within the normal range of vision from any public walk or thoroughfare under normal weather conditions.
- E. Effect of adoption of this section.
- (1) For any establishment having existing light sources that do not wholly comply with the provisions of this ordinance, all future Plan Commission approvals related to such establishments shall be subject to approval of an outdoor lighting plan in conformance with this section.

F. Exceptions

- (1) The Plan Commission may, in its judgement, waive or modify the provisions of this subsection where, in their opinion, it would further the public interest.

17.1210 **ARCHITECTURAL REVIEW**

A. General Guidelines

- (1) Architectural design shall be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color and material.
- (2) Exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of material, architectural form, and detailing to achieve harmony and continuity of design.
- (3) Commercial and residential buildings shall be sited to provide functional, livable outdoor spaces, and public spaces, which enhance the use of the building and, to the greatest extent possible, the neighboring buildings.
- (4) The visibility of roof top equipment should be minimized by grouping all plumbing vents, ducts and roof top mechanical equipment away from the public view. This guideline is primarily focused upon commercial and multiple family residential projects.
- (5) All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless being used expressly as a trim or accent element.
- (6) Soffits and other architectural elements visible to the public but not detailed on the plans shall be finished in a material compatible with other exterior materials.
- (7) No new building or remodeling of an existing structure shall use mill finish (non-colored) aluminum metal windows or door frames unless specifically requested by the applicant and approved by the Plan Commission.
- (8) Standards for temporary buildings are the same as those for permanent buildings. Permanent landscaping is required.
- (9) New or remodeled commercial buildings shall comply with the standards in the Village's Architectural Guideline.

B. Single Family Residential Guidelines

- (1) Houses with identical or similar building elevations and/or floor plans shall not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of major façade elements shall be waived.
- (2) Building facades should be articulated by using color, arrangement, or change in materials to emphasize the façade elements. Design elements and detailing shall be continued completely around the structure. Such design elements shall include window treatments, trim detailing, and exterior wall materials.
- (3) The location of the house on the lot, windows, orientation, building height, and location of on site open spaces shall consider preservation of the privacy of adjacent development.
- (4) Compatible (not duplicate) color schemes shall be provided for homes or adjacent lots.
- (5) New housing development shall avoid front elevations, which mainly consist of rows of garage doors.
- (6) All doors and windows, etc., shall be detailed to add visual interest to the façade unless such treatment would be incompatible with the architectural style of the building.
- (7) All vents, gutters, downspouts, flashings, electrical conduits, etc., shall be painted to match the color of the adjacent surface, downspouts or rain water leaders shall be located on the inside corners of the structure.

- (8) Residential air conditioning units should be located to have the minimum visual and noise impacts on adjacent residential neighbors.

C. Multiple Family Residential Guidelines

- (1) New multiple family residential development shall respect the scale and character of the adjacent residential neighborhood through attention to views, building scale and orientation, proximity to adjacent uses, location of driveways, noise, lighting and landscaping.
- (2) Building facades should be articulated by using color, arrangement, or change in materials to emphasize the façade elements. Extremely long facades shall be designed with sufficient building articulation, reveals and in some cases, landscaping to avoid a momentous or overpowering institutional appearance.
- (3) Exterior site design and landscaping shall provide functional recreational spaces and/or community site amenities. Exterior spaces shall be designed to enhance the overall appearance and compatibility of such development by providing privacy, buffering and daylight, and to provide a pleasant transition to the street right-of-way.
- (4) All trash enclosures shall be constructed of sturdy opaque materials (with trash receptacles screened from view) which are in harmony with the architecture and materials of the principle buildings.

D. Central Business District Guidelines

The design objective in Central Business Districts is to create a high quality, pedestrian scale, and walkable areas with a traditional downtown atmosphere. Site and building design should address pedestrian needs and develop creative approaches to improving pedestrian interest, access and enjoyment. New buildings or alterations to existing building shall comply with the Village of Thiensville Architectural Guideline.

- (1) The sequence of continuous pedestrian activity shall not be interrupted. Blank wall and other "dead or dull spaces at the street level shall be avoided."
- (2) Frontage design and signage locations shall be coordinated with streetscape landscaping.
- (3) Building frontages should be active, with large nonreflective minimally tinted window openings cut ground level.
- (4) Frequent street-facing pedestrian entrances shall be provided.
- (5) Parking facilities, particularly surface parking lots, shall be located in the interior of the block wherever possible, to encourage continuity of the street frontage.
- (6) Driveway openings along public streets should be minimized and should be located on the street with the least traffic volume.

