

Chapter 12

ZONING AND BUILDING REGULATIONS

- 12.01 Preliminary Considerations
- 12.02 Interpretation
- 12.03 Permits
- 12.04 General Land Use Regulations
- 12.05 Zoning Districts
- 12.06 Conditional Uses
- 12.07 Modification and Exceptions
- 12.08 Nonconforming Lots, Structures and Uses
- 12.09 Board of Zoning Appeals
- 12.10 Changes and Amendments
- 12.11 Definitions
- 12.12 Paddock Lake Design Review Process
- 12.13 Construction Site Erosion and Sediment Control
- 12.14 Enforcement of State Building Code
- 12.15 Building Site Start Times
- 12.16 RESERVED
- 12.17 RESERVED
- 12.18 Post-Construction Stormwater Management
- 12.19 Illicit Discharges and Connections

12.01 PRELIMINARY CONSIDERATIONS.

(1) Authority. This Ordinance is adopted pursuant to the authority granted by the Wisconsin Statutes but not limited to Sections 61.34, 61.35 and 623.23(7) of the Wisconsin Statutes. Any mandatory amendments or repeals or recreations to state statutes pertaining to the subject matter of this Ordinance incorporated in this Ordinance as of the effective date of the amendment, repeal, or recreation. The Board of Trustees of Village of Paddock Lake, Kenosha County, Wisconsin, do ordain as follows:

(2) Purpose.

(a) It is the purpose of this Ordinance to repeal the present zoning ordinance of the Village of Paddock Lake, to reinstate a comprehensive rezoning ordinance, and encourage the use of land, waters and structures within the Village in a planned and orderly manner so as to promote the public health, safety, morals, prosperity, aesthetics, comfort, convenience and general welfare of the citizens of the Village.

(b) It is the finding of the Board of Trustees of the Village of Paddock Lake that the regulation of land uses within the Village serves to promote the general welfare of its citizens, the quality of the environment, and the conservation of its resources.

(3) Intent.

(a) By enactment of this Ordinance, it is the general intent and objective of the Board of Trustees pursuant to the authority granted in Section 12.01(1) of this Ordinance to accomplish the following within those areas falling within the jurisdiction of this Ordinance:

(1) Regulate the use of all lands, buildings, structures and waters in the incorporated areas of the Village so as to determine, establish, regulate and restrict the following:

(a) The areas within which agriculture, forestry, industry, trades, business and recreation may be conducted;

(b) The areas in which residential uses may be regulated or prohibited;

- (c) The areas in and along or in or along natural water courses, channels, lakes and streams in which trades or industries, filling or dumping, erection of structures and location of buildings may be prohibited or restricted.
- (2) Designate certain areas, uses or purposes which may be subjected to special regulation.
- (3) Determine, establish, regulate and restrict the location, setback, sideguard, height, bulk, number of stories and size of buildings and other structures.
- (4) Determine, establish, regulate and restrict the location of buildings and structures designed for specific uses and designation of uses for which buildings and structures may not be used or altered.
- (5) Determine, establish, regulate and restrict trailer camps or tourist camps and motels or both and mobile home parks.
- (6) Regulate population density and distribution.
- (7) Determine, establish, regulate and restrict the percentage of any parcel which may be occupied, size of yards and other open spaces.
- (8) Provide healthy surroundings for family life.
- (9) Provide areas for peace and quiet, open space and privacy.
- (10) Determine, establish, regulate and restrict the location of roads and schools.
- (11) Insure adequate highway, utility, health, educational, recreational and other public facilities.
- (12) Lessen congestion in and promote the safety and efficiency of the streets and

highways: Regulate parking, loading and access for safety and efficiency purposes.

- (13) Secure safety from fire, explosions, flooding and other dangers.
- (14) Provide adequate light, air, sanitation and drainage.
- (15) Establish performance standards so as to guard against air and water pollution, unnecessary contamination, noises, vibrations and odors, and heat, fire, flooding, radiation and other hazards and nuisances.
- (16) Promote the efficiency and economical use of public funds.
- (17) Protect property values and the property tax base.
- (18) Recognize the needs of agriculture, forestry, industry, business and recreation and future growth.
- (19) Further the appropriate use of land and encourage uses of land and other natural resources which are in accordance with their character and adaptability.
- (20) Prevent and control soil erosion, sedimentation and water pollution of the surface and subsurface waters.
- (21) Further the maintenance of safe and healthful water conditions.
- (22) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
- (23) Preserve shore growth and cover and promote the natural beauty of the shoreland areas.
- (24) Protect fish and animal life including the spawning, resting, nesting, nursing and feeding areas.
- (25) Implement those municipal, watershed, and regional comprehensive plans or components of such plans applicable to

and adopted by the Village of Paddock Lake.

- (26) Obtain the wise use, conservation, development and protection of the Village's water, soil, wildlife and other natural resources and attain a balance between land uses and the ability of the natural resource base to support and to sustain such uses.
- (27) Preserve natural growth and cover; promote, stabilize and protect the natural beauty and amenities of landscape and manmade developments within the Village and encourage the aesthetic development of the Village.
- (28) Preserve neighborhoods and eliminate blight.

(b) To accomplish the above objectives, it is the further intent of the Village Board of Trustees in enacting this Ordinance to hereby:

- (1) Create, as a part of this Ordinance, all of the necessary districts and maps deemed necessary for achieving all of the objectives of this Ordinance.
- (2) Delineate as clearly as possible those circumstances which when present will qualify as exceptions to this Ordinance as well as to those circumstances in which changes and amendments may be made to this Ordinance or variances granted.
- (3) Delineate, without limitation due to enumeration, those aspects of zoning which are to be prohibited, such as use variances.
- (4) Follow all due process requirements and procedures so as to safeguard the rights of individual land owners.
- (5) Provide for the strict enforcement of this Ordinance.
- (6) Establish a proper system for reviewing and appealing the actions of the Planning and Zoning Board of the Village of Paddock Lake.

12.02 INTERPRETATION.

(1) Jurisdiction. The provisions of this Ordinance shall apply to all structures, land, water and air within the incorporated area of the Village of Paddock Lake, Kenosha County, Wisconsin. The jurisdiction of this Ordinance shall also extend to those lands and waters lying within the unincorporated areas within one and one-half to three (1 1/2 - 3) miles of the corporate limits that are approved by the majority of the members of the appropriate joint extraterritorial zoning committee pursuant to Section 62.23(7a) of the Wisconsin Statutes.

(2) Repeal Conflicting Ordinances and Greater Restrictions. All prior zoning ordinances of the Village of Paddock Lake are hereby repealed and superceded by this Ordinance. In the case of conflicts between this Ordinance and any of the provisions of any other ordinances which are subsequently adopted, those provisions providing for greater restrictions shall prevail.

(3) Projects in Progress. The provisions of this Ordinance shall not apply to any construction project for which a valid zoning permit has been issued prior to the enactment of this Ordinance, with the provision, however, that construction has substantially commenced as defined in this Ordinance, within six months after the issuance of the permit and with the further provision, however, that substantial construction is completed, as defined in this Ordinance, within fifteen months after the issuance of the permit.

(4) Abrogation. It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenance, deed restrictions, agreements, rules or permits previously adopted or issued pursuant to law. Nor is it the intent of this Ordinance to abrogate, impair or interfere with the legal rights of the individuals as they may be guaranteed by the state and federal constitutions, statutes and administrative rules.

(5) Liberal Construction. In the interpretation and application of this Ordinance, the provisions of this Ordinance shall be held to be the minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes, as may be amended from time to time.

(6) Severability and Non-Liability.

(a) If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(b) If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

(c) The Village does not guarantee, warrant or represent that only those areas designated as having soils unsuited for specific uses are the only unsuitable soils, and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agents or employees for any structural damage, sanitation problems or other damages that may occur as a result of reliance upon and conformance with this Ordinance.

(7) Zoning Map. A certified copy of the zoning map shall be adopted and approved with the text as a part of this ordinance and shall bear upon its face the attestation of the President of the Board of Trustees and the Village Clerk/Treasurer and shall be available to the public for inspection in the Village office.

(8) Interpretation of District Boundaries.

(a) The official zoning map is herewith made a part of this Ordinance. No change in a zoning boundary shall be made except after petition, review and approval pursuant to the requirements of this Ordinance. Boundaries of the zoning district shall be construed to follow corporate limits; lot or property lines; center lines of streets, highways, alleys, easements, navigable bodies of water and railroad rights-of-way, or such lines extended. Lines which appear to be parallel to any of the aforementioned boundaries of specific distance shall be construed to be parallel as noted.

(b) In the event that any lands are annexed within the corporate limits of the Village, the regulations imposed by this Ordinance shall be in effect upon the effective date of the adoption of an annexation Ordinance for such lands which are annexed.

(9) Incorporation of Floodplain Zoning Provisions. All provisions of the Village Floodplain Zoning Ordinance, Chapter 41 contained herein, are hereby adopted as if fully set forth. Any zoning or building activities within the Village must be in conformance with such regulations in addition to such other requirements as may be stated in this chapter.

12.03 PERMITS.

(1) Applications Required.

(a) No buildings, structures, or any parts thereof, or any development except as hereinafter provided in this ordinance, shall be built, enlarged, altered, repaired, demolished, placed or moved within the areas subject to the provisions of this ordinance until a zoning permit and building permit, when required under the Village of Paddock Lake Building Code, have been applied for in writing and issued by the Building Inspector. For the purposes of this section, to alter or repair a building or structure shall be construed to mean a change in the dimensions, square footage, cubic footage or structural supports of a building or structure or to change the structure in such a way that the future use of the premises is inconsistent with the district wherein the parcel is located. All permits issued by the Building Inspector shall be issued only upon the condition that the Building Inspector or his designee may inspect the premises for compliance during reasonable daylight hours.

(b) No new business or industry established in an existing structure shall be permitted to commence its operation until such time as a certificate of occupancy has been issued by the Building Inspector certifying that the proposed use or operation is in compliance with the terms of this ordinance.

(c) Applications for permits required by this ordinance shall be made in writing to the Building Inspector on forms furnished by the Building Inspector or authorized by this ordinance and shall include all information and data required by such forms including, but not limited to, the following:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor.
- (2) 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; the proposed number of employees; and the zoning district

within which the subject site is situated.

- (3) Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and size of the following:
 - (aa) Subject site.
 - (bb) Existing and proposed structures.
 - (cc) Existing and proposed easements, streets and other public ways.
 - (dd) Off street parking, loading areas, driveways, existing highway access restrictions, existing and proposed streets.
 - (ee) Side and rear yard.
 - (ff) Location, elevation and use of any abutting lands and their structures within forty (40) feet of the subject site, when required by the Building Inspector.
 - (gg) Proposed water supply plan if municipal water service is not available. This plan shall be approved by the Village Engineer or Building Inspector.
 - (hh) Additional information as may be required by the Village Plan Commission, Village Engineer, Building Inspector, or other State, County or Village authorities.
 - (ii) Location of the ordinary high-water mark of any abutting navigable waterways, together with the boundaries of all wetlands and location of floodplain and floodway limits, if any.
- (4) Every application for a zoning permit, a building permit or an occupancy permit required by this ordinance must, in the case of non-residential facilities and properties as that term is defined in §5.10(j) of the ordinances, be accompanied by a recycling plan, as that

term is defined in §5.10(u) of these ordinances. The Building Inspector, should he or she deem it necessary, may also require such proof of performance of the recycling plan as is deemed necessary including, but not limited to, written verification from a provider of recycling services that the subject site is to be serviced under such recycling plan.

(d) Applications for zoning permits required by this ordinance shall fully comply with §66.036 of the Wisconsin Statutes, these ordinances, the Kenosha County Sanitary Code and Private Sewage System Ordinance, and all amendments of the foregoing.

(e) No application shall be accepted by the Building Inspector if the parcel for which a permit is being applied for is not in compliance with any provision of this ordinance.

(2) Applications Not Required. Except for the wetlands overlay district, a zoning permit shall not be required for:

(a) Except as may be required by Chapter 6 of these ordinances, public utilities such as gas and oil pipelines, electric and telephone transmission and distribution lines, poles and other accessories which shall be permitted in all districts however, that when a utility proposes a major transmission line or pipeline, it must give notice to the Plan Commission of such intention and of the time and place of hearing before the Public Service Commission and provided further that at the request of the Plan Commission, the utility meet with it to discuss the routing of said transmission line or pipeline and before actual construction, file a map description of the route of such transmission line with the Plan Commission.

(b) Repairs and other alterations which do not change the cubic footage of a building or structure and do not constitute a change in use and meet all street, sides, rear and shoreyard setback requirements. For purposes of this section, to alter or repair a building or structure shall be construed to mean a change in the dimensions, square footage, cubic footage or structural supports of a building or structure or to change the structure in such a way that the

future use of the premises is inconsistent with the district wherein the parcel is located.

(3) Duty of the Building Inspector. It shall be the duty of the Building Inspector of the Village of Paddock Lake, with the aid of such Kenosha County Sheriff's Deputies as may be assigned to the Village, to investigate all complaints, give notice to violations and to enforce the provisions of this ordinance. The Building Inspector and his duly-appointed deputies may enter at any reasonable time onto any public or private lands or waters to make zoning or building inspections.

(4) Time Limits.

(a) All permits, except conditional use permits, shall be granted or denied by the Building Inspector within thirty (30) days after application. All conditional use permits shall be granted or denied within sixty (60) days after application, unless the time is extended by mutual agreement by the applicant and the Building Inspector. The applicant shall post any permit granted in a conspicuous place at the site. The zoning permit shall expire within six (6) months, unless substantial construction, as defined herein, has been commenced, or within eighteen (18) months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, as defined herein, and the applicant in such case shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

(b) For purposes of this section, "substantial construction" will have been "commenced" if the value of such work that has been commenced is equivalent to twenty-five percent (25%) of the projected cost of the project as noted on the application for the permit.

(c) For purposes of this section, "substantially completed" shall be deemed to mean that construction equivalent to seventy-five percent (75%) of the projected cost of the project as noted in the application for the permit has, in fact, been completed.

(5) Other Permits. It is the responsibility of a permit applicant to secure all other necessary permits required by any federal, state or local agency.

(6) Permit Fees. All owners or 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/Treasurer or Village Building Inspector to help defray the cost of administration, investigation, advertising and processing of permits and variances. The permit for which such a fee is required are the Zoning Permit, Building Permit, Certificate of Occupancy, Conditional Use Permit and the Park Fee Permit, in the case of a lot(s) which previously was not improved by a commercial building or residential dwelling(s). The following fees shall be collected as provided herein:

(a) <u>Type of permit.</u>	<u>Fee</u>
All Zoning Permits	
Residential	\$50.00
Commercial	\$200.00
Certificate of Occupancy	
Residential	\$80.00
Commercial	\$100.00
Conditional Use Permit	\$250.00
Request for rezoning (alteration of map or text amendment)	\$250.00
Zoning Variance	\$300.00
Park Fee (per \$38.10)	\$1,000.00 Per unit
Building Permit - see Village of Paddock Lake Building Code Chapter 9.	

(b) The Village Clerk/Treasurer shall issue a receipt upon receiving all such fees.

(c) The above schedule of fees may be amended from time to time by the Village Board of Trustees.

(7) Triple Fees. A triple fee shall be charged by the Building Inspector if construction, as defined in this Ordinance, is started before a permit is applied for and issued. Such triple fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

(8) Height Restrictions. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Plan Commission by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature

likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Village Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he or she so desires. Thereafter, the Village Plan Commission may affirm, modify or withdraw its determination of unsuitability.

12.04 GENERAL LAND USE REGULATIONS

(1) Introduction. The proper regulation of the use of certain structures, lands and waters, only through the use of the zoning districts contained within this Ordinance is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this Ordinance. All structure, land, water, or air shall hereafter be used or developed and no structure or part thereof shall hereafter be located, erected, moved, placed, reconstructed, extended, enlarged, converted, demolished, or structurally altered without full compliance with the provisions of this Ordinance and all other applicable village, county and state regulations.

(2) Uses Allowed. Only the following uses, structures and their essential services shall be allowed in any district:

(a) Principle uses and structures specified for a district and permitted as a matter of right.

(b) Accessory uses and structures are permitted as a matter of right in any district. Uses accessory to residential district development shall not involve the conduct of any business, trade or industry except as may be provided herein. An accessory structure cannot be occupied as a separate dwelling unit.

(c) Conditional uses, as defined herein and their accessory uses may be permitted only in specified districts after review and approval by the Village Plan Commission in accordance with procedures and standards established in this Ordinance.

(d) Temporary uses and structures, as may be provided for under this Ordinance.

(e) Unclassified or unspecified uses may be permitted by the Board of Appeals after the Village Plan Commission has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in

that district.

(f) Temporary uses, such as real estate sales, field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Board of Appeals.

(3) Home Occupations and Professional Home Offices.

(a) Requirements. Customary home occupations and professional home offices may be established in a dwelling only in those districts which provide for such home occupations and professions. In such districts, the following requirements shall apply, in addition to all other applicable requirements of this Ordinance for the districts in which such uses are located:

- (1) The home occupation or profession shall be clearly incidental to the residential use of the dwelling and parcel and shall not change the essential residential character of the dwelling and parcel.
- (2) Use of the dwelling and parcel for this purpose shall be limited to only twenty-five percent (25%) of one floor of either the principal building or an accessory building.
- (3) No accessory buildings or outside storage shall be used in connection with the home occupation except as provided in Section (2) above.
- (4) No chemical, mechanical or electrical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, with the exception of medical or dental equipment used for professional purposes.
- (5) Machinery that causes noises or other interference in radio or television reception shall be prohibited.
- (6) No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- (7) Residents of the dwelling only may be engaged in the home occupation. In the

case of professional offices, no more than one non-resident may be employed on the premises.

- (8) No display of products shall be visible from the street and only articles made on the premises may be sold on the premises.
- (9) Instruction and music, dancing and similar subjects shall be limited to two students at one time.
- (10) No more than three vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the customary home occupation.
- (11) Signs shall be subject to regulations contained in this Ordinance.

(4) Customary Home Occupations.

(a) The following are hereby declared to be customary home occupations as intended by this section:

- (1) Architects;
- (2) Artists, sculptor;
- (3) Author;
- (4) Doctor, dentist;
- (5) Dressmaker, seamstress;
- (6) Insurance salesman;
- (7) Lawyers;
- (8) Minister;
- (9) Music and dance teacher;
- (10) Real estate sales.

(b) It is recognized that it is neither possible nor practical to list all of the home occupations that are compatible with those listed above and therefore, it is intended that the aforementioned list of home occupations be illustrative only. Any individual aggrieved by a failure to list a particular home occupation in this subsection

shall have the right to file a petition with the Board of Zoning Appeals pursuant to this Ordinance for a determination as to the similarity of the intended home occupation with the home occupations listed above.

(5) Site Regulations.

(a) Structures Per Lot; Public Access. All structures shall be located on a lot; and, except as otherwise provided in this Ordinance, in the Rs-1, Rs-2, Rs-3, Rd-1 and B-1 districts, only one principal structure shall be located, erected or moved on to a lot. The number, size and type of accessory structure shall be governed as specified in each district and section of this Ordinance. All lots shall abut upon a public street or other officially approved means of access and no zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

(b) Sanitary Width Requirements. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit use of an on-site sewage disposal system designed in accordance with Section H65 of the Wisconsin Administrative Code. Such on-site sewage disposal systems shall be designated in accordance with all state and local laws, regulations and ordinances. On-site sewage disposal absorption systems shall be located on the same parcel of land as the building or buildings which are serviced by it. In any district where a public water service or public sewage service is not available, the lot width and area shall be determined in accordance with Section H65 of the Wisconsin Administrative Code, but for one-family dwellings shall be no less than one hundred twenty-five (125) feet and no less than forty thousand (40,000) square feet respectively.

(c) Lots Abutting Cul-de-sacs. All lots abutting cul-de-sacs and curbs may reduce the frontage on a public street or other officially approved means of access as outlined in each district only.

(d) Lots Abutting More Restrictive Districts. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting

district. The street yards on the less restrictive district shall be modified for a distance of not more than sixty (60) feet from the district boundary line, so as to equal the average of the street yards required in both districts.

(e) Multiple District Lots. Any lot or parcel containing more than one zoning district shall be considered to be entirely within the least restrictive district as defined in this Ordinance provided, however, that in no case shall a district boundary be relocated a distance greater than sixty (60) feet.

(f) Storage and Discharge Prohibited. No waste material such as garbage, rubble, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other materials of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the water shall be located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface or ground waters. Nor shall any such material be allowed to accumulate on any lot of record so as to be unsightly, dangerous or so as to constitute a nuisance. No gasoline storage tanks shall be permitted in any residential district.

(g) Reduction or Joint Use. No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

(h) Use of Knox Box. Any building containing more than two residential living units, commercial building, industrial building, institutional or public service building built after May 1, 2001, or any other building designated by the Village Building Inspector to be subject to the terms of this ordinance in issuing permits for construction of the same, shall be required to install a Knox box, or similar device, to enable fire department and rescue squad personnel to achieve access to the structure and its individual components in the event of emergency.

(i) Cargo Containers. Cargo containers, motorized storage containers or trailers shall not

be allowed to be used as accessory structures within any single-family residential, multi-family, institutional, park and recreation, commercial, business, community business or agricultural zoning district within the Village of Paddock Lake.

(1) Definition. "Cargo container" shall mean standardized reusable vessels that were originally or previously designed for or used in connection with the packing, shipping, transportation or freight industry and shall include tractor trailers or other motorized storage containers, whether self-propelled or requiring separate propulsion.

(2) Temporary Use. Cargo container shall be allowed in any district for the purpose of moving and transfer of personal property for a period of no more than fourteen (14) days. Any cargo container utilized for this purpose must be removed from the corporate limits of the Village within that period of time. In the event of a documented hardship including, but not limited to, structure fire, wind damage, flooding, or the like, a Village resident may obtain an extension of time within which such cargo container may be located within an otherwise prohibited zoning district but only upon written application for such extension and approval by the Building Inspector with such conditions as the Building Inspector deems appropriate under the circumstances.

(3) Cargo Containers in Industrial Zoning District. Cargo containers may be permitted in the industrial zoning district as a conditional use, provided the following criteria are met and only following written application to the Building Inspector:

(a) No more than one cargo container shall be allowed for each ten thousand (10,000) square feet of lot area.

(b) No more than ten (10) cargo containers shall be allowed on any one conforming lot or combination of contiguous lots.

(c) No container shall exceed thirty (30') feet in length or ten (10') feet in width.

(d) All cargo containers shall be located behind adequate screening, including fences and landscaping.

(e) All cargo containers contained on a single lot or on adjoining parcels owned or controlled by the same person shall be painted a uniform neutral earth tone color. All containers located adjacent to a building shall be painted to match the color of the building.

(f) All cargo containers must have working doors and locks and must be firmly secured from unwanted intrusion.

(g) Cargo containers shall be placed on a hard level surface such as well-drained gravel, concrete, asphalt or such other surfaces as may be approved by the Village Building Inspector.

(h) Cargo containers shall not be stacked.

(i) Such other conditions as may be deemed appropriate under the circumstances by the Village Building Inspector.

(4) Cargo Containers in Commercial/Business Zoning Districts. Cargo containers may be permitted in the commercial and business zoning districts as a conditional use, following review and imposition of such conditions as may be found necessary or desirable by the Plan Commission.

(j) Temporary Toilet Facilities. All structures under construction or premises in the Village intended for human habitation, occupancy or being occupied by employees, workers, or owner(s) for extended periods of time and that are not serviced by permanent sanitary sewer facilities shall be provided with a portable toilet facility or other approved devices capable of holding or treating human waste. The construction permittee and the owner(s) of the property shall be jointly responsible for providing routine maintenance/service by a licensed septic hauler to remove waste from the temporary toilet facilities and for the ultimate legally approved disposal of such waste. As an alternative, the construction permittee and/or owner may be able to provide an

alternative plan to be reviewed and approved by the Village Building Inspector. For purposes of this section, temporary toilet facilities shall include any legally approved temporary toilet facility under applicable provisions of the Wisconsin Administrative Code including, but not limited to port-o-lets, port-o-potties, or any other contrivance or device, the purpose of which is to secure and contain human waste until it can be removed legally by a licensed sanitary hauler.

(6) Performance Standards.

(a) Intent. It is the intent of the Village Board of Trustees that the following performance standards designed to limit, restrict and prohibit the effects of those uses outside of their premises or district be imposed upon all parcels falling within the jurisdiction of this Ordinance so as to protect the quality of the environment, the safety and health of the citizens of the Village of Paddock Lake, and to alleviate, and where possible, eliminate nuisances. It is the further intent of the Board of Trustees that all structures, lands, air and water shall hereafter, in addition to their use, site, shoreland and sanitary regulations, comply with the following performance standards, and all applicable standards set forth by the Wisconsin Department of Industry, Labor and Human Relations, Wisconsin Department of Natural Resources, and the Wisconsin Administrative Code.

(b) Procedure. The following procedure shall be applicable:

- (1) Prior to Construction and Operation. Any application for a permit under this Ordinance or any use subject to the regulations and standards set forth herein, shall be accompanied by a sworn statement by the owner or agent of the subject property that the property and use will be operated in accordance with the performance standards hereinafter set forth.
- (2) Continued Compliance. Continued compliance with the regulations and standards heretofore set forth in this section is required and the enforcement of such continued compliance with these regulations and standards shall be the duty of the Building Inspector.

- (3) Determination of Violation. The Building Inspector shall investigate any reported violation of the hereinafter noted regulations and standards and, if there is reasonable grounds for the same, shall proceed in accordance with subparagraph (4) below.
- (4) Termination of Violation. All violations, as ascertained in accordance with paragraph (3) above shall be terminated within thirty (30) days after notice of such violation and in the event that said violation is not terminated, it shall be deemed to be a separate violation for each date of its existence and subject to fines as set forth in this Ordinance, except that certain uses established before the effective date of this Ordinance and non-conforming as to the regulations and standards hereinafter set forth shall be given not more than one hundred eighty (180) days in which to conform therewith after the determination of the existence of such violation and in the event said violation is not terminated, it shall be deemed a separate violation for each day it existed since the effective date of this Ordinance.

(c) Regulation of Nuisance Elements.

- (1) No land or building in any district shall be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazards; noise or vibration, smoke, dust, dirt or other form of air pollution; water pollution; electrical, radio active or other disturbances; glare; or other substance, condition or element (referred to herein as "dangerous or objectionable elements") in such amount as to adversely affect the surrounding area or premises; provided that any use permitted by these Ordinances may be undertaken and maintained if it conforms to the regulations of this subsection eliminating dangerous and objectionable elements at the specified point or points of the determination of their existence.

(2) The determination of the existence of any dangerous and objectionable elements shall be made at:

(a) The point or points where such elements shall be most apparent for fire and explosion hazards, for radioactivity and electrical disturbances, for smoke and other forms of air pollution.

(b) The property lines of the use creating such elements for noise, vibration, glare and odors.

(d) Performance Standards to be Enforced.

(1) Air Pollution. No activity shall emit any fly ash, dust, fumes, vapors, smoke, mists or gases in such quantities so as to cause soiling or danger to the health of persons, animals, vegetation or other forms of property. No activity shall emit any liquid or solid particles and concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in Section NR 154 of the Wisconsin Administrative Code and amendments thereto.

(2) Electrical Radioactive or Other Disturbances. No activity shall emit electrical, radioactive or other disturbances outside its premises that are dangerous or adversely affect the use of the neighboring premises. All applicable federal and state regulations shall be complied with.

