

CHAPTER 9
ZONING ORDINANCE

VILLAGE OF EAGLE
WAUKESHA COUNTY, WISCONSIN

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CHAPTER 9

ZONING ORDINANCE FOR THE VILLAGE OF EAGLE, WISCONSIN

SECTION 9.0100 INTRODUCTIONS

9.0101 AUTHORITY

This Ordinance is adopted under the authority granted by Sections 61.35, 62.23(7), 62.231, 66.1001, 87.30 and 281.31 of the Wisconsin Statutes and amendments thereto. The Village Board of the Village of Eagle does ordain as follows:

9.0102 TITLE

This Ordinance shall be known as, referred to, and cited as the "ZONING ORDINANCE, VILLAGE OF EAGLE, WISCONSIN" and is hereinafter referred to as the "Ordinance."

9.01025 APPLICABILITY

The provisions of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Eagle, including land owned by local, county, state or federal agencies to the extent allowed by law.

9.0103 PURPOSE

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Village of Eagle, Wisconsin.

9.0104 INTENT

It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; and to:

Regulate Lot Coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage;

Regulate Population Density and Distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities;

Regulate Parking, Loading and Access so as to lessen congestion in and promote the safety and

efficiency of streets and highways;

Secure Safety from fire, flooding, pollution, contamination, and other dangers;

Stabilize and Protect existing and potential property values;

Preserve and Protect the beauty of the Village of Eagle;

Prevent and Control Erosion, sedimentation, and other pollution of the surface and subsurface waters, and encourage infill development that is consistent with its context and compatible with surrounding uses, encourage sustainable growth and development where appropriate;

Further the Maintenance of safe and healthful water conditions;

Provide for and Protect a variety of suitable commercial and industrial sites;

Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;

Implement those municipal, county, watershed, and regional comprehensive plans or components of such plans adopted by the Village of Eagle;

Provide for the administration and enforcement of this Ordinance; and to provide penalties for the violation of this Ordinance.

9.0105 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restriction, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

9.01055 CONFLICTS AND RELATIONSHIPS WITH OTHER REGULATIONS

When the provisions of this Chapter are inconsistent with one another or when the provisions of this Chapter conflict with provisions found in other Ordinances, Codes or Regulations adopted by the Village of Eagle, the more restrictive provision shall govern unless the terms of the provision specify otherwise. It shall be the Developer's or Applicant's responsibility to determine and comply with all other applicable covenants, declarations or restrictions of record, as well as County, State or Federal Codes and Regulations governing development and land use activities. This Chapter is not intended to interfere with or abrogate any easements, covenants or agreements between parties provided that whenever this Chapter proposes a greater restriction upon the use of buildings or land, upon location

or height of buildings or structures, or upon requirements for open areas, than those that are imposed or required by such easements, covenants or agreements between parties, the provisions of this Chapter shall govern. In no case shall the Village be obligated to enforce the provision of any easements, covenants or agreements between parties.

9.0106 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed to be a limitation or repeal of any other power now possessed by the Village of Eagle. Unless the terms of specific provisions state otherwise, periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays and other non-business working days; however, if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. Words and phrases not otherwise defined in this Chapter shall be construed according to their common and approved usage of language, but technical words and phrases not otherwise defined in this Chapter that may have acquired a peculiar, inappropriate meaning in law shall be construed and understood according to such meaning.

9.0107 SEVERABILITY

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.

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.

9.0108 REPEAL

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

9.0109 TRANSITION.

1. Violations Continued. Any violations under previous Ordinance repealed by this Chapter shall continue to be a violation under this Chapter and be subject to the penalties and enforcement as provided for herein.
2. Legal Non-Conformities under Previous Ordinances. Any legal non-conformity under any previous Ordinance as repealed by this Chapter is also a legal, non-conformity under this Chapter as long as the situation that resulted in the non-conforming status under the previous Ordinance continues to exist. If the non-conforming use under the previous Ordinance becomes conforming because of the adoption of this Chapter, then the situation will no longer

be a non-conformity.

3. Approved Projects. Any building, structure or development for which a permit was issued prior to the effective date of this Chapter, as amended, may, at the applicant's option, be completed in accordance with the issued permit and any other applicable permits and conditions, even if such building, structure, development does not fully comply with the provisions of this Chapter. If the building, structure or development is not completed within the time allowed under the original permit, or any extension granted, then the building, structure or development may be constructed, completed or occupied only in compliance with this Chapter.
4. Complete Applications. When an application has been submitted and determined to be complete prior to the effective date of this Chapter, as amended, the applicant may chose to have the application reviewed and acted wholly upon the terms of the previous Zoning Ordinance. If the application is approved by the Plan Commission or Village Board, the project may be developed in accordance with the standards in effect at the time of the application. Any re-application for an expired permit shall meet the standards in effect at the time of the re-application.

9.0110 COMPREHENSIVE PLAN

The Village shall establish a Comprehensive Plan in accordance with the requirements for such plans as provided under Wisconsin Statute Section 66.1001 and following the procedures for notice and public participation as provided for therein.