E. Other Business District Guidelines

- (1) A unified architectural design intention should be incorporated into each commercial center.
- (2) The appearance of a "sea of asphalt" parking lot in the front of the center shall be avoided. Both perimeter and interior parking lot trees shall be provided for shade and visual relief in the parking area while maintaining view corridors to the storefront areas.
- (3) Truck delivery and circulation drives should be separated from customer circulation through the site. Delivery and service activities should be designed to take access from the least traveled street adjacent to the project.
- (4) Shopping cart storage areas shall be incorporated into the building design. The building design shall be incorporated into a shopping cart storage area.
- (5) All buildings or alterations shall comply with the Village's Architectural Guideline dated September 18, 2000.

17.1211 PERMIT FEES

All persons, firms, or corporations performing work which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Village Clerk to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for permits shall be as follows:

Amendment to Ordinance (map or text)	
Planned Unit Development Overlay	
Variance or Appeal Request	
Conditional Use Permit	
Site Plan Review.....	Fees to be determined
Combination of Architectural and Site Plan Review	by the Village Board
(Commercial – agenda item for Plan Commission)	
Rezoning Requests.....	
Annexation Requests	

17.1212 DOUBLE FEE

A double fee may be charged by the Zoning Administrator 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 Ordinance nor from prosecution for violation of this Ordinance.

17.1213 VIOLATIONS

It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Ordinance. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

17.1214 REMEDIAL ACTION

Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator, or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

17.1215 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance or resists enforcement shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution of each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

17.1216 REVIEW COSTS

Review Costs. The Village Administrator or Planning Commission may request the Village Engineer, Village Attorney, or any other consultant or expert to review applications for development permits or other types of permits required by this chapter. The cost of all such reviews shall be borne by the applicant. The Village reserves the right to require an escrow account be established for the purpose of providing funds for anticipated review costs.

SECTION 17.1300 DEFINITIONS

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

A. **A Zones**

Areas of potential flooding shown on the Village's Flood Insurance Rate Map" which would be inundated by the regional flood as defined herein. These numbers as A0, A1 to A99, or be unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

B. **Accessory Use or Structure**

A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

C. **Alley**

A special public right-of-way affording only secondary access to abutting properties.

D. **Arterial Street**

A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

E. **Banner**

A temporary sign normally made of vinyl paper material or a flexible material.

F. **Boarding House**

A building, other than a hotel or restaurant, where meals or lodging are regularly furnished by prearrangement for compensation for four (4) or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

G. **Buffer Yard**

A unit of land which may contain plantings, or other visual and sound barriers, intended to eliminate or minimize conflicts between adjacent land uses.

H. **Building**

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

I. **Building Area**

The total area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

J. **Building Height**

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof deck of a flat or mansard roof or the mean height of the hip, gambrel, arched, round or pitched roof.

K. **Buildings Principal**

A building in which the principal use of the lot on which it is located is conducted.

- L. **Business**
An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.
- M. **Channel**
Those floodlands normally occupied by a stream, lake, bed, or other body of water under average annual high-water flow conditions while confined within generally well-established banks.
- N. **Clothing Repair Shops**
Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops.
- O. **Clothing Stores**
Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and sewing shops.
- P. **Conditional Uses**
Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- Q. **Development**
Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to building, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- R. **Direction Signs**
Signs that direct and guide traffic and parking, bearing no advertising, and conforming to any applicable laws, rules or ordinances for traffic control signs or devices, not exceeding 6 square feet.
- S. **District Basic**
A part of parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform (such as the Residential and Commercial District classifications).
- T. **District, Overlay**
Overlay Districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- U. **Drive-in-Restaurant**
An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises
- V. **Dryland Access**
A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.
- W. **Dwelling**
A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

X. Dwelling Unit

A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one (1) family.

Y. Dwelling/Efficiency

A dwelling unit consisting of one principal room with no separate sleeping rooms.

Z. Dwellings Single-Family

A detached building designed for or occupied exclusively by one (1) family.