(3) 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 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. This shall include fireworks which are held or stored for wholesale or retail sale. The above ground storage capacity of the materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187°F	400,000
105°F - 187°F	200,000
Below 105°F	100,000

- (4) Glare and Heat. No activity shall emit glare or heat that is visible or measurable at the boundaries at the lot on which the principle use is located. 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.
- (5) Noise. No activity in an industrial district (other than transportation facilities or temporary construction work) that exceeds the following sound level measured by a sound level meter and associated octave band filter conforming to standards prescribed by the American Standards Association, Inc., New York, New York, (American Standard Sound Level Meters for measurement of noise and other sounds, 224.3-1944, American Standards Association, Inc., New York, New York, and American Standards Specifications for Octave-Band filter set for the analysis of noise and other sounds, 224.10-1953, or latest approved revision thereof, American Standards Association, Inc., New York, New York, shall be used.):

<u>Octave Band Frequency Cycles per second</u>	<u>Sound Level Decibels</u>
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0 - 75	79
75 - 150	74
150 - 300	66
300 - 600	59
600 - 1,200	53
1,200 - 2,400	47
2,400 - 4,800	41
above 4,800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following displacement measured with a three-component measuring system:

Frequency cycles per <u>second</u>	Displacement (inches)	
	<u>Outside the Premises</u>	<u>Outside the District</u>
0 - 10	.0020	.0004
10 - 20	.0010	.0002
20 - 30	.0006	.0001
30 - 40	.0004	.0001
40 - 50	.0003	.0001
50 and over	.0002	.0001

- (6) Odors. Odors, except in the A-A District, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 154 of the Wisconsin Administrative Code and amendments thereto.
- (7) Liquid or Solid Gases. 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 would be likely to 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 deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or to be harmful to human, animal, plant or aquatic life, or which can cause the emission of dangerous or offensive elements or can overload the existing municipal utilities. In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute towards exceeding the minimum standards and those other standards and application of those standards set forth in Chapter NR 102 of the Wisconsin Administrative Code and amendments thereto.

(e) Traffic, Parking and Access.

(1) Traffic Disability (Vision Triangle).

- (a) No obstructions, such as structures, fences, parking or vegetation shall be permitted in any business, manufacturing or institutional district between the heights of two (2) feet and ten (10) feet above the plane through the center line of the road within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.
- (b) In the case of any federal, state or county highway or village road intersection with any other federal, state or county highway or village road, the corner cutoff distance is establishing the triangular vision clearance space shall be increased to fifty (50)

feet.

(2) Loading Requirements.

(a) In all districts adequate loading area shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public right-of-ways and so that all vehicles need not back onto any public right-of-ways.

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

(1) Businesses: One (1) space of at least 10 by 25 feet for each 3,000 square feet of floor area or part thereof.

(2) Wholesale and industrial: One (1) space of at least 10 by 50 feet for each 10,000 square feet of floor area or part thereof.

(3) Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

(3) Parking Requirements. In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

Number of off-street parking stalls

(a) Residential uses.

(1) Single-family dwellings: two stalls for each dwelling.

- (2) Mobile homes: two stalls for each mobile home.
- (3) Two-family dwellings: four stalls per building.
- (4) Multiple family dwellings: two stalls for one and two bedroom units; 7.5 stalls for three or more bedroom units; plus one stall for every eight units for guest parking.
- (5) Housing for the elderly: one stall for each dwelling unit plus one stall for every eight units for guest parking.

(b) Commercial uses.

- (1) Automobile repair garages and service garages: one space for each regular employee plus one space for each 250 square feet of floor area used for repair work.
- (2) Financial institutions and professional offices: one stall for each 300 square feet of primary floor area plus one stall for every two employees.
- (3) Funeral homes: twenty stalls for each potential viewing room.
- (4) Gasoline filling stations: two spaces for each grease rack or similar facility plus one space for each attendant on duty at any given time.
- (5) Hotels, motels: one stall for each guest room plus one stall for each three employees.
- (6) Motor vehicle sales (new and used): one space for each 500 square feet of floor area plus 300 square feet of outdoor display area for each motor vehicle to be displayed. (This requirement does not include

service garages - see above).

- (7) Restaurants, bars, clubs, lodges, and places of entertainment: one stall for each 100 square feet of floor area plus one stall for every two employees.
- (8) Shopping centers, discount family stores and full service food stores: one stall for each 150 square feet of floor area plus one stall for every two employees.
- (9) Freestanding retail and service stores, convenient food stores: one stall for each 200 square feet of primary floor area plus one stall for every two employees.

(c) Manufacturing uses.

- (1) Manufacturing and processing plants and warehouses: one stall for each two employees during any 12 hour period.

(d) Institutional uses.

- (1) Churches, auditoriums, community centers, vocational and night schools and other places of public assembly: one stall for every five seats.
- (2) Secondary and elementary schools: one stall for every employee plus 1 stall for every 10 students between the ages of 16 and 18 and 1 stall for every 5 students over 18 years of age.
- (3) Governmental offices: one stall for every 300 square feet of floor area.
- (4) Medical and dental clinics: five stalls for every doctor plus one stall for every employee.

- (5) Orphanages, convents, rectories, monasteries: one stall for every 2,000 square feet of floor area.
 - (6) Sanatoriums, hospitals, institutions, rest and nursing homes: one stall for every three beds plus one stall for every three employees.
- (e) Recreational uses (commercial or non-commercial).
- (1) Bowling alleys: six parking spaces for each lane plus additional spaces as may be required herein for affiliated uses such as restaurants and other accessory uses.
 - (2) Health salons, skating rinks, etc.: one parking space for every three persons, based on the maximum number of persons that can be accommodated at the same time in accordance with such design capacity and fire department regulations, and one parking space for every two employees.
 - (3) Park, recreation areas and community centers: one parking space for every two employees, plus spaces in adequate number, as determined by the Building Inspector, to serve the visiting public.
- (f) Uses not listed. In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
- (g) Combinations. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (h) Adequate access. Adequate access to a public street shall be provided for each parking space, and driveway shall be at least ten (10)

feet wide for one and two-family dwellings and at least twenty-four (24) feet wide for all other uses.

- (i) Size. The size of each parking space shall not be less than one hundred eighty (180) square feet exclusive of the space required for ingress and egress.
- (j) Location. The location of each parking space shall be on the same lot as the principal use unless parking space is provided on another parcel, in which case, all parking lots shall have the same zoning district as the principal use and, if not contained on the same parcel as the principal use, shall not be over four hundred (400) feet from the principal use. No parking stall or driveway except in residential districts shall be closer than three (3) feet to a residential district lot line or a street line opposite a residential district.
- (k) Surfacing. All off-street parking areas shall be grated and surfaced so as to be dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (l) Screening. Any off-street parking area, other than that provided for a residence which abuts or faces a residential zoning district and where the vehicles will travel or be parked within fifty (50) feet of the resident's district line, shall provide a planning screen, landscaped earth berm, landscaped fence or wall at least three (3) feet in height at time of planting along the side abutting or fronting on a resident's district. Plans for such screen shall be submitted to the Building Inspector for approval before installation.
- (m) Lighting. Exterior lighting

provided in any parking area shall be shielded or directed in such a manner so as to prevent light from shining directly onto abutting properties.

- (n) Curbs or barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending any closer than five (5) feet from any side and rear lot line except where the parking space abuts a residential district it shall be no less than ten (10) feet.
 - (o) Semi-trailers. Semi-trucks, trailers and cabs, specialized construction equipment and vehicles such as, but not limited to, backhoes, tow trucks, bulldozers, dumptrucks and mobile homes shall not be permitted to be parked in residential zoning districts. This subsection shall not prohibit parking of motor homes and travel trailers on private property in residential zoning districts.
- (4) Driveways and Hi way Access. All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:
- (a) Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway.
 - (b) Islands between driveway openings shall be provided with a minimum of ten (10) feet between all driveways and six (6) feet at all lot lines.
 - (c) Vehicle entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicle sales and service, car washes, service stations, garages, or public parking lots shall be not less than two hundred (100) feet from any pedestrian entrance or exit to a school, college,

university, church, hospital, park playground, library or other place of public assembly.

- (d) No direct public or private access shall be permitted to the existing or proposed right-of-ways of freeways, interstate highways, and interchanges and their entrances or exit ramps nor within five hundred (500) feet of the most remote end of the taper of the entrances or exit ramp.
- (e) No direct public or private access shall be permitted to any existing or proposed federal, state trunk, or county trunk highway within one hundred (100) feet of its intersection with another highway.
- (f) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicle ingress or egress to the above specified streets or highways.
- (g) Temporary access to the rights-of-way in subsections (d), (e); and (f) above, may be granted by the Board of Appeals after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

(f) Fences.

- (1) Permit required. No fence, except those fences provided for in subsection (2) below, shall hereinafter be located, directed, moved, reconstructed, extended or enlarged, converted or structurally altered without a zoning permit and building permit, when required under the Village of Paddock Lake Building Code, and without being in conformity with the provisions of this ordinance, the state statutes and the Wisconsin

Administrative Code. The fence shall also meet all the structural requirements of local and state codes.

- (2) Fences permitted without a zoning permit. The following fences are permitted as specified without a zoning permit subject to the following restrictions and providing that said fence does not in any way interfere with traffic visibility.
 - (a) A snow fence shall be permitted in all districts when comprised of pickets bound together and not exceeding four (4) feet in height and are removed between May 1 and November 1 of each year. No privately owned snow fences shall extend beyond the highway right-of-way line.
 - (b) Fences to be installed around swimming pools shall be governed by the provisions of Section 12.04(6)(g)(7).
 - (c) Agricultural fences in the A-A district shall be permitted provided that they do not extend beyond the highway or road right-of-way.
 - (d) Decorative fences not exceeding two (2) feet in height shall be permitted in all districts.
- (3) Fences or walls for which a zoning permit is required.
 - (a) Residential fences or walls are permitted on the property lines in residential districts, but shall not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in the height in the street yard. Residential fences or walls may be six (6) feet in height in rear street yard of a double frontage lot or in the side street yard of a corner lot not closer than fifteen (15) feet. Residential fences or walls shall not be closer than two

(2) feet to any public right-of-way and no fence or wall greater than two (2) feet in height shall be placed within the vision triangle. No fence or wall which incorporates barb wire shall be permitted in the residential districts.

- (b) Security fences or walls are permitted in all districts other than residential districts. Security fences or walls may be placed on side and rear property lines, but shall not be located closer than two (2) feet to a public right-of-way line. Security fences or walls shall not exceed ten (10) feet in height. No fence or walls greater than two (2) feet in height shall be placed within the vision triangle.
 - (c) Any fence or hedgerow in a commercial or industrial district shall comply to the provisions of paragraph (b) above. Fences in commercial and industrial districts may be solid, chainlink or open woven wire. The use of electrically charged fences is prohibited and the use of barb wire is prohibited except as upon approval by the Village Board.
- (4) No person shall install, plant or maintain a fence or hedge on any lot which creates an unsafe condition for pedestrian or vehicular traffic. Any fence or hedge in violation of this section shall be deemed a public nuisance and shall be subject to the abatement of public nuisances as set forth in Chapter 18 of this Code.
- (5) Any fence within the Village of Paddock Lake which has become so deteriorated, dilapidated or broken as to be unsightly and a detriment to the neighborhood or area, or shall no longer fulfill its purpose as a fence because of its condition, shall be removed by the owner within ten (10) days after notice by the Building Inspector. In the event that the owner fails to comply with the

Inspector's order, the Inspector shall declare the fence a public nuisance and proceed under Chapter 18 of this Code to abate the nuisance.

(g) Swimming Pools.

- (1) Compliance. It shall be unlawful to construct, install, enlarge, or alter any swimming pool as defined in this Ordinance within the Village of Paddock Lake, except in compliance with all of the provisions of this section.
- (2) Districts. Swimming pools may be installed in all districts except the C, S-0, B-1, B-2, M-1 and M-2 districts.
- (3) Permit required. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and accessories thereto within the Village unless a zoning permit and building permit, when required under the Village of Paddock Lake Building Code, have been first obtained from the Building Inspector.
- (4) Application. All drawings and plans for the construction, installation, enlargement or alteration of any such swimming pool and the accessories thereto shall first be presented to the Building Inspector for examination and approval as to the proper location and construction. All such plans and drawings shall be drawn to scale and shall indicate thereon all distances and dimensions so as to accurately and explicitly show all lot lines, and all information pertaining to the pool, walk, deck, fence construction, water supply system, drainage and water disposal systems, and all accessories pertaining to the swimming pool. Such plans shall also indicate the vertical elevations of the pool. All private residential swimming pools and accessories thereto, water supply and drainage system shall be constructed in conformity with the approved plans.
- (5) Location. No portion of a swimming pool

outside a building, including a surrounding deck and fence, shall be located at a distance of less than eight (8) feet from any side or rear property line or building line. Such pool shall also comply with any and all state and local regulations with respect to the distances from an onsite sewage disposal absorption system. On corner lots, all streetyards, setbacks or property lines shall be complied with. Pumps, filters and pool water disinfection equipment installations and all other accessories shall be located at a distance of not less than eight (8) feet from any side property line. Such pools may be installed only upon the rear yard of a premises. All state requirements with respect to the Wisconsin Administrative Code, Section H 62.20, as hereinafter amended or recreated relating to setbacks from an onsite sewage disposal system shall be complied with.

- (6) Area. Such pool may be constructed provided however it does not occupy more than forty (40) percent of the usable area of the rearyard excluding all garages or other accessory structures located in such area.
- (7) Safety features. No swimming pool shall be installed or maintained unless:
 - (a) There shall be erected and maintained a good quality fence not less than four (4) feet in height completely surrounding the pool or surrounding the yard in which the pool is located. In lieu of a fence, the Building Inspector may, on a case-by-case basis, approve other measures designed to prevent unauthorized access to the pool.
 - (b) Every gate or other opening to the fence enclosing such pool, except an opening to the dwelling or other main building of the premises, shall be kept securely closed and locked at all times when the owner or occupant of the premises is not present at such pool. All such gates shall be supplied with self--

closing and self-latching devices placed at the top of the gate.

- (8) Lighting. No lighting may be installed in connection with the pool which shall throw any rays beyond such property lines.
- (9) Water drainage. No water drain from a pool shall be discharged over or near any septic tank, septic field or well.
- (10) Inspection. The Building Inspector shall inspect all swimming pools to determine whether or not the provisions of this ordinance are being complied with.

(h) Signs.

- (1) Permit Required.
 - (a) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit pursuant to Section 12.04(6)(h)(8) or a building permit, when required under the Village of Paddock Lake Building Code, except those signs permitted under Section 12.04(6)(h)(4), without being in conformity with the provisions of this Chapter, Section 84.30 of the Wisconsin Statutes, and Chapter H19 of the Wisconsin Administrative Code as hereinafter amended or recreated. The sign shall also meet all of the structural requirements of the Village and state building codes.
 - (b) Before any sign for which a permit is required by this Ordinance is erected, there should be submitted to the Building Inspector the written consent of the owner of the land upon which the sign is to be located that permission has been so granted, a scale drawing of the proposed sign indicating its location on the premises and its relationship to other structures and property lines, and a computation of the display area as

defined in this Ordinance.

(c) Back to back signs shall constitute but one sign within the meaning of this Ordinance.

(2) Signs Prohibited. Hazards or nuisances: no sign which creates a hazard or dangerous distraction to vehicle traffic or a nuisance to adjoining property shall be permitted in any district. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals or devices, nor obstruct or interfere with the effectiveness of said devices. Flashing signs and inflatable signs are hereby prohibited. No signs or any part thereof or sign anchors, braces, or guiderods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe, and no sign or any part of any sign or any anchor, brace or guiderod shall be erected, relocated, or maintained so as to hinder or prevent ingress and egress from public or private driveways, parking lots or fire escapes or through a door, doorway or window or so as to hinder or prevent pedestrian traffic on a sidewalk or so as to hinder or prevent the raising or placing of ladders against the building by the fire department as necessity therefore may require. No sign shall be placed so as to obstruct or interfere with traffic visibility nor be lighted in such a way so as to cause glare or impair driver visibility upon public right-of-ways. No rotating or swinging signs or devices except for time or temperature devices, whether illuminated or not, shall be permitted. The use of banners, pendants, flags, balloons, streamers or other similar media for advertising shall be strictly prohibited except for special events lasting not more than fourteen (14) days and only upon the prior approval of the Building Inspector.

(3) General Requirements.

(a) All signs, whether attached to or detached from a building or structure,

shall be located only on those sides of a building or structure which face on a public street or alley, right-of-way or public parking lot.

(b) No sign should extend above the high point or peak of the roof, wall or parapet of the building or structure to which it is attached, except a projecting sign as defined herein, which may extend up to, but not more than five (5) feet above such high point or peak of the roof, wall or parapet of the building or structure to which it is attached.

(c) Vision setback lines at public sidewalk right-of-ways or at the intersections of public streets and public or private driveways shall not be less than ten (10) feet unless otherwise specifically stated in this Ordinance.

(d) The total gross surface area of all business signs on a single lot shall be determined in the following manner: for each building side facing a public street or alley right-of-way or public parking lot, the maximum allowable area in square feet of restricted signs shall be the sum of 1.5 times the lineal footage of structure facing on such public right-of-way plus the setback distance as defined in this Ordinance. However, there shall be a minimum allowed side area of twenty-five (25) square feet per building side facing a public street or alley right-of-way or public parking lot for each business on the first floor level and a maximum of two hundred (200) square feet per building side facing a public street or alley right-of-way or public parking lot, for each business on the first floor level. The gross surface area of all unrestricted signs is cumulative. However, the gross surface sign area allowed for one building side shall not be cumulative to another side.

(e) On lots of one (1) acre or less where the building or structure area is less than twenty (20) per cent of the lot area or on a lot of any acreage

where no building or structure exists but a commercial service exists, the allowed gross surface area per lot shall be determined by the Village Building Inspector. But in no case shall such sign area exceed two hundred (200) square feet in area for each lot line abutting a public street or alley right-of-way or public parking lot.

(f) Signs for businesses located above the first floor level shall be prohibited except as follows:

(1) Business or professional name plates located inside of windows or which are painted upon windows above the first floor level of any building or structure side facing a public street or alley right-of-way or public parking lot and which occupy 50 percent or less of the window area.

(2) One (1) group directory sign may be affixed at each public entrance which faces a public street or alley right-of-way or public or private parking lot without obtaining a sign permit, but subject to the area regulations for group directory signs as provided herein and if illuminated, subject to any electrical code requirements contained in the Village building code or the state building code.

(g) Location of all signs shall be set back ten (10) feet from the front lot line or sideyard lot line if on corner lots. In B-1, B-2, M-1, M-2 and I-1 districts a detached or projecting sign with its lowest point not less than ten (10) feet above the ground level may be located within the ten (10) foot setback but not projecting into the public highway right-of-ways.

(h) No person, firm or corporation shall post or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name, or any disfiguring mark on any sidewalk, curb,

gutter, street, any post, pole, or tree, nor shall any of said objects be defaced in any manner, unless sanctioned by the provisions of this Ordinance or other provisions of the Village Ordinances or by the Village Building Inspector in carrying out the provisions of this Ordinance or any public work or construction.

(i) Subdivision entrance signs may be permitted at the discretion of the Village Building Inspector and subject to the requirements of this Ordinance. Specific design, sign appearance, location, size and continuing maintenance responsibility shall be submitted to the Village Building Inspector for approval.

(j) No flashing, alternating, rotating or swinging signs or devices except time or temperature devices, whether illuminated or not, shall be permitted.

(k) The use of banners, pendants, flags, balloons, streamers, or other similar media for advertising shall be strictly prohibited except for special events lasting not more than fourteen (14) days and only upon approval of the Building Inspector.

(1) Each lot, whether occupied by one or more business establishments, shall be limited to one (1) detached sign and one (1) portable sign except that there shall be no limit to the number of detached operational signs. In the event one (1) business establishment occupies more than one (1) lot, that business establishment shall be limited to one (1) detached sign and one (1) portable sign.

(1) Any individual display surface of a detached sign shall not exceed one hundred (100) square feet and the total vertical height including structural supports shall not exceed fifty (50) feet.

(2) Any individual display surface of a portable sign shall not exceed

thirty-two (32) square feet. Every portable sign shall be stoutly secured and anchored in a secure and substantial manner.

(m) Externally illuminated signs, including flood lighting shall illuminate only the immediate area of the sign, concentrating light upon the sign without radiating light upon adjacent public or private property as to interfere with the comfort and repose of those residing in the neighborhood dwellings or constituting a traffic hazard or detriment to traffic safety.

(n) Internally illuminated signs shall illuminate only the immediate area of the sign, concentrating light within the sign without radiating light upon adjacent public or private property so as to interfere with the comfort and repose of those residing in the neighboring dwellings.

(o) Flat signs shall be located on the premises being served and the display surface shall not exceed one hundred (100) square feet for each such sign. The number of flat signs used on a lot shall not be limited, provided however, the total allowed gross surface sign area for restricted signs is not exceeded.

(p) Painted skeleton cutout letter signs shall be located on the building or structure being served and shall be only permitted on cornice, lintel or panel of the building or structure. The number of painted skeleton cutout letter signs shall not be limited, provided, however, the total allowed gross surface sign area for restricted signs is not exceeded.

(q) Projecting signs shall be located on the premises being served and shall be limited to one (1) such sign for each business for each public street or alley right-of-way or public parking lot upon which it faces. No projecting sign shall be at its lowest point less than ten (10) feet above any public street,

walkway, driveway, parking lot or any public right-of-way.

(r) Skeleton cutout letter signs shall be located on the premises being served and shall be limited to one (1) such sign for each business for each public street or alley right-of-way or public parking lot which it faces. There shall be no maximum dimensions for skeleton cutout letter signs.

(s) Business signs shall be located on the premises being served and shall be limited to permitted combinations of detached, flat, painted, projecting or skeleton cutout letter signs as may be allowed under the total allowed gross surface area of all business signs.

(4) Signs permitted in all districts without a zoning permit. The following types of signs shall be permitted in all districts without a zoning permit, subject to requirements for location, size and number as specified herein and subject to all Village and state building code requirements and electrical code requirements if illuminated:

(a) Awning or canopy signs. These shall be located on the premises being served and shall only display the owner's name or business name. One (1) awning or canopy sign shall not occupy more than 30 per cent of the area vertical face of such awning or canopy.

(b) Bulletin signs for public, charitable or religious institutions which shall be located on the premises of the institution being served and shall be limited to one (1) such sign for each institution except on corner lots where two (2) signs, one facing each street shall be permitted. One bulletin sign shall not exceed twenty (20) square feet in area.

(c) Contractor signs for ongoing construction, which shall be on the site of construction and shall be limited to one (1) nine (9') square foot sign in the R-1, R-2, R-3, RD-1, RM-1, A-2 zoning district and one (1) thirty-two

(32') square foot sign in the B-1, B-2, M-1, M-2, I-1, AA and W zoning districts. All contractors signs shall be removed within thirty (30) days of completion of project.

(d) Election campaign signs shall not be located on any property owned by the Village of Paddock Lake nor shall any election campaign sign be located on any Village road right-of-way. On any property where election campaign signs are permitted to be located, permission to erect such signs shall be obtained from the owner of such property. Pursuant to Section 12.04 of the Wisconsin Statutes, no election campaign signs shall be erected before the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required and shall be removed within seven (7) days following completion of the election. If the signs are not removed within the seven day period, the Village shall cause such signs to be removed without the necessity of giving notice. One (1) election campaign sign shall not exceed twenty (20) square feet in area.

(e) Governmental signs such as traffic control, parking restrictions, information and notices shall be located as needed by any public official.

(f) Memorial signs shall be located on the premises being served and there shall be no limitations as to the area or number of such signs.

(g) Operational signs shall be located on the premises being served and shall be unlimited as to the number of such signs. No individual operational sign shall exceed ten (10) square feet in area and shall comply with the minimum height and setback requirements.

(h) Professional name plate signs shall be located on the premises being served and shall be limited to one (1) such sign per business. One (1) professional name plate sign shall not exceed four

(4) square feet in area. Real estate signs shall not be located on property owned by the Village of Paddock Lake nor shall any real estate sign be located on any Village road right-of-way. Real estate signs on property where real estate signs are permitted to be located shall be limited to one (1) sign for each property except on corner lots where two (2) signs, one facing each street, shall be permitted, and on lots abutting a lake where two (2) signs, one facing the street and one facing the lake, shall be permitted. Real estate signs in all business and industrial districts shall not exceed thirty-two (32) square feet in area and in residential districts shall not exceed eight (8) square feet in area. All real estate signs shall comply with minimum height and set back requirements as provided in this Ordinance.

(i) Residential name plate signs shall be located only in residential districts and shall be limited to one (1) such sign for each lot except on corner lots where two (2) such signs, one facing each street, shall be permitted. One (1) residential name plate sign shall not exceed two (2) square feet in area.

(j) Signs in windows above first floor levels shall be subject to the requirements of this Ordinance.

(5) Temporary Signs. Temporary signs, as defined in this Ordinance, may be permitted at the discretion of the Village Building Inspector. Where such sign is to be located on the premises involved, the temporary sign may be permitted for up to a period of three (3) months and extensions may be permitted for a period not to exceed six (6) months in total. Specific design, sign appearance, location, and size shall be submitted to the Village Building Inspector for approval but in any such event shall not be located in any vision triangle as defined in this Ordinance and shall not incorporate any flashing or traveling lights. Such signs shall be at least fifteen (15) feet from highway right-of-way lines and shall not be illuminated in such a way so as to obstruct

highway visibility. Such signs shall not be more than forty (40) square feet in area.

(6) Construction and Maintenance of Signs.

(a) Wind pressures and deadload requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area and shall be constructed to receive deadloads as required in Village or state building codes or other ordinances.

(b) Protection of the Public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided that the space occupied is roped off, fenced off or otherwise isolated.

(c) Maintenance. The owner of any sign shall keep such sign in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clear, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and grass.

(d) Supporting Members or Braces. The supporting members or braces of all signs shall be constructed of galvanized iron, properly treated steel, copper, brass or other non-corrosive, incombustible material. All projecting signs, if placed at right or other angle to the wall or roof of any building, shall be attached by such non-corrosive metal bolts, anchors, cable or other metal attachments as shall insure permanent and safe construction and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof to the building. Should the Building Inspector determine that the safe and permanent

support of such sign so requires and shall be securely anchored by wall plates or nuts to the inside of the walls or to bearing on the underside of two (2) or more roof or ceiling joists in accordance with instructions given by the Building Inspector. Small flat signs containing less than ten (10) square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.

(e) Sign Repair. Signs affixed which shall fail to comply with the orders of the Building Inspector relative to the painting, repair, alteration, maintenance or removal of said sign pursuant to a written notice thereof and within thirty (30) days thereafter shall be painted, repaired, altered, maintained or removed under the authority of the Building Inspector and any cost incurred shall be paid by the owner of the premises on which the sign is located.

(f) Electrical Requirements. All electrical installations shall be done according to national, state and local codes to insure safety and function.

(7) Existing signs. Signs lawfully existing on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, shall, when removed from their fast or when substantial repairs to the structure are required from any cause whatsoever, such signs shall not be re-erected, repaired or maintained unless the sign, location and erection thereof are made to conform with the provisions of this Ordinance and any other applicable ordinance or regulation of this Village, and any existing sign which no longer advertises a bonafide business, product or services associated with that enterprise in the Village of Paddock Lake shall be removed by the owner, agent or person having beneficial use of the premises upon which such sign may be found within thirty (30) days after written notification by the Building Inspector. After such notice from the Building Inspector is given to the owner,

agent or person having beneficial use of the premises upon which the sign may be found, the Building Inspector is hereby authorized to enter upon the premises and remove any such sign and any expense incurred shall be paid by the owner of the premises upon which the sign is located.

(8) Zoning Permit for Signs.

(a) Applications for a zoning permit for a sign shall be made to the Building Inspector and shall contain or have attached thereto the following information:

(1) The name, address and telephone number of the applicant.

(2) The location of the building, structure or lot to which or upon which the sign is to be attached or erected.

(3) The name of the person, firm, corporation or association erecting the sign.

(4) The written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed, in the event that the applicant is not the owner.

(5) A scale drawing of such sign indicating the dimensions, the materials being used, the type of illumination, if any, and the method of construction and attachment.

(6) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures.

(7) Such additional information as may be required by the Building Inspector or the Village Board of Appeals.

(b) Fee Receipt. The Building Inspector shall collect the fee stated in Section

12.03(6) of this Ordinance for applications filed with his office for a zoning permit for a sign. This fee does not include the fee for a building permit for a sign which may be required under the provisions of the Village of Paddock Lake Building Code.