AA. Dwelling/Two-Family

A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.

BB. Dwelling/Multiple-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

CC. Election Campaign Period

In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day candidates would circulate papers were papers to be required, and ending the day of the election.

In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

DD. Environmental Control Facility

Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment nor meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

EE. Essential Services

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

FF. Family

The body of persons related by blood, marriage, or adoption; with not more than one (1) unrelated person per bedroom with a maximum of four (4) unrelated persons, who live together in one dwelling unit as a single housekeeping entity.

GG. Flags

Flags of nations, political subdivisions, and symbolic flags and insignia of institutions which are five (5) by eight (8) feet or smaller, with a maximum flagpole height of thirty (30) feet when displayed in connection with a residential, office, commercial, or industrial land use or a private club. Such flags are prohibited from being used as attention-getting devices for commercial purposes. Government buildings are exempt from the size and height limitations.

- HH. **Flood**
 A general and temporary condition of partial or complete inundation of normally dry land areas caused by the overflow or rise of inland waters; the rapid accumulation or runoff of surface waters from any source; the inundation caused by waves or currents of water exceeding anticipated levels along the shore of Lake Michigan or Lake Superior; or the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- II. **Flood Insurance Study**
 An examination, evaluation, and determination of flood hazards, and if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide or mud flow, and/or flood related erosion hazards. Such studies shall result in the publication of a Flood Insurance Rate Map showing the intensity of flood hazards in either numbered or unnumbered A Zones.
- JJ. **Flood Profile**
 A graph showing the relationship of the floodwater surface elevation of a flood event of a specified recurrence interval to the stream bed and other significant natural and man-made features along a stream.
- KK. **Flood Protection Elevation**
 A point two (2) feet above the water surface elevation of the 100-year recurrence interval flood. This safety factor, also called "freeboard," is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such *unknown* factors may include ice jams, debris accumulation, wave action, and obstructions of bridge, openings.
- LL. **Floodlands**
 For the purpose of this Ordinance, the floodlands are all lands contained in the "regional floods or 100-year recurrence interval flood. For the purpose of zoning regulation, the flood lands are divided into the Floodway, and Floodplain Fringe Overlay District.
- MM. **Floodplain Fringe**
 Those floodlands, outside the floodway, subject to inundation by the 100-year recurrence interval flood.

- NN. **Floodproofing**
Any combination of structural and non-structural additions, changes or adjustments which reduce or eliminate flood damage to unimproved and improved real estate, water and sanitary facilities, and their contents. [See also Section 17.0910 of this Ordinance.]
- OO. **Floodway**
A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which includes the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- PP. **Frontage**
The dimension of a lot abutting a public street measured along the street line. The minimum frontage for lots is 40 feet as stated in Section 17.0205.
- QQ. **Gift Stores**
Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- RR. **Hardware Stores**
Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.
- SS. **Hotel**
A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooling facilities in any individual room or apartment.
- TT. **Home Occupations**
An occupation, professional activity or use that is clearly a customary, incidental and secondary use of a residential dwelling unit with only one (1) non-resident person employed and is in accordance with the restrictions of this ordinance. Home occupations shall be limited to an office, tutoring, making of arts or crafts or similar uses. Home occupations shall not include conducting of any retail or wholesale activity and shall comply with the Village Zoning Code.
- UU. **Housing For The Elderly**
A dwelling intended for occupancy by persons 62 years of age or older, or by families, the head of which, or his spouse, is 62 years of age or older.

- VV. **Letter of Map Amendment (LOMA)**
Official notification from the Federal Emergency Management Agency (FEMA), that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- WW. **Loading Area**
A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- XX. **Lodging House**
See "Boarding House".
- YY. **Lot**
A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, and other open space provisions of this Ordinance.
- ZZ. **Lot, Corner**
A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See Illustration No. 3.)
- AAA. **Lot, Interior**
A lot situated on a single street which is bounded by adjacent lots along each of its other lines. (See Illustration No. 3)
- BBB. **Lot, Through**
A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. (See Illustration No. 3)
- CCC. **Lot, Substandard**
A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.
- DDD. **Lot of Record**
A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Ozaukee County Register of Deeds and which exists as described therein.
- EEE. **Lot Width**
The width of a parcel of land measured at the setback line.
- FFF. **Machine Shops**
Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing; heating and electrical repair and overhaul shops.
- GGG. **Minor Structures**
Any small, movable accessory erection or construction, such as birdhouses; tool houses; pethouses; play equipment; arbors; and walls and fences under four (4) feet in height.