(c) Application for Zoning Permit for Signs. The application for a zoning permit for a sign shall be filed with the Building Inspector with the appropriate fee as set forth in Section 12.03(6) of this Ordinance and upon such filing the Building Inspector shall examine plans and specifications and other data and the premises upon which the sign is to be erected as set forth in the application and if it shall appear that the proposed sign is in compliance with all of the requirements of this and all other Ordinances of the Village of Paddock Lake and the laws, rules and regulations of the State of Wisconsin and its administrative agencies, the Building Inspector shall then issue such zoning permit. If the Building Inspector shall determine that the permit cannot be issued as a proposed sign does not conform to this Ordinance, other ordinances of the Village or state statute or the Wisconsin Administrative Code, or if the Building Inspector is of some doubt as to whether or not the sign is a proper sign considering all factors, or is of the type of sign that should be referred to the Village Board of Appeals, then the Building Inspector shall refer the application to the Village Board of Appeals with his comments for the Board's consideration and decision in accordance with this Ordinance. The Building Inspector shall attend the meeting of the Board of Appeals and present any comments or evidence that he has for the benefit of the Board. A signed permit issued under this Ordinance shall be valid for a period of four (4) months after the date of issue, and after said four (4) months, said permit shall automatically lapse and be null and void without further notice or action on the part of the Building

Inspector.

(d) Variances for Zoning Permits for Signs.

(1) Upon application to the Design Review Board either by the Building Inspector or by an applicant, the Board may grant a special exception to the provisions of this Ordinance as it relates to the number, size, location and type of signs that any organization or business establishment may erect, affix or display, and the Board shall consider the following relevant factors:

(a) The purpose of the proposed sign.

(b) The type of the proposed sign.

(c) The type of materials to be used for the proposed sign.

(d) The type of construction to be employed.

(e) The appearance of the proposed appearance.

(f) The location of the building or structure in a particular zoning district to which the business is situated where the proposed sign is to be located.

(g) The size of the proposed sign in relation to area facing of the building structure in which the business of the applicant is located.

(h) The affect that the proposed sign will have on the appearance and character of the applicant's property, and adjacent and neighboring property, and the area in general.

(i) The affect that the proposed sign will have on property values of the applicant's property, adjacent and neighboring property and the area in general.

(j) The legislative intent of these Ordinances.

(k) Such other matters as the Board deems relevant and material considering the individual circumstances.

(2) Prior to granting a variance and based on the criteria set forth in subsection (1) above, the Board shall find and set forth in writing that the appearance, nature and type of the proposed sign is not so at variance with the appearance and character of other signs in the area, nor so at variance with the appearance and character of the building or structure on which it is to be located, and with the adjacent general area, so as to adversely affect or cause a depreciation of property values; but on the contrary, the proposed sign would serve a public or desirable or useful purpose and would maintain or improve the general appearance and character of the building or structure where located, the adjacent or neighboring properties, and the general area where erected or displayed.

(e) Violations. Any person who shall erect or cause to be erected any sign subject to this Ordinance without first obtaining a permit therefore as required by this Ordinance, shall be subject to a permanent fee in twice the amount set forth in Section 12.03(6) of this Ordinance and further, if said sign is not in conformity with the provisions or specifications of this Ordinance, it may be summarily removed by the Building Inspector upon forty-eight (48) hour's

notice to the owner or the business which is served by such sign.

(f) Annual Inspection. The Building Inspector shall inspect prior to July 1 of each year, every projecting sign. If any such sign is found to be insecurely fastened or in any way conflicts with this Ordinance or state statute or the Wisconsin Administrative Code, the Building Inspector shall report this fact to the owner of the sign or to the owner or occupant of the premises on which it is fastened. If the sign is not made to comply within thirty (30) days after such notice, it may be removed or altered to comply at the expense of the holder of the permit or the owner of the property by the Building Inspector, further provided that the Building Inspector may cause any sign to be removed summarily and without notice whenever public safety requires this to be done immediately.

(g) Liability. Acceptance of fees for a zoning permit or building permit for a sign as provided herein shall not be deemed an assumption of any liability by the Village and the owner of any building or structure upon which a sign is erected shall be liable for any damages and injuries that may be caused to person or property by the erection of such sign.

(7) Violations. It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Board of Trustees, the Building Inspector, the Village 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.

(8) Penalties. Any person, firm or corporation who fails to comply with the provisions of this ordinance shall upon conviction thereof, forfeit not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars and costs of prosecution for 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 six (6) months. Each day a violation exists or continues shall constitute a separate offense.

12.05 ZONING DISTRICTS

(1) Establishment. For the purpose of this Ordinance, the Village of Paddock Lake is hereby divided into the following zoning districts:

- (a) R-1 Single-family Residential
- (b) R-2 Single-family Residential
- (c) R-3 Single-family Residential
- (d) Rd-1 Two-family Residential
- (e) Rm-1 Multiple-family Residential
- (f) B-1 Community Business
- (g) B-2 Integrated Business
- (h) M-1 Light Industry
- (i) M-2 General Industrial
- (j) I-1 Institutional and Public Service
- (k) P Park and Recreation
- (l) A-1 Agricultural
- (m) C Conservancy
- (n) S-O Shoreland Protection Overlay District
- (o) W Wastewater Treatment Plant District
- (p) Wet Wetland Protection Overlay District.
- (q) PUD Planned Unit Development Overlay District
- (r) A-2 Equine Agricultural

(2) Boundaries of Zoning Districts. Boundaries of zoning districts are hereby established as shown on a map entitled "Zoning Map, Village of Paddock Lake, Wisconsin", dated February 1, 1990, as amended from time to time, which accompanies and is part of this ordinance. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts. In addition, the Wisconsin Wetland Inventory Maps stamped "FINAL" on January 27, 1988, are herein incorporated by reference as they relate to the wetland protection overlay district.

(3) R-1 Single-family Residential District.

(a) Permitted Uses.

(1) Single-family dwellings.

(2) Gardening, nurseries and greenhouses only for the propagation of plants, except for commercial use.

(3) Accessory buildings and/or 1 private garage.

(4) Not over two (2) boarders or lodgers not members of the family.

(5) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business; including home occupations.

(b) Lot Area and Width. Lots shall have a minimum area of 8,000 square feet and shall not be less than 70 feet in width at front setback lines.

(c) Building Height and Area.

(1) No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 15 feet in height.

(2) The minimum floor area of a principal building shall be 1,250 square feet. If the principal building does not have a basement, the minimum floor area required shall be increased to 1,300 square feet.

(d) Setback and Yards.

(1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.

(2) There shall be a side yard on each side of all structures not less than 10 feet. On corner lots, the street side yard shall be increased to a minimum of 25 feet.

(3) There shall be a rear yard of not less than 25 feet.

(4) R-2 Single-family Residential District.

(a) Permitted Uses.

(1) Single-family dwellings.

(2) Gardening, nurseries and greenhouses only for the propagation of plants, except for commercial use.

(3) Accessory buildings and/or one (1) private garage.

(4) Not over two (2) boarders or lodgers not members of the family.

(5) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business; including home occupations.

(b) Lot Area and Width. Lots shall have a minimum area of 12,000 square feet and shall not be less than 90 feet in width at front setback lines.

(c) Building Height and Area.

(1) No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 20 feet in height.

(2) The minimum floor area of a principal building shall be 1,300 square feet. If the principal building does not have a basement, the minimum floor area required shall be increased to 1,450 square feet.

(d) Setback and Yards.

(1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.

(2) There shall be a side yard on each side of all structures not less than 10 feet. On corner lots, the street side yard shall be increased to a minimum of 25 feet.

(3) There shall be a rear yard of not less than 25 feet.

(5) R-3 Single-family Residential District.

(a) Permitted Uses.

- (1) Single-family dwellings.
 - (2) Gardening, nurseries and greenhouses only for the propagation of plants, except for commercial use.
 - (3) Accessory buildings and/or one (1) private garage.
 - (4) Not over two (2) boarders or lodgers not members of the family.
 - (5) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business; including home occupations.
- (b) Lot Area and Width. Lots shall have a minimum area of 16,000 square feet and shall not be less than 120 feet in width at front setback lines.
- (c) Building Height and Area.
- (1) No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 20 feet in height.
 - (2) The minimum floor area of a principal building shall be 1,400 square feet. If the principal building does not have a basement, the minimum floor area required shall be increased to 1,650 square feet.
- (d) Setback and Yards.
- (1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.
 - (2) There shall be a side yard on each side of all structures not less than 10 feet. On corner lots, the street side yard shall be increased to a minimum of 25 feet.
 - (3) There shall be a rear yard of not less than 25 feet.
- (6) Rd-1 Two-family Residential District.
- (a) Permitted Uses.
- (1) Two-family dwellings.

(2) Churches, public schools, parochial schools, parks.

(3) Gardening, nurseries and greenhouses only for the propagation of plants, except for commercial use.

(4) Accessory buildings and/or two (2) private garages.

(5) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business; including home occupations.

(b) Conditional Uses. See Section 12.06.

(c) Lot Area and Width. Lots shall be a minimum of 10,000 square feet in area and shall not be less than 90 feet in width at front setback lines.

(d) Building Height and Area.

(1) No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 20 feet in height.

(2) The minimum floor area of a principal building shall be 720 square feet per family.

(e) Setback and Yards.

(1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.

(2) There shall be a side yard on each side of all buildings not less than 15 feet in width. On corner lots, the street side yard shall be increased to a minimum of 30 feet.

(3) There shall be a rear yard of not less than 45 feet.

(7) Rm-1 Multiple-family Residential District.

(a) Permitted Uses.

(1) Multiple-family dwellings.

(2) Boarding houses and lodging houses.

(3) Churches, public schools, parochial schools, parks.

(4) Gardening, nurseries and greenhouses only for the propagation of plants, except for commercial use.

(5) Accessory buildings and/or private garages for use by the multiple-family tenants.

(b) Conditional Uses. See Section 12.06.

(c) Lot Area and Width. Lots shall be a minimum of the larger of 15,000 square feet in area of 3,500 square feet per family. Lots shall not be less than 100 feet in width at front setback lines.

(d) Building Height and Area.

(1) No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 20 feet in height.

(2) No principal building shall have a floor area of less than the larger of 2,500 square feet or 720 square feet per family.

(e) Setback and Yards.

(1) There shall be a minimum building setback of 25 feet from the right-of-way of all streets.

(2) There shall be a minimum side yard on each side of all buildings not less than 20 feet in width.

(3) There shall be a rear yard of not less than 45 feet.

(8) B-1 Community Business District.

(a) Permitted Uses.

(1) Any of the following retail shops or services:

Art Shop

Ice Cream Store

Bakery (retail)

Insurance Office

Bank	Jewelry Store
Barber Shop	Meat and Fish Market
Bath Houses	Music and Radio Store
Beauty Shop	News Stand
Candy Store	Notion Store
Cocktail Lounge	Parking Lots
Confectionery Store	Pharmacy
Clinic	Photographer
Delicatessen	Pet Shop (excluding kennels and animal hospitals)
Dress Shop	
Drug Store	Professional Office
Dry Goods Store	Restaurant
Florist Shop	Real Estate Office
Food Products (retail)	Soda Fountain
Fruit and Vegetable Market	Soft Drink Stand
Gift Shop	Tailor Shop
Greenhouses	Telegraph Offices
Grocery Store (retail)	Theaters
Hardware and Plumbing	Taverns
Hosery Shop	Utility Company Office

(2) Any other uses similar in character and the manufacture or treatment of products clearly incidental and required to conduct a retail business on the premises.

(3) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.

(4) Residential quarters for the owner,

proprietor, commercial tenant, employer or caretaker located in the same building as the business.

(5) Rental apartment on a non-ground level provided there shall be a minimum floor area of 600 square feet for each residential unit provided.

(b) Lot Area and Width. Lots in the B-1 business district shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas, and all required yards. There shall be a minimum lot width of 75 feet at front setback lines.

(c) Building Height and Area. No principal building or parts of a principal building shall exceed 35 feet in height. No accessory building shall exceed 20 feet in height.

(d) Setback and Yards.

(1) There shall be a minimum building setback of 50 feet from the right-of-way of all streets.

(2) No separation shall be required between business, service or commercial uses, except that where a separation, or side yard, is provided, it shall be a rear yard of not less than 30 feet.

(9) B-2 Integrated Business District.

(a) Permitted Uses.

(1) Any use permitted in the B-1 Business District.

(2) Automobile sales and service establishments.

(3) Boat liveries, boat maintenance and repairs.

(4) Public garages.

(5) Hotels and motels.

(6) Places of amusement.

(7) Any other uses similar in character and the manufacture or treatment of products

clearly incidental and required to conduct a retail business on the premises.

(8) Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.

(9) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.

(10) Rental apartment on a non-ground level provided there shall be a minimum floor area of 600 square feet for each residential unit provided.

(b) Lot Area and Width. Lots in the B-2 business district shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas, and all required yards. There shall be a minimum lot width of 75 feet at front setback lines.

(c) Building Height and Area. No principal building or parts of a principal building shall exceed 45 feet in height. No accessory building shall exceed 20 feet in height.

(d) Setback and Yards.

(1) There shall be a minimum building setback of 50 feet from the right-of-way of all streets.

(2) No separation shall be required between business, service or commercial uses, except that where a separation, or side yard, is provided, it shall be a minimum of 10 feet in width.

(3) There shall be a rear yard of not less than 30 feet.

(10) M-1 Light Industry District. The M-1 Light Industry District is intended to provide for manufacturing, industrial and related uses of a limited nature and size in situations where such uses are not located in basic industrial groupings and where the relative proximity to other uses requires more restriction regulations.

(a) Permitted Uses.

- (1) Wholesale business.
- (2) Manufacture of products from paper but not the manufacture of paper or pulp.
- (3) Printing and publishing.
- (4) Manufacture of products from wood except the manufacture of paper, pulp and plastics.
- (5) Manufacture of sporting goods, home and office supplies and appliances.
- (6) Knitting mills and the manufacture of products from finished fabrics.
- (7) Manufacture of jewelry and cosmetics.
- (8) Enameling and painting.
- (9) Garages for storage of vehicles used in conjunction with the operation of an industry.
- (10) Conditional uses compatible with the foregoing allowance under §12.06 of this Ordinance.

(b) Conditional Uses. See §12.06.

(c) Lot Area and Width. Lots in the M-1 light industry district shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas, and all required yards. There shall be a minimum lot width of 75 feet at front setback lines.

(d) Building Height and Area. No principal building or parts of a principal building shall exceed 45 feet in height. No accessory building shall exceed 20 feet in height.

(e) Setback and Yards.

(1) There shall be a minimum building setback of 50 feet from the right-of-way of all streets.

(2) No separation shall be required between business, service or commercial uses, except that where a separation, or side yard, is provided, it shall be a minimum of 10 feet in width.

(3) There shall be a rear yard of not less than 30 feet.

(11) M-2 General Industrial District. The M-2 industrial district is intended to provide for industrial development of a more general and less restrictive nature than in the M-1 light industry district in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not necessitate as stringent regulatory controls. Such districts should not normally abut directly upon any residence districts.

(a) Permitted Uses.

(1) The repair service and assembly of motor-propelled or nonmotor-propelled vehicles including the repair and storage of automotive accessories except the wrecking of motor-propelled vehicles.

(2) The storage and warehousing of fuel and materials, and contractors yards, but not the storage of wrecked and dismantled vehicles and junk or the storage of explosives or inflammable gases or liquids.

(3) Manufacture and bottling of nonalcoholic beverages.

(4) Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the vining of peas or the husking of corn.

(5) Manufacture of goods from leather, but not tanning of hides or manufacture of leather.

(6) Cleaning, dyeing and pressing establishments and laundries, but not bag cleaning.

(7) Laboratories.

(8) Manufacture of cigars, cigarettes and smoking tobacco.

(9) Blacksmithing, tinsmithing, sheet metal working and plumbing shops.

(10) Manufacture of goods from plastics.

(11) Extraction and processing of natural resources indigenous to Kenosha County.

(12) Garages for storage of vehicles used in conjunction with the operation of an industry.

(13) Off-street parking and loading areas.

(14) Office, storage, power supply and other uses normally auxiliary to the principal industrial operations.

(15) Conditional uses compatible with the foregoing allowance under §12.06 of this Ordinance.

(b) Conditional Uses. See §12.06.

(c) Lot Area and Width. Lots in the M-2 general industrial district shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas, and all required yards. The required minimum lot width is 75 feet.

(d) Building Height and Area. No principal building or parts of a principal building shall exceed 45 feet in height. No accessory building shall exceed 20 feet in height.

(e) Setback and Yards.

(1) There shall be a minimum building setback of 50 feet from the right-of-way of all streets.

(2) No separation shall be required between business, service or commercial uses, except that where a separation, or side yard, is provided, it shall be a minimum of 10 feet in width.

(3) There shall be a rear yard of not less than 30 feet.

(12) I-1 Institutional and Public Service District.

The I-1 institutional and public service district is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to

be permanent.

(a) Permitted Uses.

(1) Public or private schools, colleges and universities.

(2) Churches.

(3) Hospitals, sanatoriums, nursing homes, and clinics.

(4) Libraries, museums and art galleries.

(5) Public administrative offices, and public service buildings, including fire and police stations.

(6) Public utility offices.

(7) Wastewater treatment facilities, including lift stations, potable water buildings and other related facilities.

(8) Telephone offices, branch telephone exchanges and static transformer stations, provided there is no service garage or storage yard.

(b) Conditional Uses. See §12.06.

(c) Lot Area and Width. Lots shall be a minimum of 8,400 square feet in area and shall not be less than 75 feet in width.

(d) Building Height and Area.

(1) No principal building or part of a principal building shall exceed 35 feet in height. No accessory building shall exceed 20 feet in height.

(2) The sum total of the floor area of the principal building and all accessory buildings shall not exceed 40 percent of the lot area.

(e) Setback and Yards.

(1) There shall be a minimum building setback of 50 feet from the right-of-way of all streets.

(2) There shall be a side yard on each side

of all buildings not less than 10 feet in width.

(3) There shall be a rear yard of not less than 25 feet.

(13) P Park and Recreation District. The P park and recreation district is intended to provide for areas where the recreational needs, both public and private, of the populace can be met without undue disturbance of natural resources and adjacent users.

(a) Permitted Uses.

Amphitheaters	Forest reserves (wildlife refuges)
Amusement parks	General resorts
Arenas and field houses	Golf courses with or without country club facilities
Art galleries	Golf driving ranges
Aquariums	Group or organized camps
Auditoriums	Gymnasiums and athletic clubs
Boat rentals and boat access sites	Historic and monument sites
Botanical gardens and arboretums	Hunting and fishing clubs
Dude ranches	Ice skating
Exhibition halls	Miniature golf
Fairgrounds	Museums

Forest reserves (wilderness areas)	Recreation centers
Parks-general recreation	Skiing and tobogganing
Parks-leisure and ornamental	Ski resorts
Penny arcades	Swimming beaches
Picknicking areas	Swimming pools
Planetaria	Tennis courts
Playfields or athletic fields	Zoos
Playgrounds	Play lots or tot lots

(b) Conditional Uses. See Section 12.06.

(c) Lot Area and Width. Lots in the P park and recreational district shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas as required by Section 12.04(6)(c)(3) of this ordinance, and all required yards.

(d) Building Height. No building or parts of a building shall exceed 35 feet in height.

(e) Setback and Yards. No building or structure shall be erected, altered, or moved closer than 40 feet to a lot line.

(14) A-1 Agricultural District.

(a) Permitted Uses.

(1) General farming, apiculture, dairying, floriculture, forestry, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming, and viticulture.

(2) Single-family dwellings.

(3) Additional dwellings for those resident owners and laborers actually engaged in the principal farming activity. The number of dwellings on a single farm unit shall not exceed three.

(4) Uses customarily incidental to any of the above uses when located on the same parcel and not involving the conduct of a business; including home occupations.

(b) Conditional Uses. See Section 12.06.

(c) Lot Area and Width. No parcels in the Agricultural District shall be less than ten (10) acres in size. No parcel shall be less than 200 feet in width.

(d) Building Height and Area.

(1) No principal building or parts of a principal building shall exceed 35 feet in height.

(2) The minimum floor area of a principal building shall be 750 square feet.

(e) Setback and Yards.

(1) There shall be a minimum building setback of 80 feet from the right-of-way of all streets.

(2) There shall be a side yard on each side of all buildings not less than 50 feet in width.

(3) There shall be a rear yard of not less than 50 feet.

(15) C Conservancy District.

(a) Permitted Uses.

(1) Fishing.

(2) Hunting.

(3) Preservation of scenic, historic and scientific areas.

(4) Public fish hatcheries.

- (5) Soil and water conservation.
- (6) Sustained yield forestry.
- (7) Stream bank and lake shore protection.
- (8) Water retention.
- (9) Wildlife preserves.

(b) Conditional Uses. See Section 12.06.

(c) Structures. None permitted except accessory to the principal or conditional use.

(16) S-O Shoreland Protection Overlay District. The shoreland protection overlay district is intended to provide for orderly development of shorelands in the Village of Paddock Lake while providing for the preservation of shore cover and furthering the aesthetic appearance of the shoreline. The district includes all lands within 100 feet of the highwater mark of any navigable lake, pond, or stream within the Village.

(a) Permitted Uses. Any use permitted in the underlying basic use district.

(b) Conditional Uses. See Section 12.06.

(c) Lot Areas and Width. Lot area and width shall conform to that required in the underlying basic use district.

(d) Building Height and Area. Building height and area shall conform to the requirements of the underlying basic use district.

(e) Setback and Yards. All buildings shall conform to the setback and yard requirements of the underlying district.

(f) Special Regulations.

(1) No building except boathouses and piers in the shoreland protection overlay district shall be located closer than 50 feet to the highwater mark of a navigable lake, pond, or stream.

(2) To preserve the scenic beauty of shorelands, to control erosion, and to reduce nutrient flow from the shorelands, the following shore cover regulations shall be enforced in the shoreland protection overlay district:

(a) No more than 30 percent of the vegetative cover in the shoreland protection overlay district shall be clear cut.

(b) Cutting of this 30 percent shall not create in a clear cut opening in the district greater than 30 feet wide for every 100 feet of shoreline.

(c) In the remaining 70 percent, cutting shall leave sufficient cover to screen cars, dwelling and accessory structures as seen from the water; and preserve natural beauty and control erosion.

(d) These provisions shall not apply to the removal of dead, diseased or dying trees at the discretion of the property owner; or to silvicultural thinning upon recommendation of a forester.

(3) Filling and grading in the shoreland protection overlay district shall be permitted only after the granting of a conditional use permit by the Village of Paddock Lake Plan Commission. In addition, filling or grading which exposes more than ten thousand (10,000) square feet of the bank of a navigable body of water shall require a permit from the Wisconsin Department of Natural Resources (DNR) pursuant to §30.19 of the Wisconsin Statutes.

(4) Filling and grading existing beaches in the shoreland protection overlay district for the purpose of maintenance of existing beaches to their previous historical condition and grade shall be permitted upon the issuance of a permit by the Building Inspector. Requests for such permit shall include a photograph of the existing beach. A final photograph is required upon completion of the maintenance, each photograph to be submitted to the Building Inspector.

(17) W Wastewater Treatment Plan District.

(a) The zoning classification of the property described below is hereby changed from I-1 Institutional Public Service District, AA Agricultural District, P Park and Recreation

District, and Rs-3 Single-Family Residential District to W Wastewater Treatment Plant:

that area within five hundred (500) feet of the boundaries of the proposed Wastewater Treatment Addition to the Village of Paddock Lake Sewage Disposal Plant and all remaining property of the Village of Paddock Lake Sewage Disposal Plant.

(b) This district is created to minimize any potential odor, noise and nuisances caused by sewage treatment facilities, and to isolate the buildings occupied or intended for residential use, and to prevent the development for such uses of vacant land, all in accordance with NR110.15(3)(d) of the Wisconsin Administrative Code. The construction of commercial establishments or residential structures shall be prohibited, but this prohibition shall not apply to the lots upon which are located commercial or residential buildings at the time of the adoption of this ordinance. Property in such district may be used for industrial (excluding extractive, primary and process manufacturing), public park, forestry or open air recreation purposes when no residences or commercial establishments are erected.

(c) This ordinance shall take effect from and after the date of its passage and publication as provided by law and the Zoning Administrator is hereby directed to make the necessary changes to the zoning map forthwith.

(18) Wet - Wetland Protection Overlay District.

(a) The shoreland-wetland zoning district includes all wetlands in the municipality which are five (5) acres or more and are made a part of this ordinance and which are:

(1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance.

(2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers

or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance. Floodplain zoning maps adopted in §12.05(2) shall be used to determine the extent of floodplain areas.

(b) Determinations of navigability and ordinary high-water mark location shall initially be made by the Building Inspector. When questions arise, the Building Inspector shall contact the appropriate district office of the Department of Natural Resources for a final determination of navigability or ordinary high-water mark.

(c) When an apparent discrepancy exists between the wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Building Inspector shall contact the appropriate district office of the Department of Natural Resources to determine if the wetland district boundary as mapped, is in error. If Department staff concur with the Building Inspector that a particular area was incorrectly mapped as a wetland, the Building Inspector shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district.

(d) Wetlands which are filled prior to January 27, 1988, the date on which the municipality received "FINAL" Wetland Inventory Maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this ordinance.

(e) Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under §30.11, Stats., are not subject to this ordinance.

(f) Permitted uses. The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable: Activities and uses which do not require the issuance of a zoning permit, provided that no

wetland alteration occurs:

(1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;

(2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

(3) The practice of silviculture, including the planting, thinning and harvesting of timber;

(4) The pasturing of livestock;

(5) The cultivation of agricultural crops; and

(6) The construction and maintenance of duck blinds.

(g) Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

(1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

(3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(5) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

(6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the wetland zoning district provided that such installation or maintenance is done in manner designed to minimize adverse impacts upon the natural functions of the wetlands; and

(7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(h) Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:

(1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this ordinance, provided that:

(a) The road cannot, as a practical matter, be located outside the wetland;

(b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland;

(c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

(d) Road construction activities are carried out in the immediate area of the roadbed only; and

(e) Any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of

nonresidential buildings provided that:

(a) The building is used solely in conjunction with the use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;

(b) The building cannot, as a practical matter, be located outside the wetland;

(c) The building does not exceed five hundred (500) square feet in floor area; and

(d) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

(a) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;

(b) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

(c) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria of this ordinance; and

(d) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(4) The construction and maintenance of

electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

(a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

(b) Only limited filling or excavating necessary for such construction or maintenance is allowed; and

(c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland.

(i) The lawful use of a building, structure or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions of the ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions

(1) The wetland provisions of this ordinance authorized by §61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the wetland provisions. All other modifications to nonconforming structures are subject to §62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to fifty (50%) percent of current fair market value.

(2) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this ordinance.

(3) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under §61.351 or §62.231, Wis. Stats., may be continued although such use

does not conform with the provisions of the ordinance. However, such nonconforming use may not be extended.

(4) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of §30.121, Wis. Stats.

(5) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(19) PUD Planned Unit Development Overlay District.

(a) Primary Purpose and Characteristics. The Village Board of Trustees has determined that §62.23(7)(b), Wis. Stats., grants the Board authority to create "planned development districts" as granted to cities pursuant to §62.23(7)(b), Wis. Stats. The PUD Planned Unit Development Overlay District, set forth herein, is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning and diversified location of structures. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Ordinance will allow for flexibility of overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. The unified and planned development of a site in a single or corporate ownership or control or in common ownership under the Unit Ownership Act set forth in Chapter 703 of the Wisconsin Statutes (condominiums) may be permitted by the Village Board upon specific petition under this section of the ordinance and after public hearing with such development encompassing one (1) or more principle uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the ordinance have been met.

(b) Planned Unit Development Overlay District (PUD). So as to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this ordinance except for the A-1, R-1, R-2, R-3, S-0, I-1, and WET districts, there is hereby created the Planned Unit Development Overlay District.

(c) Principal, Accessory and Conditional Uses. Principal, accessory and conditional uses permitted in a Planned Unit Development Overlay District shall conform to uses permitted in the underlying basic use district. Individual structures shall comply with the specific building area and height requirements of the underlying basic use district. All open space and parking requirements of the underlying basic use district shall be complied with either individually or by providing the combined open space and parking space required for the entire development in one (1) or more locations within the development.

(d) Ownership. Areas designated as PUD Overlay Districts shall be under single or corporate ownership or control at the time of their creation.

(e) Minimum Area Requirements. Areas designated as PUD Overlay Districts shall contain a minimum development area of:

<u>Principal Uses</u>	<u>Minimum Area of PUD</u>
Residential Planned Unit Development	10 acres
Commercial Planned Unit Development	10 acres
Industrial Planned Unit Development	40 acres

(f) Minimum Sanitary Sewer Requirements. All Planned Unit Developments shall be on a public sanitary sewer system except in the A-2 district which may be serviced by private sanitary disposal systems.

(g) Pre-petition Conference and General Lay-out Conceptual Plan. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District, the owner or his agent making such petition shall meet with the Building Inspector to discuss the scope and proposed nature of the contemplated

development and data and other information as deemed appropriate and pertinent for presentation to the committee. At the pre-petition conference, the owner or agent shall present a general lay-out conceptual plan including drawings and sketches of the proposed development and figures or calculations that are pertinent to the development using as a general guideline the requirements set forth in subsection 2a-n of this section.

(h) Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Building Inspector for approval of a Planned Unit Development Overlay District. The petition shall be treated as a conceptual plan review pursuant to Section 38.03(c) of the Village Ordinances. Such petition shall be accompanied by any review fees required by these ordinances as well as the following information:

(1) A statement which sets forth the relationship of the proposed Planned Unit Development to any existing or proposed master plans or any adopted component thereof, and the general character of and the uses to be included in the proposed Planned Unit Development including the following information:

(a) Total area to be included in the Planned Unit Development, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.

(b) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features of common open spaces.

(c) A general outline of the organizational structure of a property owner's association, which may be proposed to be established for the purpose of providing any necessary private services or maintenance of common open spaces.

(d) Any proposed departures from the

standards of development as set forth in the Village zoning ordinances or regulations or administrative rules.

(e) The expected date of commencement, schedule of development by phases, and completion of physical development as set forth in the proposal.

(2) A detailed development site plan including:

(a) A survey and legal description of the boundaries of the subject property included in the proposed Planned Unit Development and its relationship to surrounding properties prepared by a land surveyor registered by the State of Wisconsin.

(b) The location of public and private roads, driveways, and parking facilities.

(c) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.

(d) The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.

(e) The type, size, and location of all structures.

(f) General landscape treatment.

(g) Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of the proposed structures.

(h) The existing and proposed location of public sanitary sewer and water supply facilities.

(i) The existing and proposed location of all private utilities or other easements.

(j) The characteristics of soils

related to contemplated specific uses.

(k) Existing topography on the site with contours at no greater than two (2) foot intervals.

(l) Detail storm-water drainage plans prepared by a professional engineer registered by the State of Wisconsin.

(m) Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.

(n) Any other data or information requested at the pre-petition conference.

(i) Referral to Plan Commission. The petition and detailed site plan for a Planned Unit Development Overlay District shall be referred to the Village's Plan Commission for its review and recommendation, which may include any additional conditions or restrictions which it may deem necessary or appropriate. Following such review, the petition and recommendation shall be forwarded to the Village Board for similar review and recommendations.

(j) Public Hearing. The Plan Commission before formulating its recommendations to the Village Board shall hold a public hearing Pursuant to the requirements of Section 12.38 of this ordinance. Notice for such hearing shall include reference to the development plans filed in conjunction with the requested Planned Unit Development Overlay District.

(k) Basis for Petition Approval.

(1) The Plan Commission in making its recommendation to the Village Board and the Village Board in making its determination, shall find:

(a) That the petitioners for the proposed Planned Unit Development Overlay District have indicated that they intend to begin the physical development of the Planned Unit Development within twelve (12) months following the approval of the petition and that the development will be carried

out according to a reasonable construction schedule satisfactory to the Village.

(b) That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this section and to the spirit and intent of this ordinance; is in conformity with any existing or proposed adopted master plans or any adopted components thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.

(c) The Plan Commission in making its recommendations and the Village Board in making its determination shall further find that:

(1) The proposed site is provided with adequate drainage facilities for surface and storm waters.

(2) The proposed site is accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.

(3) No undue constraint or burden will be imposed on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas by the proposed development.

(4) The streets and driveways on the site of the proposed development are adequate to serve the proposed development and do meet the minimum standards of all applicable ordinances or administrative regulations of the state of Village, whichever is more restrictive.

(5) The entire tract or parcel of land to be included in a Planned Unit Development Overlay District is held under single ownership, or

if there is more than one (1) owner, the petition for such Planned Unit Development Overlay District is considered as one (1) tract, lot or parcel and the legal description defines said Planned Unit Development as a single parcel, lot or tract and is jointly petitioned by the several owners. This requirement shall not be deemed to prevent further divisions of the land after creation of the Planned Unit Development Overlay District provided that all further divisions are in accordance with the restrictions placed on the particular Planned Unit Development.

(d) That in the case of a proposed residential Planned Unit Development Overlay District:

(1) Such development creates an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreational space, and coordination with overall plans for the Village.

(2) The Residential Planned Unit Development project is limited to development types as hereinafter set forth:

(a) Cluster developments, attached single-family dwellings, town-houses, and condominiums are permitted in the Rd-1 district but shall not exceed two (2) dwelling units per structure.

(b) Cluster developments, townhouses, and condominiums are permitted in the Rm-1 district, but shall not exceed four (4) dwelling units per structure.

(c) Cluster developments,

townhouses, and condominiums are permitted in the Rm-2 district, in which case, the county planning and zoning committee may set limits on structural size and number of units in each structure.

(3) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities.

(4) Provision has been made for adequate, continuing fire and police protection.

(5) The population composition of the development will not have an adverse effect upon the individual town's capacity to provide needed school or other municipal service facilities.

(6) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.

(e) That in the case of a proposed commercial Planned Unit Development Overlay District:

(1) The economic practicality of the proposed development can be justified.

(2) The proposed development will be adequately served by off-street parking and truck service facilities.

(3) The proposed development is adequately provided with and does not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.

(4) The locations for entrances

and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.

(5) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood or area.

(f) That in the case of a proposed industrial Planned Unit Development Overlay District:

(1) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse affects upon the property values of the surrounding neighborhood.

(2) The proposed development will be adequately provided with and will not impose any undue burden, on public services and facilities, such as, but not limited to, fire and police protection, street maintenance, and maintenance of public areas.

(3) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.

(4) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

(l) Determination. The Village Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Planned Unit Development Overlay District shall be based upon and include as conditions thereto adherence to the building, site, and operational plans for the development as approved by the Village Board.

(m) Changes and Additions. Any subsequent change or addition to the plans or uses shall first be submitted for approval to the designated Building Inspector and the Plan Commission and if in the opinion of either such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof shall be given pursuant to the provisions of these ordinances, and said proposed alterations shall be submitted to the Village Board for approval.

(n) Subsequent Land Division. The division of any land or lands within a Planned Unit Development Overlay District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and the State of Wisconsin.

(o) Failure to begin development if no substantial construction has commenced or no use established in the Planned Unit Development District within the time schedule submitted to the Village Board, the Building Inspector shall petition the Village Board for the purpose of rescinding the planned unit development overlay designation so as to allow the land in question to revert to its underlying zone. The procedures set forth in this ordinance, relating to the amendment of this ordinance shall be adhered to in its discretion and for good cause, the Village Board may extend for a reasonable period of time, not to exceed one year, the period for the beginning of construction or the establishment of a use. If the Planned Unit Development Overlay District is rescinded, the Building Inspector shall remove said district from the official zoning map. Those zoning regulations applicable before the creation of said district shall then be in effect and no vested rights in the Planned Unit Development Overlay District shall be deemed to have accrued.

(20) A-2 Equine Agricultural District. The A-2

District is intended to preserve rural landscape character while allowing for individual residences in conjunction with agricultural activities, including horse farming, hobby farming, orchards, and other activities typically associated with rural surroundings.

(a) Permitted Uses.

(1) General farming, apiculture, floriculture, forestry, grazing, greenhouses (not including retail sales of flowers and plants), horticulture, plant nurseries, orchards, raising of grain, grass, mint, seed crops, tree fruits, nuts and berries, vegetables, paddocks, pasturage, stables, and viticulture.

(2) One (1) single-family dwelling.

(3) Accessory buildings, including detached garages, pole barns, sheds, gazebos, pool houses, playhouses, pergolas, barns, horse stables, indoor riding arenas, storage buildings and windmills.

(4) Equestrian trails, pastures, paddocks, feed lots, roadside stand for selected farm products produced on the premises, not to exceed three hundred (300) square feet in size.

(5) Home occupations and professional home offices including, but not limited to:

(a) Accountant, architect.

(b) Artist, photographer, potter, sculptor.

(c) Author.

(d) Doctor, dentist.

(e) Dressmaker, seamstress.

(f) Home daycare (three children or less not related to principal resident).

(g) Insurance salesman.

(h) Lawyer.

(i) Minister.

- (j) Music and dance teacher.
- (k) Real estate sales.
- (6) Swimming pools and spas.
- (7) Fences suitable for agricultural, equine or residential use.
- (8) Keeping of large and small farm animals as follows:

- (a) Definitions.

- (1) Large farm animals-horses, donkeys, ponies, llamas, alpacas or cows.

- (2) Small farm animals-sheep and, goats.

- (3) Caged farm animals-rabbits.

- (b) Limits on numbers of animals:

- (1) Large farm animals shall be limited to three (3) per acre.

- (2) Small farm animals shall be limited to four (4) per acre.

- (3) Caged farm animals shall be limited to one (1) per two thousand (2,000) square feet.

- (9) Keeping of domestic animals-dogs and cats not more than three (3) each.

- (b) Conditional Uses.

- (1) Living quarters for farm caretakers (not to exceed one thousand (1,000) square feet).

- (2) Kennels.

- (3) Indoor storage of recreational vehicles, boats or snowmobiles.

- (4) Utility substation.

- (5) Wind energy conversion system.

- (6) Bed and Breakfast establishments.

(7) Agri-tourism.

(8) Borrow pits (temporary); stockpiling of filling of clean fill materials.

(9) Keeping of domestic animals. No domestic animal, other than dogs or cats (no more than three (3) each) may be kept or housed without a conditional use permit which shall be issued as follows:

(a) Definitions.

(1) Large animals in excess of three (3) per acre-horses, donkeys, ponies, llamas, alpacas or cows.

(2) Small animals in excess of four (4) per acre-sheep, goats; no fowl.

(3) Caged animals (rabbits) in excess of one (1) per two thousand (2,000) square.

(4) 4-H project animals (temporary, limited duration).

(10) The conditions listed in Section 12.06(16) (a) of these ordinances.

(c) Lot Area and Width. No parcels in the Equine Agricultural District shall be less than three (3) acres in size. No parcel shall be less than an average of one hundred fifty (150) feet in width, except parcels fronting on a cul-de-sac.

(d) Building Height and Area.

(1) No principal building or parts of a principal building shall exceed thirty-five (35) feet in height with the exception of cupolas, spires, domes, chimney, flues or other architectural features.

(2) The minimum floor area of a principal single-family dwelling building shall be one thousand eight hundred (1,800) square feet.

(3) Accessory building area, excluding the principal residence, not to exceed ten (10%) percent of total parcel area on parcels of five (5) acres or less and not to exceed fifteen (15%) percent of total parcel area on

parcels greater than five (5) acres.

(e) Accessory structures. Structures sheltering animals shall have eave depth and/or gutter systems as necessary for diverting watershed away from structure foundation.

(f) Setback and Yards.

(1) There shall be a minimum building setback of fifty (50) feet from the right-of-way of all streets.

(2) There shall be a side yard on each side of all buildings not less than twenty-five (25) feet.

(3) There shall be a rear yard of not less than thirty (30) feet.

(g) Authorized Sanitary Sewer System.

(1) On-site sewerage disposal absorption system.

(2) Public sanitary sewer.

(21) RESERVED.

(22) RESERVED.

(23) RESERVED.

(24) RESERVED.

(25) RESERVED.

(26) RESERVED.

(27) AD-1 Adult Oriented Business Zoning Overlay

District.

(a) Recitals.

(1) The Village is experiencing increasing growth pressure from Lake County, Illinois to the south and from the City of Kenosha to the east. The Village needs to accommodate the orderly and logical growth and development, particularly as it relates to its business district which, generally, borders along STH "50". The Village is beginning the process of reviewing and possibly amending its zoning ordinances and its comprehensive plan

pursuant to Section 66.1001 of the Wisconsin Statutes (the "Planning Process").

(2) Existing Village land use policies may allow new development or the intensification of existing development in the Village that may hamper and curtail the effectiveness of the planning process before it can be completed by the Village. There is a recognition on the part of the Village that although adult oriented business development may have a place in the Village, that the location of such types of businesses may be incompatible with other types of businesses such that careful planning must occur in determining where an adult oriented business overlay district would properly be located so as to be compatible with other present uses in the Village.

(3) The planning process will be completed in approximately twelve (12) months.

(4) A temporary stay on the acceptance, review and approval of any request to locate an adult oriented business within the Village will provide the Village with the opportunity to complete the planning process.

(5) That if there were no temporary stay, hasty and ill-conceived development may occur during the planning process because landowners and developers may seek to rush their projects in order to gain approval before the planning process can be completed by the Village.

(6) The Village Plan Commission, after consideration, has recommended the adoption of the following ordinance.

(7) Subsequent to a Class "3" published notice, a public hearing was held on the 5th day of September, 2007, regarding the adoption of this temporary stay.

(8) The Village Board believes that the adoption of this temporary stay of review of any request for the location of an adult oriented business within the Village will promote the public health, safety and general welfare of the Village and encourage the orderly layout and use of land throughout the Village.

(9) Now, therefore, the Village Board of the Village of Paddock Lake, Kenosha County, Wisconsin, does hereby ordain as follows:

(b) Temporary moratorium on granting of adult oriented business uses. There is hereby established a temporary stay on the acceptance, review and approval by Village officials, staff or consultants of any applications for approval of the location of adult-oriented businesses received by the Village after the effective date of this ordinance.

(c) Duration. This temporary stay shall expire twelve (12) months after its effective date, unless an earlier or later date is subsequently adopted.

(d) Inconsistent ordinances voided. All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this ordinance is in effect.

(e) Scope. This temporary stay applies throughout the corporate limits of the Village of Paddock Lake.

(f) Severability. If any section or part of this ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

(g) Effective date. This ordinance shall become effective upon adoption and publication or posting, as is provided by law.

12.06 CONDITIONAL USE.

(1) Purpose. A conditional use, as used in this Ordinance is designed to be a flexibility device designed to cope with situations where a particular use, although not inherently inconsistent with the use classification of a particular district, could create special problems and hazards if allowed to develop and locate as a matter of right in a particular district and therefore is in need of special consideration. Often the effects of these uses on the surrounding environment cannot be foreseen until a specific site has been proposed. The nature, character or circumstances of these uses are so unique or so dependent upon specific contemporary conditions that predetermination of permissibility by right or the detailing in

the Ordinance of all of the specific standards, regulations or conditions necessary or appropriate to such permissibility is not practicable, it being recognized that the Village is faced with practical difficulties in defining with precision in advance the conditions under which a conditional use permit will be granted,

(2) Intent. It is the intent of the Village Board of Paddock Lake to allow the hereinafter designated conditional uses within the areas designated by this Ordinance and only when the conditions imposed thereon are met. Any condition so imposed as a basis for granting the conditional use permit shall be binding on all grantees, assignees, heirs, legatees, donees, transferees, and trustees of the applicant,

(3) Permit. The Village Board of Paddock Lake may authorize the Building Inspector 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 to be not hazardous, harmful, offensive, or otherwise adverse to the environment, or the value of the neighborhood or the community.

(4) Application. Applications for conditional use permits shall be in duplicate to the Building Inspector on forms furnished by the Building Inspector and shall include the following for proper review by the Village Plan Commission:

(a) The names and addresses of the applicant, the owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

(b) A 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) A plat of survey prepared by a registered land surveyor showing all of the information required under Section 12.03 for a zoning permit and, in addition, the following: mean and historic high water lines, on or within forty (40) feet of the subject premises and existing and proposed landscaping.

(d) Any additional information as may be required by the Village Plan Commission, Village Board, Zoning, Building or Health Inspectors.

(e) A fee receipt from the Village

Clerk/Treasurer in the amount of One Hundred Twenty-five (\$125.00) Dollars.

(5) Review and Approval. In making its decision to approve or deny the application for a conditional use, the Village Plan Commission shall take into consideration and review the following:

- (a) Site;
- (b) Existing and proposed structures;
- (c) Architectural plan;
- (d) Neighboring uses;
- (e) Parking areas;
- (f) Driveway location;
- (g) Highway access, traffic generation and circulation;
- (h) Drainage, sewerage and water systems;
- (i) Proposed operation; and
- (j) In addition to the aforementioned considerations, the Village Plan Commission shall require that:

(1) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Village Plan Commission shall request such review and await the highway agency's recommendations for a period not to exceed sixty (60) days before taking final action; and

(2) Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements

shall be fulfilled upon a finding by the Village Plan Commission that these conditions are necessary to fulfill the purpose and intent of this Ordinance.

(6) Recommendation. Upon completing the review of an application for a conditional use permit, the Village Plan Commission shall report its findings and recommendations to the Village Board.

(7) Public Hearing. The Village Board shall hold a public hearing upon each conditional use application recommended by the Village Plan Commission, giving notice of the time, place, and the change or amendment proposed.

(8) Village Board's Action.

(a) Following such hearing and after careful considerations of the Village Plan Commission's recommendations, the Village Board may grant a conditional use permit as applied for, grant the conditional use permit with conditions deemed appropriate by the Board, or deny the permit.

(b) Compliance with all other provisions of this Ordinance such as lot width and area, yard, height, parking, loading, traffic, highway access and performance standards, and setback requirements shall be required of all conditional uses.

(c) A conditional use permit shall remain in effect provided that the conditions of the permit are continued in the manner specified by the permit or until the expiration of the permit as provided by its terms. In the event the permit holder fails to comply with the conditions specified in the permit, the same may be revoked by the Village Board upon ten (10) day's notice to the permit holder. The permit holder shall be entitled to a hearing before the Village Plan Commission on the question of revocation of the conditional use permit and approval of the Village Plan Commission shall be required for the reinstatement of any conditional use permit.

(9) Public and Semi-Public Uses. The following public and semi-public uses shall be conditional uses and may be permitted as specified as follows and subject to any condition set forth by the Village Board:

(a) Airports, airstrips and landing fields, in the A-A Agricultural District.

(b) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, in all residential, business, and Rm-1 Multiple Family Dwellings districts.

(c) Utilities in all districts.

(d) Public passenger transportation terminals, such as heliports, bus and rail depots, except, airports, airstrips, and landing fields, in all Business Districts and the A-A Agricultural District.

(e) Public, parochial, and private elementary and secondary schools and churches in the Rs Single-Family Residential Districts.

(f) Colleges; universities; hospitals; sanatoriums; religious, charitable, penal and correctional institutions; cemeteries and crematories in the Rm-1 Multiple Family Residential District.

(10) Residential Uses. The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified as follows and subject to any condition set forth by the Village Board:

(a) Planned residential developments, such as cluster developments in the Rd-1 Two-Family Residential District and garden apartments, row housing and group housing in the Rm-1 Multiple Family District. The district regulations may be varied provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design; all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions enforceable by the Village.

(b) Clubs, fraternities, lodges and meeting places of a non-commercial nature, rest homes, nursing homes, homes for the aged, clinics, and children's nurseries in the Rm-1 Multiple Family District, home occupations and professional offices in the B-1 Community Business District.

(11) Highway Oriented Uses. The following commercial uses shall be conditional uses and may be permitted as specified

as follows and subject to any condition set forth by the Village Board:

(a) Drive-in theaters in the B-2 Integrated Business District.

(b) Drive-in establishments serving food or beverages for consumption outside the structure in the B-1 Community Business District.

(c) Motels in the B-2 Integrated Business District.

(d) Funeral homes in the Rm-1 Multiple Family District, provided all principal structures and uses are not less than those listed in Section 12.05(7) - Rm-1 Multiple Family Residential District.

(e) Drive-in banks in the B-1 Community Business District.

(f) Tourist homes in the Rm-1 Multiple Family Residential District provided such district is located on a state trunk or U.S. numbered highway.

(g) Vehicle sales, service washing and repair stations, garages, taxi stands and public parking lots, in the B-2 Integrated Business District.

(h) Tattoo/body piercing studios in the B-2 Integrated Business District but shall not be located closer than one thousand five hundred (1,500) feet from the entrance of any church or school and subject to any other condition set forth by the Village Board.

(12) Industrial and Agricultural Uses. The following industrial and agricultural uses shall be conditional uses and may be permitted as specified as follows and subject to any conditions set forth by the Village Board:

(a) Animal hospitals in the A-A Agricultural District and M-1 Light Industry District.

(b) Commercial raising, propagation, boarding or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening or butchering of fowl in the A-A Agricultural District. Pea vineries, creameries, and condensereries in the A-A Agricultural District or M-1 Light Industry District.

(c) Commercial service facilities such as restaurants and fueling stations, in the M-1 Light Industry District provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.

(13) Commercial Recreation Uses. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, gymnasiums, miniature golf, physical culture, pool and billiard halls, turkish baths, skating rinks, horseshoe pits, outdoor volleyball courts and swimming pools are conditional uses and may be permitted in the B-1 Integrated Business District and M-1 Light Industry Districts but subject to any condition set forth by the Village Board.

(14) Existing Uses. All uses existing at the effective date of this ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this ordinance, are hereby declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, repair or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.

(15) Conditional Use Permit for Fences. As a complete alternative to the process delineated in §§12.06(5), (6), (7) and (8), above, and only in those instances where the applicant is required to obtain a zoning permit under §12.04 for the construction of a fence on a legally non-conforming lot contiguous to the principal homestead of the applicant where, in such circumstances, the applicant would otherwise be required to combine the lot on which the applicant's homestead is located with the contiguous lot upon which the applicant seeks to erect a fence, then, and limited only to such circumstances, the following procedure shall apply:

(a) The applicant shall complete an application in accordance with §12.06(4)(a), (b), (c) and (d), above, and shall be required to submit a review fee in the sum of Fifty (\$50.00) Dollars.

(b) The application shall be reviewed by the Village Building Inspector who shall make a recommendation to the standing committee on Building and Zoning of the Board of Trustees, after first considering the criteria contained in §12.06(5)(a) through (j) of this ordinance. The standing committee on Building and Zoning may authorize the Building Inspector to issue a conditional use permit for conditional uses after review, provided that such conditional use is limited to the purposes stated herein, 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.

(c) Any conditional use permit issued hereunder may be granted by the standing committee on Building and Zoning of the Village Board without further review and may be granted as applied for, may be granted with conditions deemed appropriate by such committee, or may be denied. Compliance with all other provisions of this ordinance such as lot width and area, yard, height, parking, loading, traffic, highway access and performance standards, and setback requirements shall be required of all conditional uses. In addition to any other requirements imposed by the committee on Building and Zoning, any conditional use permit granted hereunder shall remain in effect until such time as the lot upon which such use is located is sold, transferred, exchanged or otherwise conveyed either by voluntary or involuntary transfer at which time such structure shall be removed from the lot unless the lot is combined with a contiguous lot so as to create a legally conforming lot.

(16) Special Event/Wedding Barns and Venues in the A-1 and A-2 Zoning Districts.

(a) Conditional Uses.

(1) This conditional use is for the conversion of existing farm buildings or construction of new buildings of a farm rustic or similar style, and the use of surrounding grounds for organized meeting and/or reception space as a gathering place for weddings, parties, and corporate events.

(2) The minimum parcel size shall be five (5) acres.

(3) A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Special event/commercial business activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping, to maintain the rural/agricultural character of the site.

(4) Buffer plantings shall be provided along a property line where there is an abutting residence and which are intended to screen views, lights and noise from the operation. Plantings shall be as specified in the conditional use permit.

(5) Parcels shall have unobstructed frontage along a paved public road for direct access.

(6) All ingress/egress and parking areas shall be located in such a manner to minimize traffic hazards associated with entering and exiting the public roadway.

(7) Access drives on private easements are not permitted.

(8) The increase in traffic generated by the commercial activity shall not create a nuisance to nearby residents by way of traffic, noise or significant increases in parking on public ways.

(9) Parking may be either gravel or paved as determined by the Plan Commission. Sufficient parking spaces to accommodate the guest capacity of the events facility shall be provided, as determined by the Zoning Administrator, with stormwater management addressed. Overflow parking on grass or hay areas is permissible.

(10) Parking areas of any type shall not be located in the required buffer area or within any other setback areas required by the Zoning Code.

(11) Handicapped parking spaces shall be paved and meet all State and Village standards.

(12) Signage and site lighting shall comply with Village ordinances. Lighting shall be the minimum necessary to provide for site safety and comply with ordinance standards. Lighting shall be directed away from adjacent properties.

(13) Structures shall meet Fire Code standards and shall be inspected by the Fire Inspector and Building Inspector prior to occupancy.

(14) The display of fireworks on the site is prohibited. Outdoor bonfires are allowed only after prior written approval of the Fire Inspector. The launching of fire kites is prohibited.

(15) Amplified music and dancing are permitted only within the barn structure as part of the conditional use permit. Village noise ordinances shall be complied with.

(16) Outside amplified music events are only permitted by special permit from the Village Zoning Administrator prior to each such event permit.

(17) The sale and consumption of alcohol beverages on the premises are subject to Village licensing requirements. A license is not required for events where alcohol beverages are brought to the barn premises and offered on a complimentary basis to guests. The serving area for alcohol beverages shall not exceed one thousand two hundred (1,200) square feet.

(18) The following affiliated uses are permitted on the site following issuance of the required conditional use permit:

(a) Non-motorized playground equipment.

(b) Wagon, sleigh and hay rides.

(c) Animal displays, petting farms and pony rides.

(d) An outdoor site for conducting wedding ceremonies.

(e) Food preparation facilities to support on-site activities.

(f) A gift shop area for the sale of agricultural-related products or agriculture-related products. The sale of non-agricultural products (crafts, antiques, clothing, etc.) is limited to twenty-five (25%) percent of gross facility sales. "Non-agriculture-related products" are items not connected to agriculture or the farming operation, such as imported knick-knacks, novelty t-shirts, etc.

(g) Seasonal outdoor mazes of agricultural origin, such as of corn or hay-straw bales design.

(19) Applicants for a conditional use permit under this subsection shall provide the following information at the time of application.

(a) Ownership of the property.

(b) Months (seasons) of operation.

(c) Proposed hours/days of operation.

(d) Primary types of events to be hosted; events which will not be hosted. Included should be descriptions of proposed affiliated activities such as hay rides, petting farms, bonfires, etc.

(e) The size of the barn facility and guest capacity, including a floor plan of the barn and other areas/structures to be utilized.

(f) A site plan for the entire parcel, including ingress/egress and parking areas and capacity.

(g) The anticipated number of events per year.

(h) The maximum number of attendees per event.

(i) Number of full-time and part-time employees.

(j) Provision of permanent restroom facilities.

(k) Location of refuse and recycling receptacles and method of disposal.

(l) Proposed signage.

(m) Proposed lighting plan.

(n) Use of music at the facility, including types of sound amplification.

(o) Temporary structures or tents to be used in association with events.

(p) Insurance coverage.

(q) Any other documentation required by the Zoning Administrator.

(b) Fees. Annual permit fee of One Thousand (\$1,000.00) Dollars for a permit granted under this Section 12.06(16). License year shall be March 1 to February 28 and shall be reviewed annually.

(c) Severability. If any provision of this ordinance is invalid or unconstitutional or if the application of this ordinance to any person or circumstance is invalid or constitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

12.07 MODIFICATIONS AND EXCEPTIONS.

(1) Height Exceptions. The following structures or parts thereof are allowed to exceed the height limitations set forth in the several districts as set forth in this ordinance unless restrictions are provided pursuant to the issuance of a conditional use permit, but such modifications shall be in accord with the following:

(a) Architectural Projections. Spires, belfries, steeples, parapet walls, cupolas, domes, chimneys and flues are exempt from the height limitations of this ordinance.