HHH. Motel

A building containing lodging rooms having adjoining individual bathrooms, and where each lodging has a doorway opening directly to the outdoors, and more than 50 percent of the lodging rooms are for rent to transient tourists for a continuous period of less than 30 days.

III. Navigable Water

Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and Gaynor and 96 Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

For the purpose of this Ordinance, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

JJJ. Nonconforming Uses or Structures

Any structure, use of land, use of land and structure in combination, or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Ordinance or amendments thereto. Any such 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.

KKK. Open Space

An unoccupied space open to the sky on the same lot with the building it serves and not used for any other purpose. Required off-street parking space does not qualify as open space, nor do drives except with respect to single family residences.

LLL. Ordinary Highwater Mark

The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

MMM. Parking Lot

A structure or premises containing 5 or more parking spaces open to the public for rent or a fee.

NNN. Parking Space or Parking Stall

A graded and surfaced area either enclosed or open, but in fact usable, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

OOO. Parties of Interest

Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

PPP. Party Wall

A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.

QQQ. Professional Home Offices

Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, real estate agents, insurance brokers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only two (2) nonresident persons are employed. The principal use of the structure must remain residential in nature.

RRR. Public Building

Public buildings are structures principally of an institutional nature and serving a public needs such as: churches, hospitals, schools, including private academic schools and nursing schools, libraries, museums, post offices, police and fire stations, public utilities and other public services, but not including the operation of a public bar, restaurant, or recreational facility as a commercial enterprise.

SSS. Rear Yard

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure (See Illustration No 4)

TTT. Regional Flood

The regional flood is a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years; this means that in any given year there is a one (1) percent chance that the regional flood may occur or be exceeded. During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence.

UUU. Restaurant

An establishment where food and drink is prepared, served and consumed primarily within the principal structure. (See "Restaurant, Drive-in")

VVV. Restaurant. Drive-in

A free-standing establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises. Contemporary drive-in restaurants often offer drive-through service. For the purpose of this Ordinance, an eating establishment located in a shopping center with three or more attached business/retail establishments; which does not provide drive through service; and which may serve food, refreshments, or beverages in or on disposable plates and cups is not considered to be a drive-in restaurant.

WWW. Shorelands

Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream; or to the landward side of the floodplain, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use.

XXX. Side Yard

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. (See Illustration No. 4)

YYY. Signs

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

ZZZ. Sign. Awning

A sign that is mounted or painted on, or attached to an awning, canopy, or marquee. (See Illustration No. 5)

AAAA. Sign Bulletin

A sign carrying advertising or information to the public.

BBBB. Sign. Copy

The message or advertisement, and any other symbols on the face of a sign. (See Illustration No. 5)

CCCC. Sign. Double Faced

A sign, which has two readable areas, placed back to back.

DDDD. Sign. Face

The area or display surface used for the message.

EEEE. Sign. Flashing

A sign which has lights that operate in a pulsating or intermittent manner.

FFFF. Sign. Ground/Monument

Any sign placed upon or supported by the ground independent of any other structure and the means of support are concealed. (See Illustration No. 5)

GGGG. Sign, Illuminated

A sign designed to give forth or reflect artificial light, from a light source incorporated in the sign or indirectly from another light source.

HHHH. Sign, Off Premise

A sign not intended to be temporary (see Sign, Temporary), and advertising a use not conducted on the parcel where the sign is located. Off premise signs are not permitted in any district.

IIII. Sign, Permanent

A sign not intended to be temporary. (See Sign, Temporary).

JJJJ. Sign, Pole

A freestanding sign with the bottom edge of its frame ten (10) feet or more above the surface of the ground.

KKKK. Sign, Portable

A sign that is not permanent, affixed to a building, structure, or to the ground. Such sign may be mounted on wheels to make it transportable. (See Illustration No. 5)

LLLL. Sign, Poster

A temporary paper sign, which is posted in a public place to advertise an event.

MMMM. 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 Illustration No. 5)

NNNN. Sign

Any name, structure or device designated to inform or attract attention for the purpose of advertising, identifying or directing.