(b) Special Structures. Elevator penthouses, gas tanks, grain elevators, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks, are exempt from the height limitations of this ordinance, provided, however, that said structure shall not exceed in height three (3) times their distance from the nearest lot line.

(c) Essential Services. Utility pools, water towers, electric power and communication and transmission lines are exempt from the height limitations of this ordinance.

(d) Agricultural Structures. Barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

(e) Public or Semi-public Facilities. Schools, churches, hospitals, monuments, sanatariums, libraries and governmental offices and stations, may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

(2) Yards. The following structures or parts thereof shall be allowed to project into or to be constructed in a required yard within the area otherwise prohibited by a building yard line unless restrictions are provided pursuant to the issuance of a conditional use permit under this Ordinance:

(a) Uncovered Stairs. Uncovered stairs, landings and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.

(b) Architectural Projections. Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two (2) feet.

(c) Residential Fences. No person shall install, construct or erect in a residential district a solid fence, which fence shall be greater than three (3) feet in height along the front street or any side street of said property, except that a chain link fence or any open, woven wire fence may be four (4) feet in height along the street side or side street of a residential property.

(d) Side Yard Fences. Side yard fences not adjacent to a street shall not exceed a height of three (3) feet in the case of a solid fence or four (4) feet in the case of a chain link or open, woven wire fence in front of the setback line for the residential district as set forth in the zoning ordinances. Fences to the rear of such setback lines may, upon written approval of adjoining land owners and the Building Inspector, be erected to a height of six (6) feet. No person shall plant or maintain a hedge row, shrubs, or other plantings which serve as a fence or barrier in excess of those heights set forth in this Section.

(e) Security Fences. No person shall install, erect or maintain an electrically charged fence or a fence made of barbed wire or of any sharp pointed material as a fence or fencing materials in a residential district. Security fences are

permitted on the property lines in all districts, except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(f) Accessory Uses. For purposes of this Ordinance accessory structures shall include detached garages. Accessory uses and accessory structures may modify yard requirements in the following manner:

(1) Accessory uses and detached accessory structures one hundred fifty (150) square feet or less in area may be located only in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least four (4) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed sixteen (16) feet in height. The four (4) foot setback requirement of the Village of Paddock Lake Building Code does not apply to accessory structures which are one hundred fifty (150) square feet or less in area.

(2) Detached accessory structures between one hundred fifty-one (151) square feet and seven hundred twenty (720) square feet in area may be located only in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least five (5) feet from the lot line; and not intended for human habitation or animal shelter; and shall not exceed sixteen (16) feet in height. The four (4) foot setback requirement of the Village of Paddock Lake Building Code does not apply to accessory structures which are one hundred fifty (150) square feet or less in area.

(3) Detached accessory structures greater than seven hundred twenty (720) square feet in area, but no greater than one thousand two hundred square (1,200) feet in area, may be located only in a side yard or rear yard provided that they are at least ten (10) feet from a principal structure; at least ten (10) feet from any lot line; not intended for human habitation or animal shelter; and shall not exceed twenty (20) feet in height. The four (4) foot setback requirement of the Village of Paddock Lake Building Code does not apply to detached accessory structures

between seven hundred twenty (720) square feet and one thousand two hundred (1,200) square feet in area. Furthermore, detached accessory structures greater than seven hundred twenty (720) square feet in area may be located in the following zoning districts: R-1 Single-family Residential district, R-2 Single-family Residential district, R-3 Single-family Residential district, Rd-1 Two-family Residential district.

(4) Detached garages of masonry construction which are between one hundred fifty-one (151) square feet and seven hundred twenty (720) square feet shall not be less than five (5) feet from any residential building as provided for in the Village of Paddock Lake Building Code. Detached garages of masonry construction which are not between one hundred fifty-one (151) square feet and seven hundred twenty (720) square feet in area shall be governed by all of the other provisions set forth in this Section.

(5) Accessory uses and detached accessory structures on lots and parcels within the shoreland jurisdiction shall not extend into the required shore yard unless otherwise specifically permitted by this Ordinance.

(g) Essential services. Essential services, such as utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.

(h) Landscaping. Except as noted herein, landscaping and vegetation are exempt from the yard requirements of this ordinance.

(I) Awnings and canopies. Awnings and canopies are not to exceed three (3) feet into any yard.

(j) Balconies. Balconies are not to exceed six (6) feet into any yard and not closer than three (3) feet into any lot line.

(k) Bay windows. Bay windows are not to exceed four (4) feet into any yard.

(l) Boathouse. A boathouse accessory to residential uses used strictly for the storage of boats and water related recreational accessories to be used by the owner or occupant of any given parcel may be located within a shore yard but

shall not be closer to a lake, stream, pond, or wetland than the average high water elevation and shall not exceed one (1) boathouse on the premises for each shoreland lot; shall not exceed the height of twelve (12) feet above the existing shoreline grade except when bluff and/or steep slope conditions exist, (in such cases it shall not exceed the height of the tope grade elevation of said shoreline lot), shall not exceed five hundred seventy-six (576) square feet in size; shall not be closer than three (3) feet to any side lot line; and the boathouse shall be constructed in such a manner as to orient the main opening of the boathouse toward the lake.

(m) Clothesline posts. Clothesline posts may be located in the rear or side yard only.

(n) Decks and porches. For purposes of this section, a deck shall be defined as a flat roofless area which adjoins and is attached to a house; a porch is a covered entrance to a building which adjoins and is attached to the building and which has a separate roof. Pursuant to the Wisconsin State Building Code, a porch cannot be used as "Habitable Space". Decks shall not extend more than ten (10') feet into any front, rear, side, or shore yard. Porches shall not extend more than five (5') feet into any front, rear, side, or shore yard. Decks shall not be closer than three (3') feet to any side yard lot line. Decks shall not be closer than fifteen (15') feet to any street right-of-way. Porches shall not be closer than twenty (20') feet to any street right-of-way.

(o) Off-street parking. Off-street parking is permitted in rear yards and all districts and in front and side yards in the business districts provided the parking shall not be closer than twenty-five (25) feet to the public right-of-way if the business abuts a residential district and not closer than ten (10) feet to a lot line if the business district abuts a residential district.

(p) Over Hanging Roof. Over hanging roofs, eaves, gutters, cornices or other architectural feature are not to exceed three (3) feet.

(3) Additions. Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

(4) Average Street Yards. The required street yards

may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side but in no case less than fifteen (15) feet in any residential or business district.

(5) Noise. 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.

12.08 NON-CONFORMING LOTS, STRUCTURES AND USES.

(1) Intent. Within the districts established by this Ordinance or amendment thereof, there may exist lots, structures and uses of land and structures which were lawful before this Ordinance was enacted or amended, but which would be prohibited in the future under the terms of this Ordinance or amendment. It is the intent of the Village Board of the Village of Paddock Lake to permit these non-conforming lots, structures and uses existing as of the effective date of this Ordinance or amendment thereof to remain and continue in accordance with the provisions hereinafter set forth until they are removed by economic forces or otherwise. It is not the intent of this section to encourage the survival of non-conformities since it has been determined that they are incompatible with the character of the districts involved, or to permit non-conformities to be enlarged upon, expanded, or extended except as provided for herein. Existing non-conformity shall not be used to justify adding structures or uses prohibited elsewhere in the same district. It is the further intention of the Village Board of the Village of Paddock Lake that guidelines be set forth the purpose of determining:

(a) That the non-conforming lot, structure or use existed prior to the effective date of this Ordinance or amendment thereto;

(b) The ways in which the right of the non-conforming lot or structure to remain can be served and the ways in which the right to continue non-conforming uses can be lost;

(c) The extent of permissible variation in the non-conforming lot, structure and use; and

(d) The devices available for eliminating such non-conforming lots, structures and uses.

(2) Current Record of Non-conforming Uses. A current file of all non-conforming uses shall be maintained by the Building Inspector listing the following:

(a) The owner's name and address;

(b) Use of the structure, land or water; and

(c) Assessed value at the time of its becoming a non-conforming use.

(3) Burden of Proof. Any property owner asserting as a defense to a charge of violating this Ordinance that his property was a valid non-conforming use has the burden of demonstrating to a reasonable certainty by the greater weight of credible evidence that:

(a) The non-conforming use was legally in existence at the time the Ordinance was passed or amended; and

(b) That the use of the property prior to the Ordinance was so active and actual that it can be said the property owner acquired a vested interest in its continuance. For purposes of this Ordinance, a property owner shall be deemed to have a vested right in the use of his property where that use at the time of the effective date of this Ordinance or amendment thereto is both active and actual (non-contemplated) and a substantial degree of activity or expense had been undertaken prior to the effective date of this Ordinance or amendment thereto; and

(c) that the use is substantially the same use that existed prior to the enactment of the Ordinance or amendment thereto.

(4) Existing Vacant Non-conforming (substandard) Lots. In any residential, upland conservancy or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any vacant legal lot or parcel record in the County Register of Deeds Office recorded before the effective date or amendment of this Ordinance, provided such lot or parcel meets all of the following minimum requirements - and further provided that all state, county and local requirements relating to sanitary disposal systems are met:

(a) Lot Width Minimum 50 feet (public sewage) or setback line on a cul-de-sac or curve

65 feet (private sewage system)

Area Minimum 5,000 sq. feet (public sewage)

10,000 sq. feet (private sewage system)

(b) Yards-Street Minimum required in the district

Rear Minimum 25 feet from lot line

Side Minimum 12 percent of the lot width on each side, but not less than 5 feet from lot line

(5) Common Ownership of Abutting Non-Conforming Lots.

Abutting non-conforming lots of record owned by the same individual or individuals shall be combined prior to the issuance of a zoning permit. No zoning permit or building permit shall be issued to the owner of abutting non-conforming lots or to any successor, purchaser, or other transferee until such time as the lots are combined. In the event that an owner(s) of abutting non-conforming lots transfers an ownership interest in one or more of such lots without combining the lots, no zoning permit or building permit shall be issued for such lots until title to such lots is unified and the lots are combined.

(6) Existing Non-conforming (substandard) Structures.

The lawful non-conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance.

(a) The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure size or location does not conform with the established lot area and width, building setback line along streets and highways, or the yard, height, parking, loading, or access provisions of this Ordinance.

(b) Substandard structures which encroach upon the yard requirements of this Ordinance, but which met yard requirements of the applicable zoning ordinance at the time of construction, may be structurally altered, provided that the use of the structure conforms to those uses permitted in the district, and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements.

(c) Existing substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity to the extent of more than fifty percent (50%) of its current assessed value, may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and highways and the

yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this section with respect to reconstruction, are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by a public sanitary sewer.

(d) Existing substandard structures may be moved or reconstructed and insofar as is practicable shall conform with the established building setback lines along streets or highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this section, with respect to moving, are applicable only if the lot or parcel conforms with the existing sanitary code requirements or service by public sanitary sewer.

(7) Existing Non-conforming Uses. The lawful non-conforming use of the structure, land or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

(a) Only that portion of the land or water and actual use may be so continued and the non-conforming use may be extended, enlarged or moved;

(b) The alteration or, or addition to, or repair, to the extent of more than fifty percent (50%) of its current assessed value of any existing building or structure used for the purpose of carrying on any prohibited trade or new industry under the terms of this Ordinance within the district where such buildings or structures are located is prohibited;

(c) The continuance of a non-conforming use of a temporary structure is prohibited by the terms of this Ordinance;

(d) Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the non-conforming use or structure with the neighboring uses;

(e) If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water, shall conform to the provisions of this Ordinance; and

(f) When a non-conforming structure is damaged by fire, explosion, flood, or other calamity, to the

extent of more than fifty percent (50%) of its current assessed value, as defined within this Ordinance, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(8) Abolishment or Replacement. If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Ordinance. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) per cent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(9) Changes and Substitutions. Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive non-conforming use for an existing non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board of Appeals.

(10) Floodplain Non-conforming Uses. Non-conforming uses located in the floodplain district shall comply with the provisions of Section NR116.15 of the Wisconsin Administrative Code. No structural repairs, modifications or additions to a structure shall exceed over the life of the structure fifty percent (50%) of its present equalized assessed value shall be allowed unless the entire structure is flood proof by means other than the use of fill to the flood protection elevation.

(11) Non-conforming Performance Standards. The use of any lot or parcel failing to comply with the performance standards set forth in Section 12.04(6)(d) of this Ordinance at the time of the adoption of this Ordinance shall not be expanded unless such expansion conforms with the performance standards set forth by this Ordinance.

12.09 BOARD OF ZONING APPEALS.

(a) Board of Zoning Appeals Established. There is hereby established a Board of Zoning Appeals for the Village of Paddock Lake for the purpose of hearing and deciding appeals and applications for variances from the provisions of the Village land use ordinances which are in harmony with the purpose and intent of that ordinance.

(b) Board Membership And Organization.

(1) The Board of Zoning Appeals shall consist of

five (5) members and two (2) alternates appointed by the Village President and confirmed by a three-quarters majority of the Village Board.

(2) Terms for Board members shall be for a period of three (3) years, except that of those first appointed, one (1) shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. Terms for the alternate members shall be for a period of three (3) years, except that of those first appointed, one (1) shall serve for two (2) years and one (1) shall serve for three (3) years. Annually, the Village President shall designate one (1) of the alternates as first alternate and the other as second alternate.

(3) Members of the Board of Zoning Appeals shall be eligible for such position only if they reside within the Village. In making appointments to the Board of Zoning Appeals, the Village President and the Village Board shall attempt to appoint individuals having a background in land use planning, geography, urban affairs, or such other prior experience in related areas whenever feasible. Prior membership on the Board of Zoning Appeals or Planning Commission shall constitute prior experience. Attempts should be made to insure that individuals appointed to the Board of Zoning Appeals have no conflict of interest with said appointment.

(4) The Village President shall designate one (1) of the members chairman.

(5) Office room shall be provided by the Village Board and the actual and necessary expenses incurred by the Board of Zoning Appeals in the performance of its duties shall be paid and allowed as in cases of other claims against the Village. The Village Board may likewise compensate the members of said Board and such assistants as may be authorized by said Village Board. Vacancies shall be filled for the unexpired term of any member whose seat becomes vacant in the same manner as appointments for a full term.

(6) Official oaths shall be taken by all members in accordance with §19.01, Wis. Stats., within ten (10) days of receiving notice of their appointments.

(c) Rules, Minutes And Subpoena Powers.

(1) The Board of Zoning Appeals may adopt rules,

not in conflict with either state law or Village ordinances, as necessary to carry into effect the regulations of the Village Board. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public and tape recorded in accordance with the Wisconsin Open Meetings Law, §19.82, Wis. Stats. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(2) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant in any matter upon which it is required to pass under the Village ordinance, or to effect any variation in the Village ordinance.

(3) Minutes of the proceedings and a taped 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 findings of fact. These records shall be immediately filed in the office of the Board and shall be a public record unless a closed session of the Board is permitted under §19.85, Wis. Stats. Records shall not be destroyed except pursuant to law. Where necessary, conclusions and orders of the Board may be filed with the Register of Deeds Office.

Appeals. (d) Jurisdiction and Powers of the Board of Zoning

(1) The Board of Zoning Appeals shall have the following powers:

(a) To hear and decide appeals as may be authorized by §62.23(7)(e)7, Wis. Stats. or the Village land use ordinances.

(b) To hear and to authorize upon appeal in specific cases such variance from the terms of the Village land use ordinances as will not be contrary to the public interest, or,

when owing to special circumstances, a literal enforcement of the provisions of such ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

(c) To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning district, floodlands, and shorelands after the Plan Commission has made a review and recommendation. Floodland and shoreland boundaries shall be altered by the Board of Zoning Appeals only when the applicant presents evidence that clearly and conclusively establishes that the location as shown on the zoning map is incorrect.

(d) To hear and grant applications for substitution of more or equally restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Administrator has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application and hearing.

(e) To hear and grant applications for temporary uses, in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Building Inspector has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of the Village ordinances shall be required.

(f) To hear and to decide applications or interpretations, upon appeal of the specific case, from the Village of Paddock Lake Building Code. The appeal shall not be contrary to any other Village, County, State or agencies requirements, the public interest, or, when owing to special circumstances, a literal enforcement of the provisions will result in an unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

(2) No variance shall have the effect of permitting any use in a district that is prohibited in that district, nor shall a variance have the effect of a rezoning.

(3) 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.

(4) The Board may request assistance from other Village officers, departments, commissions, and boards.

(5) The Chairman may administer oaths and compel the attendance of witnesses by subpoena.

(e) Appeals and Applications for Variances.

(1) Appeals to the Board of Zoning Appeals may be taken by any persons aggrieved, or by any officer, department, board or bureau of the Village affected by any order, requirement, decision or determination of an administrative officer or body in the enforcement of §62.23, Wis. Stats., the Village land use ordinances or any other ordinance adopted pursuant to §62.23, Wis. Stats. Such appeals shall be commenced by filing with the administrative officer or body and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. Such notice of appeal shall be filed within thirty (30) days after the date of written notice of the decision or order. The administrative officer or body shall forthwith transfer to the Board all the papers constituting the record upon which the action appealed from was taken. In addition, such appeals and application shall include the following as deemed appropriate by the Board of Zoning Appeals:

(a) Name, addresses and phone numbers of the applicant, owner of the site, architect, professional engineer, contractor, and authorized agent if applicable.

(b) A description of the subject site by lot, block and recorded subdivisions or by meets and bounds; address of the subject site, tax parcel number, type of structure; existing or proposed use of the structure or site; the zoning district within which the subject site is located; classification of the subject site either being conforming or

nonconforming in its use; and whether or not the property is located within a shoreland or floodplain area.

(c) A plat of survey and/or site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale showing all of the information required by the Village zoning ordinance for a zoning permit. In addition, the plat of survey or site plan layout or map shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within fifty (50) feet of the subject site; soil mapping unit lines; mean and historic high water lines and floodlands on or within fifty (50) feet of the subject premises, and existing and proposed landscaping.

(d) Additional information relative to those standards and guidelines which must be met prior to the issuance of the variance.

(e) A list of property owners whose property abuts the parcel(s) in question or who own property within three hundred (300) feet of such parcel(s) and their addresses.

(f) A filing in the amount of Five Hundred (\$500.00) Dollars, from which a per diem allowance shall be paid to each member and/or alternate in attendance at the rate of Forty (\$40.00) Dollars per meeting. In addition, the applicant shall pay such additional amounts as are incurred by the Village for consultant's fees, including legal, engineering and planning.

(2) Any application for a variance under this ordinance shall be accompanied by a sworn statement by the owner of the subject property or the applicant for a variance for said property that said property and its use will be operated in accordance with the provisions of this ordinance.

(f) Stays. An appeal shall stay all proceedings and furtherance of the action appealed from unless the administrative official or body whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice and appeal shall have been filed that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, notice shall be given to the appellant

and proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or by a Court of Record, on application and notice to the administrative official and for good cause shown.

(g) Hearing Procedures. In hearing a petition requesting an appeal or allowance of a variance, the Board of Zoning Appeals shall call the petition. Upon the call of the petition, the petition shall be read by the Chairman of the Board and at the conclusion thereof, the chairman shall hear and receive any evidence or sworn testimony presented by the petitioner or his authorized agent or attorney. At the conclusion of the petitioner's presentation, the Chairman shall first ask for any public comments from those in support of the petition and secondly from those in opposition to the petition. Any relevant and material evidence or sworn testimony presented by interested individuals either in favor of or in opposition to the petition shall be received by the Chairman provided however that said evidence or sworn testimony is properly identifiable for the record. Lastly, the Chairman shall ask for a recommendation from the Village Building Inspector or other designated representation of the Village.

(h) Continuances. Upon receiving the recommendation of the Building Inspector, the Board may table the petition so as to allow the petitioner or any opponent to the Petition an opportunity to provide any further information deemed pertinent by the Board or so as to allow the Board members an opportunity to view the site or similar situations already in existence if a comparison is warranted in accordance with the guidelines set forth in Section (i) below or consider the conditions for allowing the appeal or variance.

(i) Site Views. En route to view a site as provided for in this ordinance, Board members traveling together or visiting the site at the same time shall refrain from discussing Board business. Furthermore, testimony shall not be received during such view nor shall any argument be heard. The Board may, however, gather information and ask questions provided that information, data, and questions and answers are recited into the record if that information will not be entered by testimony or exhibits.

(j) Findings And Conclusions. Upon having received all evidence and hearing all sworn testimony relating to the petition, the Board of Zoning Appeals shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and any other pertinent requirements deemed necessary by the Board when considering the

standards set forth in this ordinance. Upon completion of said review, the Board Chairman shall entertain a motion that the Board either grant or deny the appeal or application for a variance based upon specific findings and conclusions which shall be part of the Board's written decision and minutes.

(k) Standards And Guidelines.

(1) In determining whether a variance is to be granted, the following standards and guidelines must be met. In making its decision, these standards and guidelines shall be addressed by the Board of Zoning Appeals.

(a) The existence of special conditions or exceptional circumstances on the land in question.

(b) The experiencing of unnecessary hardships or practical difficulties on the land in question either presently or in the future.

(c) That these hardships or difficulties are the result of the aforementioned special conditions existing on the land and are not self-inflicted.

(d) That the existence of these special conditions will restrict the use of the land if the Ordinance is applied literally so as to render the land useless.

(e) That the limitation on the use of the land does not apply generally to other properties in the district.

(f) That limiting the use of the property does not afford compensating gains to the public health, safety and welfare.

(g) That the variance(s) requested are the minimum variance(s) needed to alleviate difficulties or hardships.

(h) That the use of the parcel in question presently does conform to the ordinance.

(i) That granting the variance applied for will not affect the public health, safety, morals and welfare of the community and other properties in the area.

(2) Variances may be granted for example for

reasons of topography, environmental protection or where permitted by state statute but in no event may a variance be granted where the primary reason for obtaining a variance is to obtain a more profitable use of the property, personal inconvenience, construction errors, economic reasons, self-created hardships, or where the property is presently a non-conforming use. Furthermore, variances may not be granted for the purpose of altering the sanitary requirements of the Village ordinances except for existing structures.

(3) The Board of Zoning Appeals in considering the propriety of granting a variance shall not consider the number of persons for or against the granting of a variance.

(4) Variances may be granted in the form of an area or distance variance, however, use variances shall be specifically prohibited under this Ordinance.

(1) Conditions. In order to insure that any variance so granted by the Board of Zoning Appeals is consistent with the spirit of the Village ordinances and recognizing that there could be fact situations where the spirit of the ordinances could be observed only if conditions were imposed upon the granting of the variance, the Board of Zoning Appeals is specifically empowered to grant a variance upon conditions such as, but not limited to, landscaping, type of construction, hours of operation, traffic patterns, parking requirements, yard sizes, time periods, deed restrictions, bonds, etc. and further provide that in the absence of said conditions being met, said variance shall be null and void.

(m) Decisions.

(1) The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the administrative official or body appealed from, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the Village land use ordinances.

(2) The Board of Zoning Appeals shall decide all appeals and applications in compliance with the Wisconsin Open Meeting Law and within thirty (30) days after final hearing and shall transmit a signed copy of the Board's decision and order to the appellant or applicant and the administrative official or body whose decision was appealed along

with the Board's Findings and Conclusions and a statement as to which members of the Board viewed the property in question and the date of such viewing.

(3) Variances granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(n) Order on Appeal. In exercising the above-mentioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal was taken.

(o) Conflict of Interest. Any member of the Board of Zoning Appeals having a conflict of interest in any matter coming before the board shall refrain from any voting or discussion either prior to, at, or after the matter has been heard by the Board.

(p) Motion to Reconsider And Re-appeal.

(1) Where an error in judgment or procedure resulted in granting an improper variance or in denying an appeal, a motion to reconsider made by a Board member or upon motion of any interested party, may be considered and the prior action of the Board rescinded if vested rights are not violated.

(2) A petition for a variance having been denied or a decision or order of an administrative official or body having been affirmed, a petition seeking a similar variance or relief shall not be entertained by the Board of Zoning Appeals until the expiration of a minimum of one (1) year.

(q) Appeal of Board Ruling or Order. Any decision of the Board of Zoning Appeals may be appealed as provided in §62.23(7)(e)10, Wis. Stats.

(r) Recording of Ruling or Order. Any variance granted by the Board or by a court of law shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within five (5) days after the variance is granted and evidence of such filing is presented to the Village Building Inspector. Any recording fees shall be paid by the applicant. In addition, the Village Building Inspector shall keep a record and/or map of all such variances which shall be open to the public. Failure to comply with this provision shall render the variance null and void.

12.10 CHANGES AND AMENDMENTS.

(1) Intent. While it is the intent of this Ordinance to provide stability and regularity in zoning and land use in the Village of Paddock Lake, it is recognized that zoning is by no means static. It is the intent of this section to recognize that changed or changing conditions call for changed plans, and persons who own property in a particular zone or use district cannot enjoy an eternally vested right to that classification if the public interest demands otherwise.

(2) Authority. By the authority granted under Section 62.23(7)(e)(10) of the Wisconsin Statutes, whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto.

(a) Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission.

(3) 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.

(4) Petitions. Petitions for any change or amendment to the district boundaries or amendments to the text of this ordinance shall be filed with the Village Clerk/Treasurer who shall immediately refer it to the Village Plan Commission for its consideration, report and recommendation. Said petition shall describe the premises to be rezoned and the sections of this ordinance to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) Petitioner's name, address, phone number and interest in the property.

(b) Existing zoning district.

(c) Proposed zoning district.

(d) Proposed use (a statement of the type, extent, area, etc. of any development project).

(e) A statement of conditions warranting a change in zoning.

(f) Compatibility with adjacent lands (a statement of land uses and impact of zoning)

change).

(g) Legal description of property to be zoned.

(h) Plat plan drawn to a scale of 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 two hundred (200) feet of the area proposed to be rezoned.

(i) Owner's names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.

(j) A fee receipt from the Village Clerk/Treasurer in the amount of One Hundred Fifty (\$150.00) Dollars.

(5) Referral. All petitions referred to herein shall be brought to the attention of the Village Board at the monthly meeting immediately following the filing of the petition. At such meeting of the Village Board, the petition shall be formally referred directly to the Village Plan Commission for its consideration, report and recommendations.

(6) Recommendations. Upon receipt of such petition from the Village Board by the Village Plan Commission, the Village Plan Commission shall call a public hearing for the purpose of reviewing all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendations referred to in this subsection shall be made in writing and addressed to the Village Board.

(7) Hearings. The Village Board shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice of the hearing by publication at least three (3) times during the proceeding thirty (30) days, listing the time, place and the changes or amendments proposed. The Village Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment. In the event the Village Board does not receive the recommendations referred to in Section 12.26(4) of this Ordinance within sixty (60) days of submitting the proposed amendments to the Village Plan Commission, the Village Board may hold hearings without first receiving the recommendations and report.

(8) Village Board's Action. Following such hearing and after careful consideration of the Village Plan Commission's recommendation, the Village Board shall hold a hearing for the purpose of voting on the passage of the proposed change or

amendment.

(9) 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 twenty (20) percent or more either of the areas of the land included in such proposed change or amendment, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred (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 members of the Village Board voting on the proposed change or amendment.

12.11 DEFINITIONS.

(1) Access. A way of approaching or entering a property. Access also includes ingress, the right to enter, and egress, the right to leave.

(2) Accessory use, building or structure. A use, building or structure which:

(a) Is or will be subordinate to and serves a principal use, building or structure;

(b) Is or will be subordinate in area, extent, or purpose to the principal use, building or structure served;

(c) Contributes to the comfort, convenience or necessity of occupants of the principal use, building or structure; and

(d) Is or will be located on the same zoning lot as the principal use, building or structure.

(3) Adjacent; Adjoining. Nearby, but not necessarily touching.

(4) Alley. A special public right-of-way which is narrow, less in size than a street, and which is not designed for general travel, which is used primarily as a means of access to the rear of residences and business establishments and which, generally, affords only a secondary means of access to the property abutting along its length.

(5) Alterations. A physical change in a building or an addition to it. As applied to a building or structure, means a change or rearrangement, in the structural parts or in the exit facilities or an enlargement, whether by extending on a side, by

increasing in height, or the moving from one location or position to another.

(6) 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.

(7) Assessed Value. The full market value placed upon the structure or lot by the Kenosha County Assessor.

(8) Awning, canopy signs. Any sign which is painted upon the vertical faces of any roof-like cover that projects from the wall of a building for the purposes of shielding a doorway or window from the elements.

(9) Basement. An area below the first floor, having part but no more than one-half of its height above grade.

(10) Billboard. Any sign constructed and maintained for the purpose of displaying outdoor advertising when such sign is supported by uprights or braces placed in the ground and not attached to any part of any building.

(11) 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 twelve (12) persons and not open to transient customers.

(12) Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.

(13) Building Area. The total living area bounded by the exterior walls of a building at the floor level, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

(14) 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 flat roofs; to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs; or to the deck line of mansard roofs.

(15) Building Setback Lines. The line nearest the street and across a lot establishing the minimum open space to be provided between buildings and specified structures and street lines.

(16) Bulletin Signs. Any sign used for the purpose of identifying public, charitable or religious institutions.

(17) Business Signs. Any sign used for the purpose of advertising or identifying the owner's name, business name, profession or trade conducted within the building or on the premises on which such sign is erected or maintained and the names of the manufacturers of products used or trade slogan used by the occupants of the building or premises in carrying on their business, profession or trade.

(18) Clothing, Repair Shops. Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoeshine shops, clothes pressing shops, but none employing over five (5) persons.

(19) Clothing Stores. Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery and millinery shops.

(20) Conditional Uses. Uses of a special nature as to make impractical the pre-determination as a principal use in a district.

(21) Contractors Signs. Any sign used for identifying and naming the contractors engaged in construction on the property where the sign is located.

(22) Corner Lot. A lot which occupies the interior angle at the intersection of two street lines which make an angle of less than 135 degrees with each other.

(23) Detached Sign. Any sign not structured by or attached to any side of a building or structure and for purposes of this Ordinance does not include a portable sign.

(24) Development. Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, drudging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

(25) Districts. A part or parts of the Village for which the regulations of this Ordinance governing the use and location of land and buildings are uniform.

(26) Dwelling. A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels, lodging houses, boarding houses or tourist homes.

(27) Easement. A right given by the owner of land to another party for specific limited use of that land.

(28) Efficiency. A dwelling unit consisting of one principal room with no separate sleeping rooms.

(29) Election Campaign Signs. Any sign used for the purpose of identifying and naming persons who are candidates for public office.

(30) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots and invasions.

(31) Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal, accessory or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewage, stormwater 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.

(32) Expressway. A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

(33) Externally Illuminated Signs. Any sign in which the source of illumination is not an integral part of the sign.

(34) Family. Any number of persons related by blood, adoption or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single house keeping entity.

(35) Flat Sign. Any sign, the back of which is attached flat against any side of a building or structure and which does not extend outward more than six (6) inches.

(36) Freeway. An expressway with full controlled access and with fully graded separated intersections.

(37) Front; Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

(38) Gift Stores. Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

(39) Governmental Signs. Any sign used for posting legal notices, identification of streets, traffic regulations, notice of danger, or other emergencies or the posting of notice of trespassing.

(40) Grade. In cases where all walls of the principal building are more than five (5) feet from the nearest street line, the mean elevation of the ground adjoining the building on all sides; and in all other cases, the mean elevation of the nearest sidewalk.

(41) Gross Surface Area of a Sign. For all signs except skeleton cutout letter signs, the gross surface area shall include the area within a single continuous perimeter enclosing the extreme limits of its display area, and in no case passing through or between any adjacent elements of it. Such perimeter shall not include any structural elements lying outside the display area. Each sign face or display area used for advertising or identification purposes shall be included in the total gross surface area of a sign.

(42) Group Directory Signs. Any sign, whose purpose is limited to the group listing and identification of offices or business establishments within a single building or structure.

(43) Hardware Stores. Retail stores where items such as plumbing, heating and electrical supplies, sporting goods, and paints are sold.

(44) Household Occupation. Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) per cent of the area of one floor, employs no more than one non-resident employee, uses only household equipment, and no stock and trade is kept or sold except that made on the premises. A home occupation includes but not limited to uses such as baby-sitting, millinery, dressmaking, canning, laundrying, music teaching to not more than two pupils at one time, and crafts, but does not include a display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.

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

(46) Interchange. A grade separated intersection with one or more turning lanes for travel between intersection lanes.

(47) Internally Illuminated Signs. Any sign in which the source of illumination is an integral part of the sign.

(48) Legally Existing Lot, Structure or Use. A lot, structure or use existing on the effective date of this Ordinance or amendment thereto which was created, built or established in

accordance with zoning and land use regulations in effect in the Village wherein the parcel is located immediately prior to the effective date of this Ordinance or amendment thereto or a lot, structure or use for which a zoning permit was issued prior to the effective date of this Ordinance or amendment thereto.

(49) Lift Station. A pumping station for purposes of pumping raw sewage from a collection system to the treatment plant.

(50) Living Rooms. All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

(51) 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.

(52) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal use, building or structure and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provision of this Ordinance.

(53) Lot Depth. The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines.

(54) Lot Lines and Area. The peripheral boundaries of a parcel of land in the total area line within such boundaries.

(55) Lot Width. The width of a parcel of land measured at the rear of the specified street yard.

(56) Machine Shops. Includes without limitation due to enumeration shops with lathes, presses, grinders, shapers, and other wood and metal working machines, such as blacksmith, tinsmith, welding and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

(57) Memorial Signs. Any sign or tablet used for the purpose of identifying the names of buildings and the date of erection and which are cut into any masonry surface or inlaid so as to be part of the building or structure, or which are attached to a building or structure and which are constructed of bronze or other non-combustible materials.

(58) Minor Structures. Any small, movable accessory erection or construction such as birdhouses; toolhouses; pethouses; play equipment; arbors; and walls and fences under four (4) feet in height.

(59) Mobile Home. A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and

equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction.

(60) Motel. A building or group of buildings which:

(a) Contains living or sleeping accommodations used primarily for transient occupancy, and

(b) Has individual entrances from outside the building to serve each such living or sleeping unit.

(61) Motor Home. A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(62) Non-conforming Lot. A parcel of land legally created prior to the effective date of this Ordinance or subsequent amendments thereto 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.

(63) Non-conforming Structure. A structure which was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this Ordinance or amendment thereto because the structure is not in conformance with the yards, height, coverage or floor area ratio requirements of the district in which it is located. A structure located on a nonconforming lot shall not be classified as a nonconforming structure solely because of insufficient lot area or width.

(64) Nonconforming Use. An activity utilizing land or structures or both legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new use in the district in which it is located under the terms of this Ordinance.

(65) Noxious Matter. Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.

(66) Nuisance. Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

(67) Odorous Matter. Any matter or material that yields an odor which is offensive in any way or any matter or material that produces a response in a normal human nose.

(68) Operational Signs. A sign designating an entrance, exit, service area, parking area, restroom, or other such signs relating to the functional operation of a building or lot without further elaboration or display.

(69) Painted Sign. Any sign other than a skeleton cutout letter sign which is painted upon the side of any building or upon any structure and for which no separate background structure is used.

(70) Park. A pleasure ground set apart for recreation of the public to promote its health and enjoyment.

(71) Park, Amusement. An area, publically or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

(72) Park, Public. An area owned by the County of Kenosha or the Village of Paddock Lake, operated for the convenience and recreation of the public, and containing such facilities as the County of Kenosha or the Village of Paddock Lake shall see fit.

(73) Parking Area. An off-street area containing one or more parking spaces, with passage ways and driveways appurtenant thereto.

(74) Parking Area, Private. An open area, other than a street or alley, used for the parking of the automobiles of occupants of a dwelling.

(75) Parking Area, Public. An area other than a private parking area, street or alley, used for the parking of automobiles and available for public or quasi-public use.

(76) Parking Lot. An open area other than a street used for the parking of more than four (4) automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

(77) Parking Space. A graded and surfaced area either enclosed or open for the parking of motor vehicles, having adequate ingress and egress to a public street or alley.

(78) Parties in Interest. Includes all abutting property owners, all property owners within one hundred (100) feet and all property owners of opposite frontages and of properties that may be directly and immediately affected by a proposed change in this Ordinance.

(79) Performance Standards. A criterion established for the purpose of making judgments in the control of air pollution; electrical, radioactive or other disturbances; fire

and explosive hazards; emission of glare and heat; noise; odors; and discharge of liquid or solid gases' generated by, or inherent in, uses of lands, buildings or structures.

(80) Portable Signs. A billboard ground sign which is not permanently affixed to any structure or building, not permanent in nature but is not necessarily a temporary sign as defined within this Ordinance.

(81) Principal Building. A building in which is conducted the principal use of the lot on which it is situated.

(82) Principal Use. The primary purpose or function that a lot serves or is intended to serve.

(83) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians, or other recognized professions used to conduct the professions where the office does not exceed one-half (1 /2) the area of only one floor of the residence and only one non-resident person is employed.

(84) Professional Nameplate Signs. Any sign indicating the occupant name and or address or a professional office.

(85) Projecting Signs. Any sign which is attached to any side of a building or to a structure and which extends outward and shall not be at its lowest point less than ten (10) feet above any street, walkway, driveway or parking lot.

(86) Real Estate Signs. Any sign used for the purpose of advertising the sale, rental or lease of the premises upon which said sign is located.

(87) 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 the line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

(88) Residential Name Plate Sign. Any sign indicating the occupant name and/or address of residence.

(89) Restricted Signs. Any sign requiring a sign permit under the provisions of this Ordinance.

(90) Right-of-way Line. The dividing line between a highway and the abutting lots or other divisions of land.

(91) Setback. The distance between a street line and the front building line of a principal building or structure

projected to the side lines of the lot, and including driveways and parking areas, except where otherwise restricted by this Ordinance.

(92) Shorelines. The intersection of the land surfaces abutting lakes, ponds, streams, flowages and wetlands with the average annual high-water elevation.

(93) 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 street.

(94) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, tradenames, or trademarks by which any thing 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.

(95) Skeleton Cutout Letter Sign. Any sign composed of letters so constructed and assembled or painted as to use no other structure for background other than the building structure itself.

(96) Smoke Unit. The number obtained when the smoke density and the Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes in which it was observed. Various products are then added together to give the total number of smoke units observed during the entire observation.

(97) Street. A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, providing, generally, the primary roadway to an egress from the property abutting along its length.

(98) Street Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto to the nearest point of the principal structure. Corner lots shall have two such yards.

(99) Structural Alterations. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

(100) Structure. Any production or piece of work, artificially built up or composed of parts enjoined together in some definite manner and form.

(101) Subdivision Entrance Signs. Any sign whose purpose is exclusively limited to the identification of a plated subdivision or residential area, and which names such subdivision or area without further elaboration, display or advertisement.

(102) Swimming Pool. Any structure, portable or permanent, containing a body of water eighteen (18) inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

(103) Temporary Sign. A sign not permanently wired or mounted.

(104) Temporary Use. A use of land, buildings or structures not intended to be of permanent duration and not located on a parcel for more than twelve (12) months.

(105) Toxic Matter. Those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(106) Travel Trailer. A vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, but does not include a mobile home.

(107) Turning Lanes. An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

(108) Unrestricted Signs. All signs designated in this Ordinance for which a sign permit is not required, but are regulated by this Ordinance as to location, number and size.

(109) Use. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land.

(110) Use, Private. A use which is restricted to the occupants of a lot or building, together with their guests, where compensation for such use is not received and where no business or commercial activity is associated with such use or building.

(111) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations.

12.12 PADDOCK LAKE DESIGN REVIEW PROCESS.

(1) Objectives. The design review process is hereby implemented pursuant to §62.23(3), Stats., for the purposes of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as the efficiency and economy in the process of development within the Village of Paddock Lake. Requirements for design review and approval apply uses and developments regardless of the characterization of the use or development of this ordinance as a "permitted use" or "conditional use."

(2) Applicability. The following types of development shall be subject to the Design Review Process:

- (a) Site and structural development or residential projects having two or more dwelling units.
- (b) Site and structural development in all business districts in the Village of Paddock Lake.
- (c) Site and structural development in all industrial districts within the Village of Paddock Lake.
- (d) Site and structural development in all planned development districts within the Village of Paddock Lake.
- (e) All utility and governmental facilities within the Village of Paddock Lake.
- (f) Those variance cases deemed by the Zoning Board of Appeals to justify design review. Design review shall be advisory to the Zoning Board of Appeals. Any applications submitted for design review shall include information normally required under §12.12(3). The decision of the Zoning Board of Appeals to accept the recommendation of Village Plan Commission shall carry the full force and effect of these ordinance provisions.
- (g) Any parking area, even if not accompanying an otherwise included development, if it has ten (10) or more parking spaces.
- (h) In addition, Design Review Districts may be designated by ordinance adopted by the Village Board. Once adopted, design review standards shall apply to such districts

within the terms of such designation Ordinance.

(3) Administration of Design Review.

- (a) The Village Building Administrator of the Village of Paddock Lake shall advise applicants when they apply for zoning/building permits or other approvals whether design review applies. If design review applies, the applicant shall be given checklists, application forms, and time tables. These documents shall have prior Village Plan Commission approval as to format and content. Applicant may request and have pre-application conference with staff (PWD, Build & Zoning Administrator).
- (b) Completed applications and supporting materials must be reviewed by the Village Staff prior to placement on the Village Plan Commission agenda. The Village Staff must be satisfied that a complete packet of information will be available to the Plan Commission prior to the commencement of the Plan Commission meeting at which the item is set for decision review.
- (c) The Plan Commission will review applications set for design review. Following such review, discussions with applicants and agents, and discussion with the Village Plan Commission and with the Village Staff, the Plan Commission shall render a decision of approval, conditional approval or rejection. Decisions shall be in writing and shall identify those elements of the approved design which the Village Plan Commission intends to be mandatory. The Village Building & Zoning Administrator shall have applicants sign acknowledgments of receipts of written Village Plan Commission design review decisions prior to issuance of a zoning/building permit.
- (d) A project that has had design review and that has a zoning/building permit is approved for execution only in accord with the directives included in the design review approval. Construction or execution that deviates in any way from directives may not occur within the terms of this ordinance without prior written Village approval.

(4) Design Review Standards. The following requirements have as its primary purpose to achieve development which is practical, feasible and an economic asset to each owner, the neighbors and community:

(a) Buildings.

- (1) The front facade and street site facade shall be faced with concrete, brick masonry, stone, metals or other materials architecturally integrated in the building design. Unfaced concrete block, structural concrete and pre-fabricated metal siding and the like are not permitted on facade areas. The facing materials should extend on each side of the front of the building a minimum distance equal to one-fourth (1/4) of the side dimension.
- (2) All elevations of the building shall be designed in a consistent and coherent architectural manner. Changes in material, color and/or texture shall occur at points relating to the massing, fenestration and overall design concept of the building.
- (3) All electrical and air-conditioning structures, including towers and air-handling units, regardless of location and whether to screen roof or otherwise, shall be screened by landscaping or by decorative screening which form an integral part of the design.
- (4) All buildings should be sited on the lot to present their most desirable face to the street and, where possible, should be related to buildings on adjoining lots.

(b) Landscaping.

- (1) Landscape design and planting is to be an integral part of the site design concept and not an afterthought merely added onto the report.
- (2) The front yard set back area shall be landscaped with an effective combination of street trees, trees, ground cover and shrubbery. All unpaved areas not utilized for parking shall be landscaped

in a similar manner. The entire area between the right-of-way and the building set back line of any property shall be landscaped with a combination of landscape plantings and earth berms to interrupt or screen all of the use areas with the exception of the building facade.

- (3) Side and rear yard set back areas not used for parking, drives or storage, shall be landscaped using ground cover and/or shrub and tree materials. There shall be a minimum of a ten (10) foot buffer area reserved along sides and rear lot line. Where a rear or side yard abuts the natural area or conservancy area, the landscape plan shall be designed to be integrated with the nature area.
- (4) Undeveloped areas proposed for future expansion shall be maintained in a weed-free condition and shall be landscaped if required by the Village Plan Commission.
- (5) Areas used for parking and loading shall be landscaped and/or fenced in a manner so as to interrupt said areas from view from public streets and public use areas on adjoining properties. Plant materials used for this purpose shall consist of lineal or group masses of shrubs and/or trees.
- (6) Any approved outdoor storage areas and refuse collection areas shall be visually screened from view from public streets and public use areas on adjacent properties. Such screening shall form a complete opaque screen up to a point eight (8) feet in vertical height.
- (7) The front yard, any street side yard and the side yards abutting the front one-quarter (1/4) of the building shall have a minimum of an eight (8) foot strip for landscaping or walkway immediately adjacent to the building. Paved pedestrian walks to building entrances may cross or be made part of said strip.

- (8) All existing vegetation shall be preserved wherever possible and practical. Measures shall be taken to protect existing trees in the areas of natural vegetation (including wetland and native prairie) during construction.

(c) Parking and Loading Area Standards.

- (1) Parking lots shall be located to the rear of the building or in the side yard behind the front yard setback. Front yard parking lot shall be located at least six (6) feet from any lot line and at least eight (8) feet from the building.
- (2) The Village Plan Commission will require on-site parking sufficient to accommodate the needs of each respective business.
- (3) All drives, parking lots, storage areas and loading berths shall be paved and properly marked.
- (4) It is intended that driveways be laid out in order to avoid a direct, unscreened view from the street to employee parking areas, loading docks, maneuvering areas and permitted outdoor storage areas. No parking should be permitted on entry driveways.
- (5) Loading berths shall be located to the rear of the building or in the side yard behind the front yard setback.

(d) Utilities.

- (1) All utilities shall be installed underground. Electric substations and similar utility structures shall comply with the building and landscape standards specified elsewhere herein.

(e) Snow Removal.

- (1) Snow removal areas and procedures must be described in the plans. Snow removal areas shall not interfere with commercial driveway intersection visibility. Snow removal storage areas shall not interfere with driveway

intersection visibility. The intersection visibility standards contained in the Village Zoning Ordinance shall be applied. Snow storage areas shall be adequately drained so that snow melt does not drain across public roadways or sidewalks.

(f) Lighting.

- (1) All side lighting shall be controlled so as not to extend a direct light source onto abutting properties. Cutoff type luminaries shall be used and all lighting sheds shall be indicated in the plans.

(g) Fire Protection.

- (1) All plans indicate how fire protection will be provided. Provisions shall be made for fire lanes. Larger scale projects such as water features and ponds may be incorporated into water supply features. Fire walls may be required on infill projects. The extension of water mains may be required through the Design Approval Process if deemed feasible and practical by the Public Works Director and the Village Plan Commission.

(h) Stormwater Drainage and Erosion Control Ordinance.

- (1) All sites shall be planned to provide erosion control measures and storm water drainage improvements acceptable to the Village Public Works Director. In no case shall the requirements be stricter than the standards required under Chapter 38 of the Code of Ordinances of the Village of Paddock Lake.

(i) Street Standards.

- (1) All projects require design review shall also be subject to the dedication and improvement of abutting roadways and walkways to meet the standards described in the Village's adopted plans and ordinances.

12.13 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL.

(a) Authority.

(1) This ordinance is adopted under the authority granted by §61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §60.62 or §61.35, Wis. Stats., that relate to construction site erosion control. Except as otherwise specified in §61.354, Wis. Stats., §61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Village Board hereby designates the Village Administrator or his designee to administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under §281.16 and §283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under Section NR 151.004, Wis. Adm. Code.

(b) Findings of Fact. The Village Board acknowledges that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in Village of Paddock Lake.

(c) Purpose. It is the purpose of this ordinance to maintain safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion and sediment discharge; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in the Village of Paddock Lake.

(d) Applicability and Jurisdiction.

(1) Applicability.

(a) Except as provided under §12.13(d) (1) (b) (2), this ordinance applies to any construction site as defined under §12.13(e) (6).

(b) This ordinance does not apply to the following:

(1) Transportation facilities, except transportation facility construction projects that are part of a larger common plan of development such as local roads within a residential or industrial development.

(2) A construction project that is exempted by federal statutes or regulations from the requirement to have a national pollutant discharge elimination system permit issued under chapter 40, Code of Federal Regulations, part 122, for land disturbing construction activity.

(3) Nonpoint discharges from agricultural facilities and practices.

(4) Nonpoint discharges from silviculture activities.

(5) Routine maintenance for project sites that have less than five (5) acres of land disturbance if performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

(c) Notwithstanding the applicability requirements in §12.13(d) (1) (b) (1), this ordinance applies to construction sites of any size that, as determined by the Village Administrator, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, that causes undue channel erosion, or that increases water pollution by scouring or transporting of particulate.

(2) Jurisdiction. This ordinance applies to land disturbing construction activities on lands within the boundaries and jurisdiction of the Village of Paddock Lake, as well as all lands located within

the extraterritorial plat approval jurisdiction of Village of Paddock Lake, even if plat approval is not involved.

(3) Exclusions. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats.

(e) Definitions.

(1) "Administering authority" means a governmental employee, or a regional planning commission empowered under §61.354 or §62.2341, Wis. Stats., that is designated by the Village Board to administer this ordinance.

(2) "Agricultural facilities and practices" has the meaning in §281.16 (1), Wis. Stats.

(3) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.

(4) "Business day" means a day the office of the Village Administrator is routinely and customarily open for business.

(5) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Administrator.

(6) "Construction site" means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan. A long-range planning document that describes separate construction projects, such as a twenty (20) year transportation improvement plan, is not a common plan of development.

(7) "Design Storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

(8) "Division of land" means the creation from one parcel of four (4) or more parcels or building

sites of five (5) or fewer acres each in area where such creation occurs at one time or through the successive partition within a five (5) year period.

(9) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(10) "Erosion and sediment control plan" means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(11) "Extraterritorial" means the unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city, or within one and one-half (1.5) miles of a fourth class city or village.

(12) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established with a density of at least seventy (70%) percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(13) "Governing body" means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

(14) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities.

(15) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

(16) "Maximum extent practicable" means the

highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with §17.055 of this ordinance.

(17) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(18) "Permit" means a written authorization made by the Village Administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.

(19) "Pollutant" has the meaning given in §283.01 (13), Wis. Stats.

(20) "Pollution" has the meaning given in §281.01 (10), Wis. Stats.

(21) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement.

(22) "Runoff" means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(23) "Sediment" means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(24) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

(25) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.

(26) "Stop work order" means an order issued by the Village Administrator which requires that all construction activity on the site be stopped.

(27) "Technical standard" means a document that specifies design, predicted performance and

operation and maintenance specifications for a material, device or method.

(28) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stats.

(29) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

(f) Applicability of Maximum Extent Practicable.

Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the Village Administrator's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(g) Technical Standards. All BMPs required for compliance with this ordinance shall meet design criteria, standards and specifications based on any of the following:

(1) Design guidance and technical standards identified or developed by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(2) Soil loss prediction tools (such as the Universal Soil Loss Equation (USLE)) when using an appropriate rainfall or runoff factor (also referred to as the R factor) or an appropriate design storm and precipitation distribution, and when considering the geographic location of the site and the period of disturbance.

(3) Technical standards and methods approved by the Village Administrator.

One Acre. (h) Performance Standards for Construction Sites under

(1) Responsible Party. The responsible party shall comply with this section.

(2) Erosion and Sediment Control Practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

(a) The deposition of soil from being tracked onto streets by vehicles.

(b) The discharge of sediment from disturbed areas into on-site stormwater inlets.

(c) The discharge of sediment from disturbed areas into adjacent waters of the state.

(d) The discharge of sediment from drainage ways that flow off the site.

(e) The discharge of sediment by dewatering activities.

(f) The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.

(g) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period.

However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(3) Location. The BMPs shall be located so that treatment occurs before runoff enters waters of the state.

(4) Implementation. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin.

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(i) Performance Standards for Construction Sites of One Acre or More.

(1) Responsible Party. The responsible party shall comply with this section and implement the erosion and sediment control plan developed in accordance with §12.13(k).

(2) Erosion and Sediment Control Plan. A written site-specific erosion and sediment control plan shall be developed in accordance with §12.13(k) of this ordinance and implemented for each construction site.

(3) Erosion and Other Pollutant Control Requirements. The erosion and sediment control plan required under §12.13(i)(2) shall include the following:

(a) Erosion and Sediment Control Practices. Erosion and sediment control practices at each site where land disturbing construction activity is to occur shall be used to prevent or reduce all of the following:

(1) The deposition of soil from being tracked onto streets by vehicles.

(2) The discharge of sediment from disturbed areas into on-site stormwater inlets.

(3) The discharge of sediment from disturbed areas into adjacent waters of the state.

(4) The discharge of sediment from drainage ways that flow off the site.

(5) The discharge of sediment by dewatering activities.

(6) The discharge of sediment eroding from soil stockpiles existing for more than seven (7) days.

(7) The discharge of sediment from erosive flows at outlets and in downstream channels.

(8) The transport by runoff into waters of the state of chemicals, cement, and other building compounds and materials on the construction site during the construction period. However, projects that require the placement of these materials in waters of the state, such as constructing bridge footings or BMP installations, are not prohibited by this subdivision.

(9) The transport by runoff into waters of the state of untreated wash water from vehicle and wheel washing.

(b) Sediment Performance Standards. In addition to the erosion and sediment control practices under §12.13(i)(3)(b)(1), the following erosion and sediment control practices shall be employed:

(1) BMPs that, by design, discharge no more than five (5) tons per acre per year, or to the maximum extent practicable, of the sediment load carried in runoff from initial grading to final stabilization.

(2) No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practicable. Erosion and sediment control BMPs may be combined to meet the requirements of this paragraph. Credit may be given toward meeting the sediment performance

standard of this paragraph for limiting the duration or area, or both, of land disturbing construction activity, or for other appropriate mechanisms.

(3) Notwithstanding §12.13(i)(3)(b)(1), if BMPs cannot be designed and implemented to meet the sediment performance standard, the erosion and sediment control plan shall include a written, site-specific explanation of why the sediment performance standard cannot be met and how the sediment load will be reduced to the maximum extent practicable.

(c) Preventive Measures. The erosion and sediment control plan shall incorporate all of the following:

(1) Maintenance of existing vegetation, especially adjacent to surface waters whenever possible.

(2) Minimization of soil compaction and preservation of topsoil.

(3) Minimization of land disturbing construction activity on slopes of twenty (20%) percent or more.

(4) Development of spill prevention and response procedures.

(d) Location. The BMPs used to comply with this section shall be located so that treatment occurs before runoff enters waters of the state.

(4) Implementation. The BMPs used to comply with this section shall be implemented as follows:

(a) Erosion and sediment control practices shall be constructed or installed before land disturbing construction activities begin in accordance with the erosion and sediment control plan developed in §12.13(i)(2).

(b) Erosion and sediment control practices shall be maintained until final stabilization.

(c) Final stabilization activity shall commence when land disturbing activities

cease and final grade has been reached on any portion of the site.

(d) Temporary stabilization activity shall commence when land disturbing activities have temporarily ceased and will not resume for a period exceeding fourteen (14) calendar days.

(e) BMPs that are no longer necessary for erosion and sediment control shall be removed by the responsible party.

(j) Permitting Requirements, Procedures and Fees.

(1) Permit Required. No responsible party may commence a land disturbing construction activity subject to this ordinance without receiving prior approval of an erosion and sediment control plan for the site and a permit from the Village Administrator.

(2) Permit Application and Fees. The responsible party that will undertake a land disturbing construction activity subject to this ordinance shall submit an application for a permit and an erosion and sediment control plan that meets the requirements of §12.13(k), and shall pay an application fee to the Village Treasurer in the amount specified in §12.13(l). By submitting an application, the applicant is authorizing the Village Administrator to enter the site to obtain information required for the review of the erosion and sediment control plan.

(3) Permit Application Review and Approval. The Village Administrator shall review any permit application that is submitted with an erosion and sediment control plan, and the required fee. The following approval procedure shall be used:

(a) Within fifteen (15) business days of the receipt of a complete permit application, as required by §12.13(j)(2), the Village Administrator shall inform the applicant whether the application and erosion and sediment control plan are approved or disapproved based on the requirements of this ordinance.

(b) If the permit application and erosion and sediment control plan are approved, the Village Administrator shall issue the permit.

(c) If the permit application or erosion and

sediment control plan is disapproved, the Village Administrator shall state in writing the reasons for disapproval.