OOOO. Sign, Roof

A roof sign is any sign that meets one of the following descriptions:

- (A) A sign that is mounted on the roof of a building, with the exception of an integral roof sign.
- (B) A sign that is wholly dependent upon a building for support and which projects above the roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

PPPP. Sign, Roof (Integral)

An integral roof sign is any sign erected or constructed as an integral or essentially integral part of the normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more the six (6) inches.

QQQQ. Sign, Temporary

Any sign, valance or advertising display other than banners, pennants and flags, constructed of cloth, canvas, light fabric or cardboard, wallboard or other materials, with or without frames, intended to be displayed for not more than thirty (30) days in a 365 day period.

RRRR. Sign, Wall

A sign that is mounted to a structure in such a manner that the wall becomes the supporting structure for, or forms the back ground surface of the sign and which does not project more than 12 inches from such building or structure.

SSSS. Story

That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

TTTT. Story, Half

A story which is situated in a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

UUUU. Street

A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

VVVV. Street Line

A dividing line between a lot, tract or parcel of land and a contiguous street.

WWWW. Street Yard

The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof excluding uncovered steps. Where the street line is an arc, the street yard shall be measured from the arc. In some ordinances, the street yard is also called the setback. (See illustration No. 4)

XXXX. Structure

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground and being more than 6" above grade.

YYYY. Structural Alterations

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

ZZZZ. Substantial Improvement

Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe code living conditions, or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

AAAAA. Temporary Structure

A movable structure not designed for human habitation or occupancy but for the temporary protection of goods or chattels during a period of construction, but not to exceed one year, for the enclosure or screening of goods or property; or for the display of signs and advertising.

- BBBBB. Town Center**
An open air, main street style shopping center that allows office, retail (B-1, B-2, B-3 & B-4) and residential uses (R-4 & R-5). It encourages pedestrian traffic. It is historically sensitive. The town center encompasses the area shown on page 3-4 of the Concept Plan created for the City of Mequon and the Village of Thiensville in September, 2002. The Laurel Lake area is not included in the town center area. The key elements are as described on page 3-1 of the same Plan.
- CCCCC. Unnecessary Hardship**
That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.
- DDDDD. 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.
- EEEEEE. Use Accessory**
A subordinate use on the same lot which is incidental and customary in connection with the principal use.
- FFFFF. Use. Principal**
The main use of land or building as distinguished from a subordinate or accessory use.
- GGGGG. Use. Nonconforming**
Any use of a building or premises which the effective date of this Ordinance does not, even though lawfully establish, comply with all of the applicable use regulations of the zoning district in which such building or premise is located.
- HHHHH. Utilities**
Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and microwave radio relays, and gas regulation stations, but not including sewage disposal plants, warehouses, shops, storage yards, and power plants.
- IIIII. Variance**
An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance. A variance may not permit the use of a property that is otherwise prohibited by the Ordinance or allow floodland construction that is not protected to the flood protection elevation.
- JJJJJ. Vision Setback**
An unoccupied triangular space at the street corner of a corner lot.
- KKKKK. Wetland**
An area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- LLLLL. Window Signs**
Any temporary window sign or combination of window signs, the area of which does not exceed 20 percent of the window area, including door windows if any, on which the sign or signs are located. However, permanent window signs shall require a special sign permit pursuant to this ordinance.

MMMMM. Yard

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot on an interior lot. (See Illustration No. 4)

SECTION 17.1400 ADOPTION AND EFFECTIVE DATE**17.1401 PLAN COMMISSION RECOMMENDATION**

The Plan Commission of the Village of Thiensville recommended the adoption of this Ordinance at a meeting held on August 8, 2000.

17.1402 PUBLIC HEARING

The Village Board held public hearings on this proposed Ordinance on the September 18, 2000

17.1403 VILLAGE BOARD APPROVAL

The Village Board concurred with the recommendations of the Plan Commission and proceeded to adopt the Zoning Ordinance at a meeting on September 18, 2000.

17.1404 EFFECTIVE DATE

This Ordinance shall take effect upon passage and adoption by the Village Board and the filing of proof of posting or publication in the Office of the Village Clerk.

Date of Posting or Publication: October 1, 2000