(d) The Village Administrator may request additional information from the applicant. If additional information is submitted, the Village Administrator shall have ten (10) business days from the date the additional information is received to inform the applicant that the erosion and sediment control plan is either approved or disapproved.

(4) Surety Bond. As a condition of approval and issuance of the permit, the Village Administrator may require the applicant to deposit a surety bond or irrevocable letter of credit to guarantee a good faith execution of the approved erosion and sediment control plan and any permit conditions.

(5) Permit Requirements. All permits shall require the responsible party to:

(a) Notify the Village Administrator within forty-eight (48) hours of commencing any land disturbing construction activity.

(b) Notify the Village Administrator of completion of any BMPs within fourteen (14) days after their installation.

(c) Obtain permission in writing from the Village Administrator prior to any modification pursuant to §12.13(k)(3) of the erosion and sediment control plan.

(d) Install all BMPs as identified in the approved erosion and sediment control plan.

(e) Maintain all road drainage systems, stormwater drainage systems, BMPs and other facilities identified in the erosion and sediment control plan.

(f) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land disturbing construction activities and document repairs in a site inspection log.

(g) Inspect the BMPs within twenty-four (24) hours after each rain of one-half (0.5) inches or more which results in runoff during

active construction periods, and at least once each week. Make needed repairs and install additional BMPs as necessary, and document these activities in an inspection log that also includes the date of inspection, the name of the person conducting the inspection, and a description of the present phase of the construction at the site.

(h) Allow the Village Administrator to enter the site for the purpose of inspecting compliance with the erosion and sediment control plan or for performing any work necessary to bring the site into compliance with the erosion and sediment control plan. Keep a copy of the erosion and sediment control plan at the construction site.

(6) Permit Conditions. Permits issued under this section may include conditions established by Village Administrator in addition to the requirements set forth in §12.13(j)(5), where needed to assure compliance with the performance standards in §12.13(h) or §12.13(i).

(7) Permit Duration. Permits issued under this section shall be valid for a period of one hundred eighty (180) days, or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Village Administrator may grant one or more extensions not to exceed one hundred eighty (180) days cumulatively. The Village Administrator may require additional BMPs as a condition of an extension if they are necessary to meet the requirements of this ordinance.

(8) Maintenance. The responsible party throughout the duration of the construction activities shall maintain all BMPs necessary to meet the requirements of this ordinance until the site has undergone final stabilization.

(k) Erosion and Sediment Control Plan, Statement and Amendments.

(1) Erosion and Sediment Control Plan Statement. For each construction site identified under §12.13(d)(1)(c), an erosion and sediment control plan statement shall be prepared. This statement shall be submitted to the Village Administrator. The erosion and sediment control plan statement shall briefly describe the site, the development

schedule, and the BMPs that will be used to meet the requirements of the ordinance. A site map shall also accompany the erosion and sediment control plan statement.

(2) Erosion and Sediment Control Plan Requirements.

(a) An erosion and sediment control plan shall be prepared and submitted to the Village Administrator.

(b) The erosion and sediment control plan shall be designed to meet the performance standards in §12.13(h) and §12.13(i) and other requirements of this ordinance.

(c) The erosion and sediment control plan shall address pollution caused by soil erosion and sedimentation during construction and up to final stabilization of the site. The erosion and sediment control plan shall include, at a minimum, the following items:

(1) Name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant, together with the name of the applicant's principal contact at such firm. The application shall also include start and end dates for construction.

(2) Description of the construction site and the nature of the land disturbing construction activity, including representation of the limits of land disturbance on a United States Geological Service 7.5 minute series topographic map.

(3) Description of the intended sequence of major land disturbing construction activities for major portions of the construction site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent

vegetation.

(4) Estimates of the total area of the construction site and the total area of the construction site that is expected to be disturbed by land disturbing construction activities.

(5) Calculations to show the compliance with the performance standard in §12.13(h) (3) (b) (1).

(6) Existing data describing the surface soil as well as subsoils.

(7) Depth to groundwater, as indicated by Natural Resources Conservation Service soil information where available.

(8) Name of the immediate named receiving water from the United States Geological Service seven and one-half (7.5) minute series topographic maps.

(d) The erosion and sediment control plan shall include a site map. The site map shall include the following items and shall be at a scale not greater than one hundred (100) feet per inch and at a contour interval not to exceed five (5) feet.

(1) Existing topography, vegetative cover, natural and engineered drainage systems, roads and surface waters. Lakes, streams, wetlands, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any identified one hundred (100) year flood plains, flood fringes and floodways shall also be shown.

(2) Boundaries of the construction site.

(3) Drainage patterns and approximate slopes anticipated after major grading activities.

(4) Areas of soil disturbance.

(5) Location of major structural and non-structural controls identified in the erosion and sediment control plan.

(6) Location of areas where stabilization BMPs will be employed.

(7) Areas which will be vegetated following land disturbing construction activities.

(8) Area(s) and location(s) of wetland on the construction site, and locations where stormwater is discharged to a surface water or wetland within one-quarter (1/4) mile downstream of the construction site.

(9) Areas(s) used for infiltration of post-construction stormwater runoff.

(10) An alphanumeric or equivalent grid overlying the entire construction site map.

(e) Each erosion and sediment control plan shall include a description of appropriate control BMPs that will be installed and maintained at the construction site to prevent pollutants from reaching waters of the state. The erosion and sediment control plan shall clearly describe the appropriate erosion and sediment control BMPs for each major land disturbing construction activity and the timing during the period of land disturbing construction activity that the erosion and sediment control BMPs will be implemented. The description of erosion and sediment control BMPs shall include, when appropriate, the following minimum requirements:

(1) Description of interim and permanent stabilization practices, including a BMP implementation schedule. The erosion and sediment control plan shall ensure that existing vegetation is preserved where attainable and that disturbed portions of the site are stabilized.

(b) Description of structural practices to divert flow away from exposed soils, store flows or otherwise limit runoff and the discharge of pollutants from the site. Unless otherwise specifically approved in writing by the Village Administrator, structural measures shall

be installed on upland soils.

(c) Management of overland flow at all areas of the construction site, unless otherwise controlled by outfall controls.

(d) Trapping of sediment in channefized flow.

(e) Staging land disturbing construction activities to limit exposed soil areas subject to erosion.

(6) Protection of downslope drainage inlets where they occur.

(7) Minimization of tracking at all vehicle and equipment entry and exit locations of the construction site.

(8) Clean up of off-site sediment deposits.

(9) Proper disposal of building and waste material.

(10) Stabilization of drainage ways.

(11) Installation of permanent stabilization practices as soon as possible after final grading.

(12) Minimization of dust to the maximum extent practicable.

(f) The erosion and sediment control plan shall require that velocity dissipation devices be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected.

(3) Erosion and Sediment Control Plan Amendments. The applicant shall amend the erosion and sediment control plan if any of the following occur:

(a) There is a change in design, construction, operation or maintenance at the site which has the reasonable potential for the discharge of pollutants to waters of the

state and which has not otherwise been addressed in the erosion and sediment control plan.

(b) The actions required by the erosion and sediment control plan fail to reduce the impacts of pollutants carried by construction site runoff.

(c) The Village Administrator notifies the applicant of changes needed in the erosion and sediment control plan.

(l) Fee Schedule. The fees referred to in other sections of this ordinance shall be established by the Village Board and may from time to time be modified by resolution. A schedule of the fees established by the Village Board shall be available for review in the office of the Village Clerk/Treasurer.

(m) Inspection. If land disturbing construction activities are occurring without a permit required by this ordinance, the Village Administrator may enter the land pursuant to the provisions of §66.0119 (1), (2), and (3), Wis. Stats.

(n) Enforcement.

(1) The Village Administrator may post a stop work order if any of the following occurs:

(a) Land disturbing construction activity regulated under this ordinance is occurring without a permit.

(b) The erosion and sediment control plan is not being implemented in good faith.

(c) The conditions of the permit are not being met.

(2) If the responsible party does not cease activity as required in a stop work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the Village Administrator may revoke the permit.

(3) If the responsible party, where no permit has been issued or the permit has been revoked, does not cease the activity after being notified by the Village Administrator, or if a responsible party violates a stop work order posted under §12.13(n)(1), the Village Administrator may request the Village Attorney to obtain a cease and

desist order in any court with jurisdiction.

(4) The Village Administrator or Board of Appeals may retract the stop work order issued under §12.13(n) (1) or the permit revocation under §12.13(n) (2).

(5) After posting a stop work order under §12.13(n) (1), the Village Administrator may issue a notice of intent to the responsible party of its intent to perform work necessary to comply with this ordinance. The Village Administrator may go on the land and commence the work after issuing the notice of intent. The costs of the work performed under this subsection by the Village Administrator, plus interest at the rate of eighteen (18%) percent per annum, shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the Clerk/Treasurer shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(6) Any person violating any of the provisions of this ordinance shall be subject to a forfeiture of not less than Five (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(7) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(o) Appeals.

(1) Board of Appeals. The Board of Appeals created pursuant to §12.09 of the Village's Code of Ordinances pursuant to §61.354 (4) (b), Wis. Stats.:

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Administrator in administering this ordinance except for cease and desist orders obtained under §12.13(n) (3).

(b) May authorize, upon appeal, variances

from the provisions of this ordinance which are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(2) Who May Appeal. Appeals to the Board of Appeals may be taken by any aggrieved person or by any office, department, board, or bureau of the Village of Paddock Lake affected by any decision of the Village of Paddock Lake.

(p) Severability. If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.

12.14 ENFORCEMENT OF STATE BUILDING CODE.

(a) Authority. These regulations are adopted under the authority granted by §101.12, Wis. Stats.

(b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare by enforcing the adopted codes.

(c) Adoption of Codes. The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the Wisconsin Department of Safety and Professional Services.

Chs. SPS 361-366	Wisconsin Building and Heating, Ventilating and Air Conditioning Code
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Chs. SPS 375-379	Existing Building Code
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Ch. SPS 316	Electrical Inspection Agency
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(d) Building Inspector. The Building Inspector authorized by the municipality to enforce the adopted codes shall be properly certified by the Department of Industry, Labor and Human Relations.

(e) Building Permit Required. No person shall build

or cause to be built any new public building containing less than 50,000 cubic feet in total volume or alter a public building involving less than 100,000 cubic feet in total volume, without first submitting plans and specifications to the building inspector and obtaining a building permit for such building.

(f) Building Permit Fee. Building permit fees shall be determined by resolution.

(g) Penalties. Enforcement of this section shall be by means of withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000 for each day of noncompliance.

(h) Effective Date. This ordinance shall be effective September 1, 1993, upon passage and publication as provided by law.

12.15 BUILDING SITE START TIMES.

No person shall build or cause to build any new building, addition, remodeling or other type of construction, destruction or earth moving activity prior to 7:00 a.m. local time nor shall such construction extend beyond 8:00 p.m. local time.

12.16 RESERVED.

12.17 RESERVED.

12.18 POST-CONSTRUCTION STORMWATER MANAGEMENT.

(a) Authority.

(1) This ordinance is adopted by the Village Board under the authority granted by §61.354, Wis. Stats. This ordinance supersedes all provisions of an ordinance previously enacted under §60.62 or §61.35, Wis. Stats., that relate to stormwater management regulations. Except as otherwise specified in §61.354, Wis. Stats., §61.35, Wis. Stats., applies to this ordinance and to any amendments to this ordinance.

(2) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of the same governing body.

(3) The Village Board hereby designates the Village Administrator or his designee to

administer and enforce the provisions of this ordinance.

(4) The requirements of this ordinance do not pre-empt more stringent stormwater management requirements that may be imposed by any of the following:

(a) Wisconsin Department of Natural Resources administrative rules, permits or approvals including those authorized under §281.16 and §283.33, Wis. Stats.

(b) Targeted non-agricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under §NR 151.004, Wis. Adm. Code.

(b) Findings of Fact. The Village Board acknowledges that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(1) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants.

(3) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.

(4) Reduce the quality of groundwater by increasing pollutant loading.

(5) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.

(c) Purpose and Intent.

(1) Purpose. The general purpose of this ordinance is to establish long-term, post-

construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

(1) Further the maintenance of safe and healthful conditions.

(2) Prevent and control the adverse effects of stormwater; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.

(3) Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; and control increases in the scouring and transportation of particulate matter.

(4) Minimize the amount of pollutants discharged from the separate storm sewer to protect the waters of the state.

(2) Intent. It is the intent of the Village Board that this ordinance regulates post-construction stormwater discharges to waters of the state. This ordinance may be applied on a site-by-site basis. The Village Board recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this ordinance is through the preparation and implementation of comprehensive, systems-level stormwater management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional stormwater devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under §281.16, Wis. Stats., for regional stormwater management measures and have been approved by the Village Board, it is the intent of this ordinance that the approved stormwater management plan be used to identify post-construction management measures acceptable for the community.

(d) Applicability and Jurisdiction.

(1) Applicability.

(a) Except as provided under §12.18(d)(1)(b), this ordinance applies to a post-construction site whereupon one acre or more of land disturbing construction activity occurs during construction.

(b) A site that meets any of the criteria in this paragraph is exempt from the requirements of this ordinance:

(1) A post-construction site with less than ten (10%) percent connected imperviousness, based on the area of land disturbance, provided the cumulative area of all impervious surfaces is less than one (1) acre. However, the exemption of this paragraph does not include exemption from the protective area standard of this ordinance.

(2) Agricultural facilities and practices.

(c) Underground utility construction, but not including the construction of any above ground structures associated with utility construction.

(c) Notwithstanding the applicability requirements in §12.18(d)(1)(a), this ordinance applies to post-construction sites of any size that, as determined by the Village Administrator, are likely to result in runoff that exceeds the safe capacity of the existing drainage facilities or receiving body of water, causes undue channel erosion, or increases water pollution by scouring or the transportation of particulate matter.

(2) Jurisdiction. This ordinance applies to post construction sites within the boundaries and jurisdiction of the Village of Paddock Lake as well as all lands located within the extraterritorial plat approval Jurisdiction of the Village of Paddock Lake, even if plat approval is not involved.

(3) Exclusions. This ordinance is not applicable to activities conducted by a state agency, as defined under §227.01 (1), Wis. Stats.

(e) Definitions.

(1) "Adequate sod, or self-sustaining vegetative cover" means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

(2) "Administering authority" means a governmental employee, or a regional planning commission empowered under §61.354, Wis. Stats., that is designated by the Village Board to administer this ordinance.

(3) "Agricultural facilities and practices" has the meaning given in §281.16 (1), Wis. Stats.

(4) "Atlas 14" means the National Oceanic and Atmospheric Administration (NOM) Atlas 14 Precipitation-Frequency Atlas of the United States, Volume 8 (Midwestern States), published in 2013.

(5) "Average annual rainfall" means a typical calendar year of precipitation as determined by the Wisconsin Department of Natural Resources for users of models such as WinSLAMM, P8 or equivalent methodology. The average annual rainfall is chosen from a department publication for the location closest to the municipality.

(6) "Best management practice" or "BMP" means structural or non-structural measures, practices, techniques or devices employed to avoid or minimize sediment or pollutants carried in runoff to waters of the state.

(7) "Business day" means a day the office of the Village Administrator is routinely and customarily open for business.

(8) "Cease and desist order" means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit or in violation of a permit issued by the Village Administrator.

(9) "Combined sewer system" means a system for conveying both sanitary sewage and stormwater runoff.

(10) "Connected imperviousness" means an impervious surface connected to the waters of the state via a separate storm sewer, an impervious

flow path, or a minimally pervious flow path.

(11) "Design storm" means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency and total depth of rainfall.

(12) "Development" means residential, commercial, industrial or institutional land uses and associated roads.

(13) "Direct conduits to groundwater" means wells, sinkholes, swallets, fractured bedrock at the surface, mine shafts, non-metallic mines, file inlets discharging to groundwater, quarries, or depressional groundwater recharge areas over shallow fractured bedrock.

(14) "Division of land" means the creation from one (1) parcel of four (4) or more parcels or building sites of five (5) or fewer acres each in area where such creation occurs at one time or through the successive partition within a five (5) year period.

(15) "Effective infiltration area" means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(16) "Erosion" means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(17) "Exceptional resource waters" means waters listed in §NR 102.11, Wis. Adm. Code.

(18) "Extraterritorial" means the unincorporated area within three (3) miles of the corporate limits of a first, second, or third class city, or within one and a half (1 ½) miles of a fourth class city or village

(19) "Filtering layer" means soil that has at least a three (3) foot deep layer with at least twenty (20%) percent fines; or at least a five (5) foot deep layer with at least ten (10%) percent fines; or an engineered soil with an equivalent level of protection as determined by the regulatory authority for the site.

(20) "Final stabilization" means that all land disturbing construction activities at the construction site have been completed and that a

uniform perennial vegetative cover has been established with a density of at least seventy (70%) percent of the cover for the unpaved areas and areas not covered by permanent structures or that employ equivalent permanent stabilization measures.

(21) "Financial guarantee" means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the Village Administrator by the responsible party to assure that requirements of the ordinance are carried out in compliance with the stormwater management plan.

(22) "Governing body" means town board of supervisors, county board of supervisors, city council, village board of trustees or village council.

(23) "Impervious surface" means an area that releases as runoff all or a large portion of the precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, gravel or paved parking lots and streets are examples of areas that typically are impervious.

(24) "In-fill" means an undeveloped area of land located within an existing urban sewer service area, surrounded by development or development and natural or man-made features where development cannot occur.

(25) "Infiltration" means the entry of precipitation or runoff into or through the soil.

(26) "Infiltration system" means a device or practice such as a basin trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(27) "Land disturbing construction activity" means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing,

demolition, excavating, pit trench dewatering, filling and grading activities.

(28) "Landowner" means any person holding fee title, an easement or other interest in property, which allows the person to undertake cropping, livestock management, land disturbing construction activity or maintenance of stormwater BMPs on the property.

(29) "Maintenance agreement" means a legal document that provides for long-term maintenance of stormwater management practices.

(30) "Maximum extent practicable" means the highest level of performance that is achievable but is not equivalent to a performance standard identified in this ordinance as determined in accordance with §17.21 of this ordinance.

(31) "New development" means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(32) "NRCS MSE3 or MSE4 distribution" means a specific precipitation distribution developed by the United States Department of Agriculture, Natural Resources Conservation Service, using precipitation data from Atlas 14.

(33) "Off-site" means located outside the property boundary described in the permit application.

(34) "On-site" means located within the property boundary described in the permit application.

(35) "Ordinary high-water mark" has the meaning given in §NR 115.03 (6), Wis. Adm. Code.

(36) "Outstanding resource waters" means waters listed in §NR 102.10, Wis. Adm. Code.

(37) "Percent fines" means the percentage of a given sample of soil, which passes through a #200 sieve.

(38) "Performance standard" means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.

(39) "Permit" means a written authorization made by the Village Administrator to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of

the state.

(40) "Permit administration fee" means a sum of money paid to the Village by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.

(41) "Pervious surface" means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.

(42) "Pollutant" has the meaning given in §283.01 (13), Wis. Stats.

(43) "Pollution" has the meaning given in §281.01 (10), Wis. Stats.

(44) "Post-construction site" means a construction site following the completion of land disturbing construction activity and final site stabilization.

(45) "Pre-development condition" means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner.

(46) "Preventive action limit" has the meaning given in §NR 140.05 (17), Wis. Adm. Code.

(47) "Protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface.

(48) "Redevelopment" means areas where development is replacing older development.

(49) "Responsible party" means the landowner or any other entity performing services to meet the requirements of this ordinance through a contract or other agreement. "Runoff" means stormwater or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow.

(50) "Separate storm sewer" means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

(a) Is designed or used for collecting water or conveying runoff.

(b) Is not part of a combined sewer system.

(c) Is not part of a publicly owned wastewater treatment works that provides secondary or more stringent treatment.

(d) Discharges directly or indirectly to waters of the state.

(51) "Silviculture activity" means activities including tree nursery operations, tree harvesting operations, reforestation, tree thinning, prescribed burning, and pest and fire control. Clearing and grubbing of an area of a construction site is not a silviculture activity.

(52) "Site" means the entire area included in the legal description of the land on which the land disturbing construction activity occurred.

(53) "Stop work order" means an order issued by the Village Administrator which requires that all construction activity on the site be stopped.

(54) "Stormwater management plan" means a comprehensive plan designed to reduce the discharge of pollutants from stormwater, after the site has undergone final stabilization, following completion of the construction activity.

(55) "Stormwater management system plan" is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.

(56) "Technical standard" means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.

(57) "Top of the channel" means an edge, or point on the landscape landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than twelve (12%) percent continually for at least

fifty (50) feet. If the slope of the land is twelve (12%) percent or less continually for the initial fifty (50) feet landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(58) "Total maximum daily load" or "TWIDL" means the amount of pollutants specified as a function of one or more water quality parameters, that can be discharged per day into a water quality limited segment and still ensure attainment of the applicable water quality standard.

(59) "TP-40" means Technical Paper No. 40, Rainfall Frequency Atlas of the United States, published in 1961.

(60) "TR-55" means the United States department of agriculture, natural resources conservation service (previously soil conservation service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 1986, which is incorporated by reference for this chapter.

(61) "Transportation facility" means a highway, a railroad, a public mass transit facility, a public-use airport, a public trail or any other public work for transportation purposes such as harbor improvements under §85.095 (1)(b), Wis. Stats. "Transportation facility" does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department pursuant to §281.33, Wis. Stats.

(62) "TSS" means total suspended solids.

(63) "Type II distribution" means a rainfall type curve as established in the "United States Department of Agriculture, Soil Conservation Service, Technical Paper 149, published in 1973".

(64) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

(f) Applicability of Maximum Extent Practicable.
Maximum extent practicable applies when a person who is subject to a performance standard of this ordinance demonstrates to the

Village Administrator's satisfaction that a performance standard is not achievable and that a lower level of performance is appropriate. In making the assertion that a performance standard is not achievable and that a level of performance different from the performance standard is the maximum extent practicable, the responsible party shall take into account the best available technology, cost effectiveness, geographic features, and other competing interests such as protection of public safety and welfare, protection of endangered and threatened resources, and preservation of historic properties.

(g) Technical Standards. The following methods shall be used in designing the water quality, peak discharge, and infiltration components of stormwater practices needed to meet the water quality standards of this ordinance:

(1) Consistent with the technical standards identified, developed or disseminated by the Wisconsin Department of Natural Resources under subchapter V of chapter NR 151, Wis. Adm. Code.

(2) Where technical standards have not been identified or developed by the Wisconsin Department of Natural Resources other technical standards may be used provided that the methods have been approved by the Village Board.

(h) Performance Standards.

(1) Responsible Party. The responsible party shall comply with this section.

(2) Stormwater Management Plan. A written stormwater management plan in accordance with §12.18(j) shall be developed and implemented for each post-construction site.

(3) Maintenance of Effort. For redevelopment sites where the redevelopment will be replacing older development that was subject to post-construction performance standards of §NR 151 in effect on or after October 1, 2004, the responsible party shall meet the total suspended solids reduction, peak flow control, infiltration, and protective areas standards applicable to the older development or meet the redevelopment standards of the ordinance, whichever is more stringent.

(4) Requirements. The stormwater management plan required under §12.18(h) (2) shall include the following:

(a) Total Suspended Solids. BMPs shall be

designed, installed and maintained to control total suspended solids carried in runoff from the post-construction site as follows:

(1) BMPs shall be designed in accordance with Table 1 or to the maximum extent practicable as provided in §12.18(h)(4)(a)(2). The design shall be based on an average annual rainfall, as compared to no runoff management controls.

Table 1 TSS Reduction Standards	
Development Type	TSS Reduction
New Development	80 percent
In-Fill Development	80 percent
Redevelopment	40 percent of load from parking areas and roads

(2) Maximum Extent Practicable. If the design cannot meet a total suspended solids reduction performance standard of Table 1, the stormwater management plan shall include a written, site-specific explanation of why the total suspended solids reduction performance standard cannot be met and why the total suspended solids load will be reduced only to the maximum extent practicable.

(30) Off-Site Drainage. When designing BMPs, runoff draining to the BMP from off-site shall be taken into account in determining the treatment efficiency of the practice. Any impact on the efficiency shall be compensated for by increasing the size of the BMP accordingly.

(b) Peak Discharge.

(1) By design, BMPs shall be employed to maintain or reduce the one (1) year, twenty-four (24) hour and the two (2) year, twenty-four (24) hour post-construction peak runoff discharge rates to the one (1) year, twenty-four (24) hour; and the two (2) years, twenty-four (24) hour pre-development peak runoff

discharge rates respectively, or to the maximum extent practicable. The runoff curve numbers in Table 2 shall be used to represent the actual pre-development conditions. Peak discharges shall be calculated using TR-55 runoff curve number methodology, Atlas 14 precipitation depths, and the appropriate NRCS Wisconsin MSE3 or MSE4 precipitation distribution. On a case-by-case basis, the Town Administrator may allow the use of TP-40 precipitation depths and the Type II distribution.

Runoff Curve Number	Hydrologic Soil Group			
	A	B	C	D
Woodland	30	55	70	77
Grassland	39	61	71	78
Cropland	55	69	78	83

(2) This subsection of the ordinance does not apply to any of the following:

(a) A post-construction site where the discharge is directly into a lake over five thousand (5,000) acres or a stream or river segment draining more than five hundred (500) square miles.

(b) Except as provided under §12.18(h) (3), a redevelopment post-construction site.

(c) An in-fill development area less than five (5) acres.

Note to Users: *The intent of the peak discharge standard is to minimize stream bank erosion, under bank-full conditions. For water quantity concerns, the post-development peak flow rate for the ten (10), twenty-five (25), fifty (50) and one hundred (100)*

year twenty-four (24) hour storm events should also be controlled either at or below pre-development discharge rates. This has not been addressed in this model ordinance but may need to be included in the local ordinance to address local flood control issues.

(c) Infiltration.

(1) Best Management Practices. BMPs shall be designed, installed, and maintained to infiltrate runoff in accordance with the following or to the maximum extent practicable:

(a) Low imperviousness. For development up to forty (40%) percent connected imperviousness, such as parks, cemeteries, and low density residential development, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least ninety (90%) percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than one (1%) percent of the post-construction site is required as an effective infiltration area.

(b) Moderate imperviousness. For development with more than forty (40%) percent and up to eighty (80%) percent connected imperviousness, such as medium and high density residential, multi-family development, industrial and institutional development, and office parks, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least seventy-five (75%) percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two (2%) percent of the post-

construction site is required as an effective infiltration area.

(c) High imperviousness. For development with more than eighty (80%) percent connected imperviousness, such as commercial strip malls, shopping centers, and commercial downtowns, infiltrate sufficient runoff volume so that the post-development infiltration volume shall be at least sixty (60%) percent of the pre-development infiltration volume, based on an average annual rainfall. However, when designing appropriate infiltration systems to meet this requirement, no more than two (2%) percent of the post-construction site is required as an effective infiltration area.

(2) Pre-development. The pre-development condition shall be the same as specified in Table 2 of the Peak Discharge section of this ordinance.

(3) Source Areas.

(a) Prohibitions. Runoff from the following areas may not be infiltrated and may not qualify as contributing to meeting the requirements of this section unless demonstrated to meet the conditions identified in §12.18(h) (4) (c) (6).

(i) Areas associated with a tier 1 industrial facility identified in §NR216.21 (2) (a), including storage, loading and parking. Rooftops may be infiltrated with the concurrence of the regulatory authority.

(ii) Storage and loading areas of a tier 2 industrial facility identified in §NR 216.21 (2) (b).

Note to Users: *Runoff from the employee and guest parking and*

rooftop areas of a tier 2 facility may be infiltrated but runoff from the parking area may require pretreatment.

(iii) Fueling and vehicle maintenance areas. Runoff from rooftops of fueling and vehicle maintenance areas may be infiltrated with the concurrence of the regulatory authority.

(b) Exemptions. Runoff from the following areas may be credited toward meeting the requirement when infiltrated, but the decision to infiltrate runoff from these source areas is optional:

(i) Parking areas and access roads less than five thousand (5,000) square feet for commercial development.

(ii) Parking areas and access roads less than five thousand (5,000) square feet for industrial development not subject to the Prohibitions under §12.18(h) (4) (c) (3) (a).

(iii) Except as provided under §12.18(h) (3), redevelopment post-construction sites.

(iv) In-fill development areas less than five (5) acres.

(v) Roads on commercial, industrial and institutional land uses, and arterial residential roads.

(4) Location of Practices.

(a) Prohibitions. Infiltration practices may not be located in the following areas:

(i) Areas within one thousand (1,000) feet upgradient or within one hundred (100) feet downgradient of direct

conduits to groundwater.

(ii) Areas within four hundred (400) feet of a community water system well as specified in §NR 811.16 (4) or within the separation distances listed in §NR 812.08 for any private well or non-community well for runoff infiltrated from commercial, including multi-family residential, industrial and institutional land uses or regional devices for one- and two-family residential development.

(iii) Areas where contaminants of concern, as defined in §NR 720.03 (2), are present in the soil through which infiltration will occur.

(b) Separation distances.

(i) Infiltration practices shall be located so that the characteristics of the soil and the separation distance between the bottom of the infiltration system and the elevation of seasonal high groundwater or the top of bedrock are in accordance with Table 3:

Source Area	Separation Distance	Soil Characteristics
Industrial, Commercial, Institutional Parking Lots and Roads	5 feet or more	Filtering Layer
Residential Arterial Roads	5 feet or more	Filtering Layer

Roofs Draining to Subsurface Infiltration Practices	1 foot or more	Native or Engineered Soil with Particles Finer than Coarse Sand
Roofs Draining to Surface Infiltration Practices	Not Applicable	Not Applicable
All Other Impervious Source Areas	3 feet or more	Filtering Layer

(ii) Notwithstanding §12.18(h)(4)(c)(4)(b), applicable requirements for injection wells classified under ch. NR 815 shall be followed.

(c) Infiltration rate exemptions. Infiltration practices located in the following areas may be credited toward meeting the requirements under the following conditions, but the decision to infiltrate under these conditions is optional:

(i) Where the infiltration rate of the soil measured at the proposed bottom of the infiltration system is less than 0.6 inches per hour using a scientifically credible field test method.

(ii) Where the least permeable soil horizon to five (5) feet below the proposed bottom of the infiltration system using the U.S. Department of Agriculture method of soils analysis is one of the following: sandy clay loam, clay loam, silty clay loam, sandy clay, silty clay, or clay.

(5) Alternate Use. Where alternate uses

of runoff are employed, such as for toilet flushing, laundry, or irrigation or storage on green roofs where an equivalent portion of the runoff is captured permanently by rooftop vegetation, such alternate use shall be given equal credit toward the infiltration volume required by this section.

(6) Groundwater Standards.

(a) Infiltration systems designed in accordance with this section shall, to the extent technically and economically feasible, minimize the level of pollutants infiltrating to groundwater and shall maintain compliance with the preventive action limit at a point of standards application in accordance with ch. NR 140. However, if site specific information indicates that compliance with a preventive action limit is not achievable, the infiltration BMP may not be installed or shall be modified to prevent infiltration to the maximum extent practicable.

(b) Notwithstanding §12.18(h)(4)(c)(6)(a), the discharge from BMPs shall remain below the enforcement standard at the point of standards application.

(7) Pretreatment. Before infiltrating runoff, pretreatment shall be required for parking lot runoff and for runoff from new road construction in commercial, industrial and institutional areas that will enter an infiltration system. The pretreatment shall be designed to protect the infiltration system from clogging prior to scheduled maintenance and to protect groundwater quality in accordance with §12.18(h)(4)(c)(6). Pretreatment options may include, but are not limited to, oil and grease separation, sedimentation, biofiltration, filtration, swales or filter strips.

(8) Maximum Extent Practicable. Where the conditions of §12.18(h)(4)(c)(3) and (4) limit or restrict the use of infiltration practices, the performance standard of §12.18(h)(4)(c) shall be met to the maximum extent practicable.

(d) Protective Areas.

(1) Definition. In this section, "protective area" means an area of land that commences at the top of the channel of lakes, streams and rivers, or at the delineated boundary of wetlands, and that is the greatest of the following widths, as measured horizontally from the top of the channel or delineated wetland boundary to the closest impervious surface. However, in this section, "protective area" does not include any area of land adjacent to any stream enclosed within a pipe or culvert, so that runoff cannot enter the enclosure at this location.

(a) For outstanding resource waters and exceptional resource waters, seventy-five (75) feet.

(b) For perennial and intermittent streams identified on a U.S. Geological Survey 7.5-minute series topographic map, or a county soil survey map, whichever is more current, fifty (50) feet.

(c) For lakes, fifty (50) feet.

(d) For wetlands not subject to §12.18(h)(4)(d)(1)(e) or (f), fifty (50) feet.

(e) For highly susceptible wetlands, seventy-five (75) feet. Highly susceptible wetlands include the following types: calcareous fens, sedge meadows, open and coniferous bogs, low prairies, coniferous swamps, lowland hardwood swamps, and ephemeral ponds.

(f) For less susceptible wetlands, ten (10%) percent of the average wetland width, but no less than

ten (10) feet nor more than thirty (30) feet. Less susceptible wetlands include: degraded wetland dominated by invasive species such as reed canary grass; cultivated hydric soils; and any gravel pits, or dredged material or fill material disposal sites that take on the attributes of a wetland.

(g) In §12.18(h)(4)(d)(1)(d) to (f), determinations of the extent of the protective area adjacent to wetlands shall be made on the basis of the sensitivity and runoff susceptibility of the wetland in accordance with the standards and criteria in §NR 103.03.

(h) Wetland boundary delineation shall be made in accordance with §NR 103.08 (1m). This paragraph does not apply to wetlands that have been completely filled in compliance with all applicable state and federal regulations. The protective area for wetlands that have been partially filled in compliance with all applicable state and federal regulations shall be measured from the wetland boundary delineation after a fill has been placed. Where there is a legally authorized wetland fill, the protective area standard need not be met in that location.

(i) For concentrated flow channels with drainage areas greater than one hundred thirty (130) acres, ten (10) feet.

(j) Notwithstanding §12.18(h)(4)(d)(1)(a) to (i), the greatest protective area width shall apply where rivers, streams, lakes and wetlands are contiguous.

(2) Applicability. This section applies to post-construction sites located within a protective area, except those areas exempted pursuant to §12.18(h)(4)(d)(4).

(3) Requirements. The following requirements shall be met:

(a) Impervious surfaces shall be kept out of the protective area entirely or to the maximum extent practicable. If there is no practical alternative to locating an impervious surface in the protective area, the stormwater management plan shall contain a written, site-specific explanation.

(b) Where land disturbing construction activity occurs within a protective area, adequate sod or self-sustaining vegetative cover of seventy (70%) percent or greater shall be established and maintained where no impervious surface is present. The adequate sod or self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat, and filtering of pollutants from upslope overland flow areas under sheet flow conditions. Non-vegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion such as on steep slopes or where high velocity flows occur.

Note to Users: *It is recommended that seeding of non-invasive vegetative cover be used in the protective areas. Some invasive plants that should not be used are listed in ch. NR 40, Wis. Adm. Code. Flood and drought-tolerant vegetation that can provide long-term bank stability because of an extensive root system is preferable. Vegetative cover may be measured using the line transect method described in the University of Wisconsin extension publication number A3533, titled "Estimating Residue Using the Line Transect Method".*

(c) BMPs such as filter strips,

swales, or wet detention ponds, that are designed to control pollutants from non-point sources may be located in the protective area.

(4) Exemptions. This section does not apply to any of the following:

(a) Except as provided under §12.18(h)(3), redevelopment post-construction sites.

(b) In-fill development areas less than five (5) acres.

(c) Structures that cross or access surface water such as boat landings, bridges, and culverts.

(d) Structures constructed in accordance with §59.692 (1v), Stats.

(e) Areas of post-construction sites from which the runoff does not enter the surface water, including wetlands, without first being treated by a BMP to meet the local ordinance requirements for total suspended solids and peak flow reduction, except to the extent that vegetative ground cover is necessary to maintain bank stability.

Note to Users: *A vegetated protective area to filter runoff pollutants from post-construction sites described in par. (e) is not necessary since the runoff at that location is treated prior to entering the surface water. Other practices necessary to meet the requirements of this section, such as a swale or pond, will need to be designed and implemented to reduce runoff pollutants prior to runoff entering a surface water of the state.*

(e) Fueling and Maintenance Areas. Fueling and vehicle maintenance areas shall have BMPs

designed, installed, and maintained to reduce petroleum within runoff, so that the runoff that enters waters of the state contains no visible petroleum sheen, or to the maximum extent practicable.

Note to Users: *A combination of the following BMPs may be used: oil and grease separators, canopies, petroleum spill cleanup materials, or any other structural or nonstructural method of preventing or treating petroleum in runoff.*

(f) Swale Treatment for Transportation Facilities.

(1) Requirement. Except as provided in §12.18(h)(4)(f)(2), transportation facilities that use swales for runoff conveyance and pollutant removal are exempt from the requirements of local ordinance requirements for peak flow control, total suspended solids control, and infiltration, if the swales are designed to do all of the following or to the maximum extent practicable:

(a) Swales shall be vegetated. However, where appropriate, non-vegetative measures may be employed to prevent erosion or provide for runoff treatment, such as rock riprap stabilization or check dams.

Note to Users: *It is preferred that tall and dense vegetation be maintained within the swale due to its greater effectiveness at enhancing runoff pollutant removal.*

(b) Swales shall comply with sections V.F. (Velocity and Depth) and V.G. (Swale Geometry Criteria) with a swale treatment length as long as that specified in section V.C. (Pre-Treatment) of the Wisconsin Department of Natural Resources technical standard 1005 "Vegetated Infiltration Swales", dated May 2007, or a superseding document. Transportation facility swale treatment does not have to

comply with other sections of technical standard 1005.

(2) Other requirements.

(a) Notwithstanding §12.18(h)(4)(f)(2)(i), the Village Administrator may, consistent with water quality standards, require that other requirements, in addition to swale treatment, be met on a transportation facility with an average daily traffic rate greater than two thousand five hundred (2,500) and where the initial surface water of the state that the runoff directly enters is one of the following:

(i) An outstanding resource water.

(ii) An exceptional resource water.

(iii) Waters listed in section 303 (d) of the Federal Clean Water Act that are identified as impaired in whole or in part, due to non-point source impacts.

(v) Water where targeted performance standards are developed pursuant to s. NR 151.004, Wis. Adm. Code.

(b) The transportation facility authority shall contact the Village Administrator to determine if additional BMPs beyond a water quality swale are needed under this subsection.

(5) General Considerations for Stormwater Management Measures. The following considerations shall be observed in on-site and off-site runoff management:

(a) Natural topography and land cover features such as natural swales, natural depressions, native soil infiltrating capacity, and natural groundwater recharge areas shall be preserved and used, to the

extent possible, to meet the requirements of this section.

(b) Emergency overland flow for all stormwater facilities shall be provided to prevent exceeding the safe capacity of downstream drainage facilities and prevent endangerment of downstream property or public safety.

(6) BMP Location.

(a) To comply with the performance standards required under §12.18(h) of this ordinance, BMPs may be located on-site or off-site as part of a regional stormwater device, practice or system, but shall be installed in accordance with §NR 151.003, Wis. Adm. Code.

(b) The Village Administrator may approve off-site management measures provided that all of the following conditions are met:

(1) The Village Administrator determines that the post-construction runoff is covered by a stormwater management system plan that is approved by the Village of Paddock Lake and that contains management requirements consistent with the purpose and intent of this ordinance.

(2) The off-site facility meets all of the following conditions:

(a) The facility is in place.

(b) The facility is designed and adequately sized to provide a level of stormwater control equal to or greater than that which would be afforded by on-site practices meeting the performance standards of this ordinance.

(c) The facility has a legally obligated entity responsible for its long-term operation and maintenance.

(c) Where a regional treatment option exists such that the Village Administrator exempts the applicant from all or part of the minimum on-site stormwater management requirements,

the applicant shall be required to pay a fee in an amount determined in negotiation with the Village Administrator. In determining the fee for post-construction runoff, the Village Administrator shall consider an equitable distribution of the cost for land, engineering design, construction, and maintenance of the regional treatment option.

(7) Additional Requirements. The Village Administrator may establish stormwater management requirements more stringent than those set forth in this ordinance if the Village Administrator determines that the requirements are needed to control stormwater quantity or control flooding, comply with federally approved total maximum daily load requirements, or control pollutants associated with existing development or redevelopment.

(a) Permittig Requirements, Procedures and Fees.

(1) Permit Required. No responsible party may undertake a land disturbing construction activity without receiving a post-construction runoff permit from the Village Administrator prior to commencing the proposed activity.

(2) Permit Application and Fees. Unless specifically excluded by this ordinance, any responsible party desiring a permit shall submit to the Village Administrator a permit application on a form provided by the Village Administrator for that purpose.

(a) Unless otherwise excluded by this ordinance, a permit application must be accompanied by a stormwater management plan, a maintenance agreement and a non-refundable permit administration fee.

(b) The stormwater management plan shall be prepared to meet the requirements of §12.18(h) and §12.18(j), the maintenance agreement shall be prepared to meet the requirements of §12.18(k), the financial guarantee shall meet the requirements of §12.18(l), and fees shall be those established by the Village Board as set forth in §12.18(m).

(3) Permit Application Review and Approval. The Village Administrator shall review any permit application that is submitted with a stormwater

management plan, maintenance agreement, and the required fee. The following approval procedure shall be used:

(a) Within fifteen (15) business days of the receipt of a complete permit application, including all items as required by §12.18(i)(2), the Village Administrator shall inform the applicant whether the application, stormwater management plan and maintenance agreement are approved or disapproved based on the requirements of this ordinance.

(b) If the stormwater permit application, stormwater management plan and maintenance agreement are approved, or if an agreed upon payment of fees in lieu of stormwater management practices is made, the Village Administrator shall issue the permit.

(c) If the stormwater permit application, stormwater management plan or maintenance agreement is disapproved, the Village Administrator shall detail in writing the reasons for disapproval.

(d) The Village Administrator may request additional information from the applicant. If additional information is submitted, the Village Administrator shall have ten (10) business days from the date the additional information is received to inform the applicant that the stormwater management plan and maintenance agreement are either approved or disapproved.

(4) Permit Requirements. All permits issued under this ordinance shall be subject to the following conditions, and holders of permits issued under this ordinance shall be deemed to have accepted these conditions. The Village Administrator may suspend or revoke a permit for violation of a permit condition, following written notification of the responsible party. An action by the Village Administrator to suspend or revoke this permit may be appealed in accordance with §12.18(o).

(a) Compliance with this permit does not relieve the responsible party of the responsibility to comply with other applicable federal, state, and local laws and regulations.

(b) The responsible party shall design and

install all structural and non-structural stormwater management measures in accordance with the approved stormwater management plan and this permit.

(c) The responsible party shall notify the Village Administrator at least five (5) business days before commencing any work in conjunction with the stormwater management plan, and within fifteen (15) business days upon completion of the stormwater management practices or otherwise as agreed upon in writing by the Village Administrator and the responsible party. If required as a special condition under §12.18(i)(5), the responsible party shall make additional notification according to a schedule set forth by the Village Administrator so that practice installations can be inspected during construction.

(d) Practice installations required as part of this ordinance shall be certified "as built" or "record" drawings by a licensed professional engineer. Completed stormwater management practices must pass a final inspection by the Village Administrator or its designee to determine if they are in accordance with the approved stormwater management plan and ordinance. The Village Administrator or its designee shall notify the responsible party in writing of any changes required in such practices to bring them into compliance with the conditions of this permit.

(e) The responsible party shall notify the Village Administrator of any significant modifications it intends to make to an approved stormwater management plan. The Village Administrator may require that the proposed modifications be submitted to it for approval prior to incorporation into the stormwater management plan and execution by the responsible party.

(f) The responsible party shall maintain all stormwater management practices in accordance with the stormwater management plan until the practices either become the responsibility of the Village Board, or are transferred to subsequent private owners as specified in the approved maintenance agreement.

(g) The responsible party authorizes the Village Administrator to perform any work or operations necessary to bring stormwater management measures into conformance with the approved stormwater management plan, and consents to a special assessment or charge against the property as authorized under subch. VII of ch 66, Wis. Stats., or to charging such costs against the financial guarantee posted under §12.18(1).

(h) If so directed by the Village Administrator, the responsible party shall repair at the responsible party's own expense all damage to adjoining municipal facilities and drainage ways caused by runoff, where such damage is caused by activities that are not in compliance with the approved stormwater management plan.

(i) The responsible party shall permit property access to the Village Administrator or its designee for the purpose of inspecting the property for compliance with the approved stormwater management plan and this permit.

(j) Where site development or redevelopment involves changes in direction, increases in peak rate and/or total volume of runoff from a site, the Village Administrator may require the responsible party to make appropriate legal arrangements with affected property owners concerning the prevention of endangerment to property or public safety.

(k) The responsible party is subject to the enforcement actions and penalties detailed in §12.18(n), if the responsible party fails to comply with the terms of this permit.

(5) Permit Conditions. Permits issued under this subsection may include conditions established by Village Administrator in addition to the requirements needed to meet the performance standards in §12.18(h) or a financial guarantee as provided for in §12.18(1).

(6) Permit Duration. Permits issued under this section shall be valid from the date of issuance through the date the Village Administrator notifies the responsible party that all stormwater management practices have passed the final inspection required under §12.18(i)(4)(d).

(j) Stormwater Management Plan.

(1) Stormwater Management Plan Requirements. The stormwater management plan required under §12.18(h) (2) shall contain at a minimum the following information:

(a) Name, address, and telephone number for the following or their designees landowner; developer; project engineer for practice design and certification; person(s) responsible for installation of stormwater management practices; and person(s) responsible for maintenance of stormwater management practices prior to the transfer, if any, of maintenance responsibility to another party.

(b) A proper legal description of the property proposed to be developed, referenced to the U.S. Public Land Survey system or to block and lot numbers within a recorded land subdivision plat.

(c) Pre-development site conditions, including:

(1) One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet. The site maps shall show the following. site location and legal property description; predominant soil types and hydrologic soil groups; existing cover type and condition; topographic contours of the site at a scale not to exceed two (2) feet; topography and drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; watercourses that may affect or be affected by runoff from the site; flow path and direction for all stormwater conveyance sections; watershed boundaries used in hydrology determinations to show compliance with performance standards; lakes, streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site, limits of the one hundred (100) year floodplain; location of wells and wellhead protection areas covering the project area and delineated pursuant to §NR 811.16, Wis. Adm. Code.

(2) Hydrology and pollutant loading computations as needed to show compliance with performance standards. All major assumptions used in developing input parameters shall be clearly stated. The geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(d) Post-development site conditions, including:

(1) Explanation of the provisions to preserve and use natural topography and land cover features to minimize changes in peak flow runoff rates and volumes to surface waters and wetlands.

(2) Explanation of any restrictions on stormwater management measures in the development area imposed by wellhead protection plans and ordinances.

(3) One (1) or more site maps at a scale of not less than one (1) inch equals one hundred (100) feet showing the following: post-construction pervious areas including vegetative cover type and condition; impervious surfaces including all buildings, structures, and pavement; post-construction topographic contours of the site at a scale not to exceed two (2) feet; post-construction drainage network including enough of the contiguous properties to show runoff patterns onto, through, and from the site; locations and dimensions of drainage easements; locations of maintenance easements specified in the maintenance agreement; flow path and direction for all stormwater conveyance sections; location and type of all stormwater management conveyance and treatment practices, including the on-site and offsite tributary drainage area; location and type of conveyance system that will carry runoff from the drainage and treatment practices to the nearest adequate outlet such as a curbed street, storm drain, or natural drainage way; watershed boundaries used in hydrology and pollutant loading calculations and any changes to lakes,

streams, wetlands, channels, ditches, and other watercourses on and immediately adjacent to the site.

(4) Hydrology and pollutant loading computations as needed to show compliance with performance standards. The computations shall be made for each discharge point in the development, and the geographic areas used in making the calculations shall be clearly cross-referenced to the required map(s).

(5) Results of investigations of soils and groundwater required for the placement and design of stormwater management measures. Detailed drawings including cross-sections and profiles of all permanent stormwater conveyance and treatment practices.

(e) A description and installation schedule for the stormwater management practices needed to meet the performance standards in §17.23.

(f) A maintenance plan developed for the life of each stormwater management practice including the required maintenance activities and maintenance activity schedule.

(g) Cost estimates for the construction, operation, and maintenance of each stormwater management practice.

(h) Other information requested in writing by the Village Administrator to determine compliance of the proposed stormwater management measures with the provisions of this ordinance.

(i) All site investigations, plans, designs, computations, and drawings shall be certified by a licensed professional engineer to be prepared in accordance with accepted engineering practice and requirements of this ordinance.

(2) Alternate Requirements. The Village Administrator may prescribe alternative submittal requirements for applicants seeking an exemption to on-site stormwater management performance standards under §12.18(h) (5).

(k) Maintenance Agreement.

(1) Maintenance Agreement Required. The maintenance agreement required under §12.18(i)(2) for stormwater management practices shall be an agreement between the Village Administrator and the responsible party to provide for maintenance of stormwater practices beyond the duration period of this permit. The maintenance agreement shall be filed with the County Register of Deeds as a property deed restriction so that it is binding upon all subsequent owners of the land served by the stormwater management practices

(2) Agreement Provisions. The maintenance agreement shall contain the following information and provisions and be consistent with the maintenance plan required by §12.18(j)(1)(f).

(a) Identification of the stormwater facilities and designation of the drainage area served by the facilities.

(b) A schedule for regular maintenance of each aspect of the stormwater management system consistent with the stormwater management plan required under §12.18(i)(2).

(c) Identification of the responsible party(s), organization or city, county, town or village responsible for long term maintenance of the stormwater management practices identified in the stormwater management plan required under §12.18(i)(2).

(d) Requirement that the responsible party(s), organization, or city, county, town or village shall maintain stormwater management practices in accordance with the schedule included in §12.18(k)(2)(b).

(e) Authorization for the Village Administrator to access the property to conduct inspections of stormwater management practices as necessary to ascertain that the practices are being maintained and operated in accordance with the agreement.

(f) A requirement on the Village Administrator to maintain public records of the results of the site inspections, to inform the responsible party responsible for maintenance of the inspection results, and to specifically indicate any corrective actions

required to bring the stormwater management practice into proper working condition.

(g) Agreement that the party designated under §12.18(k)(2)(c), as responsible for long term maintenance of the stormwater management practices, shall be notified by the Village Administrator of maintenance problems which require correction. The specified corrective actions shall be undertaken within a reasonable time frame as set by the Village Administrator.

(h) Authorization of the Village Administrator to perform the corrected actions identified in the inspection report if the responsible party designated under §12.18(k)(2)(c) does not make the required corrections in the specified time period. The Village Administrator shall enter the amount due on the tax rolls and collect the money as a special charge against the property pursuant to subch. VII of ch. 66, Wis. Stats.

(1) Financial Guarantee.

(1) Establishment of the Guarantee. The Village Administrator may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the Village Administrator. The financial guarantee shall be in an amount determined by the Village Administrator to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The financial guarantee shall give the Village Administrator the authorization to use the funds to complete the stormwater management practices if the responsible party defaults or does not properly implement the approved stormwater management plan, upon written notice to the responsible party by the Village Administrator that the requirements of this ordinance have not been met.

(2) Conditions for Release. Conditions for the release of the financial guarantee are as follows:

(a) The Village Administrator shall release the portion of the financial guarantee established under this section, less any costs incurred by the Village Administrator to complete installation of practices, upon

submission of "as built plans" or "record" drawings by a licensed professional engineer. The Village Administrator may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The Village Administrator shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the Village Administrator, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(c) Under such other conditions as may be stated in writing in an agreement between the Village and the responsible party.

(m) Fee Schedule. The fees referred to in other sections of this ordinance shall be established by the Village Administrator and may from time to time be modified by resolution. A schedule of the fees established by the Village Administrator shall be available for review in office of the Village Clerk/Treasurer.

(n) Enforcement.

(1) Any land disturbing construction activity or post-construction runoff initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this ordinance.

(2) The Village Administrator shall notify the responsible party by certified mail of any non-complying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

(3) Upon receipt of written notification from the Village Administrator under §12.18(n)(2), the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the Village Administrator in the notice.

(4) If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the Village Administrator may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the Village Administrator plus interest and legal costs shall be billed to the responsible party.

(5) The Village Administrator is authorized to post a stop work order on all land disturbing construction activity that is in violation of this ordinance, or to request the Village Attorney to obtain a cease and desist order in any court with jurisdiction.

(6) The Village Administrator may revoke a permit issued under this ordinance for non-compliance with ordinance provisions.

(7) Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the Village Administrator or by a court with jurisdiction.

(8) The Village Administrator is authorized to refer any violation of this ordinance, or a stop work order or cease and desist order issued pursuant to this ordinance, to the Village Attorney for the commencement of further legal proceedings in any court with jurisdiction.

(9) Any person, firm, association, or corporation who does not comply with the provisions of this ordinance shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars or more than Two Hundred (\$200.00) Dollars per offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense.

(10) Compliance with the provisions of this ordinance may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunctive proceedings.

(11) When the Village Administrator determines that the holder of a permit issued pursuant to this ordinance has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said stormwater management plan, the Village

Administrator or a party designated by the Village Administrator may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved stormwater management plan. The Village Administrator shall keep a detailed accounting of the costs and expenses of performing this work. These costs and expenses shall be deducted from any financial security posted pursuant to §12.18(1) of this ordinance. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

(o) Appeals.

(1) Board of Appeals. The Board of Appeals created pursuant to §1.17 of the Village of Paddock Lake ordinances pursuant to §61.354 (4)(b), Wis. Stats., shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the Village Administrator in administering this ordinance. The Board shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals. Upon appeal, the Board may authorize variances from the provisions of this ordinance that are not contrary to the public interest, and where owing to special conditions a literal enforcement of the ordinance will result in unnecessary hardship.

(2) Who May Appeal. Appeals to the Board of Appeals may be taken by any aggrieved person or by an officer, department, board, or bureau of the Village of Paddock Lake affected by any decision of the Village Administrator.

(p) Severability. If any section, clause, provision or portion of this ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in force and not be affected by such judgment.

12.19 ILLICIT DISCHARGES AND CONNECTIONS.

(a) Definitions. The following definitions shall be applicable in this Section:

(1) Illicit Connection. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been allowed, permitted, or approved by a government agency, prior to the adoption of this ordinance.

(2) Person. Means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(3) Storm Drain System. Publicly-owner facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(b) Discharges Prohibited. No person shall discharge, spill or dump substances or materials which are not entirely composed of stormwater into receiving bodies of water or onto driveways, sidewalks, parking lots or other areas that drain into the storm drainage system.

(c) Connections Prohibited. The construction, use, maintenance or continued existence of illicit connections to the storm drainage system is prohibited. This prohibition expressly includes, without limitation, illicit connections made prior to the adoption of this ordinance, regardless of whether the connections was permissible under law or practice applicable or prevailing at the time of connection.

(d) Exemptions. The following activities are exempt from the provisions of this section unless found to have an adverse impact on the stormwater:

(1) Discharges authorized by a permit issued by the Wisconsin Department of Natural Resources.

(2) Discharges resulting from fire fighting activities.

(3) Discharges from uncontaminated ground water, potable water source, roof drains, foundation

drain and sump pump, air conditioning condensation, springs, lawn watering, individual residential car washing, water main and hydrant flushing and swimming pools if the water has been dechlorinated.

(e) Enforcement. Whenever the Village of Paddock Lake finds a person has violated a prohibition or failed to meet a requirement of this section, the Village of Paddock Lake may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(1) The elimination of illicit connections or discharges;

(2) That violating discharges, practices, or operations shall cease and desist;

(3) The abatement or remediation of stormwater pollution or contaminated hazards and the restoration of any affected property;

(4) In the event the person fails to eliminate the illicit connects or discharge, fails to cease and desist in discharge, practices or operations in violation of this Section or fails to abate or remediate the stormwater pollution or contamination hazards, that person may be subject to a forfeiture of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense, together with the costs of prosecution. Each day that the violation exists shall constitute a separate offense. exists shall constitute a separate offense.