The Plan shall include a Future Land Use Map, as well as the other components provided for under Wisconsin Statute Section 66.1001 as determined by the Village Board.

The Plan may be amended from time to time, which revisions shall be adopted by Ordinance and adhered to the procedural requirements set forth in Wisconsin Statute Section 66.1001(4).

SECTION 9.0200 GENERAL PROVISIONS

9.0201 JURISDICTION

The jurisdiction of this Ordinance shall apply to all structures, lands, water, and air within the corporate limits of the Village of Eagle.

9.0202 COMPLIANCE

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, unless otherwise specifically excepted by Section 9.2204 and without full compliance with the provisions of this Ordinance and all other applicable local, county, and state

regulations.

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain all required permits. State agencies are required to comply with Wisconsin Statute Section 13.48(13) to the extent that it applies. The construction, reconstruction, maintenance or repair of state highways and bridges by the Wisconsin Department of Transportation are exempt from compliance under Wisconsin Statute Section 30.2022(1) to the extent that applies.

9.0203 USE REGULATIONS

Only the following uses and their essential services may be allowed in any district.

Principal Uses specified for a district.

Accessory Uses and structures as specified are permitted in any district but not until their principal structure is present or under construction except in the agricultural district.

Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Village Plan Commission in accordance with Section 9.2206. When a use is classified as a Conditional Use at the date of adoption of this Ordinance, it shall be considered a legal use without further action of the Village Plan Commission. Changes to or substitution of Conditional Uses shall be subject to review and approval by the Village Plan Commission in accordance with Section 9.2206.

Uses Not Specified in this Ordinance and which are found by the Plan Commission to be similar in character to conditional uses permitted in the district; may be permitted by the Village Plan Commission after review, public hearing, and approval in accordance with Section 9.2206 of this Ordinance.

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 Village Plan Commission after review, public hearing, and approval with Section 9.2206 of this Ordinance.

Performance Standards listed in Section 9.0900 shall be complied with by all uses in all districts.

HOME OCCUPATIONS AND PROFESSIONAL OFFICES

Home occupations and professional offices that are incidental to the principal residential use are subject to the following:

1. The home occupation shall be carried on wholly within the principal residential building or within a building accessory thereto, and only by residents occupying the premises

and one additional person not a resident on the premise.

2. No article or service shall be sold or offered for sale on the premises.
3. The home occupation shall not normally generate consumer or client traffic to the residential premises.
4. Any off street parking area shall be maintained reasonably dustless and adequately screened from the adjoining residential properties.
5. The home occupation shall not include the conducting of any retail or wholesale business on the premises, nor the removal of sand, gravel, stone, topsoil or peatmoss for commercial purposes.
6. The home occupation shall not include outside storage of materials or other operational activity and shall not result in offensive noise, vibrations, smoke, dust, odors, heat or glare which would cause a nuisance or be otherwise incompatible with the surrounding residential area.

9.0204 SITE REGULATIONS

No land shall be used or structure erected where the land is un-suitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low 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/she so desires. Thereafter the Village Plan Commission may affirm, modify or withdraw its determination of unsuitability.

All Lots shall abut upon a public street, and each lot shall have a minimum frontage of 50 feet.

All Principal Structures shall be located on a lot; and only one (1) principal structure shall be located, erected, or moved onto a lot in the single-family. The Plan Commission may permit more than one (1) structure per lot in other districts where more than one (1) structure is needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, parking requirements, or may require a minimum separation distance between principal buildings.

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.

Lots Abutting More Restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The setbacks on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the

average of the street yards required in both districts.

Area of all lots shall be sufficient to permit the use of an on-site soil absorption sewage disposal system and one replacement system. Soil borings will be in compliance with State and/or County requirements.

9.0205 REDUCTION OR JOINT USE

No lot, yard, parking area, building 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, or other space required for a structure or use shall be used for any other structure or use.

SECTION 9.0300 ZONING DISTRICTS

9.0301 ESTABLISHMENT

For the purpose of this Ordinance, the Village of Eagle is hereby divided into the following 14 Zoning Districts:

- A-2 Limited Agricultural District
- RS-1 Single-Family Residential District
- RS-2 Single-Family Residential District
- RS-3 Single-Family Residential District
- RD-1 Two-Family Residential District
- RM-1 Multiple-Family Residential District
- B-1 Central Business District
- B1-A Single-Family Residential/Limited Small Business District
- B-2 Community Business District
- M-1 Limited Manufacturing District
- M-2 General Manufacturing District
- I-1 Institutional District
- P-1 Park District
- C-1 Conservancy District

Boundaries of these Districts are hereby established as shown on the map entitled "Zoning Map-Village of Eagle, Wisconsin," dated April 7, 1994, which accompany and is herewith made a part of this Ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey

lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad right-of-way or such lines extended; unless otherwise noted on the Zoning Map.

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 or to which the street becomes attached pursuant to the operation of Wis. Stat. Sec. 66.1005 as amended.

Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be temporarily placed in the A-2 limited agricultural district, unless the annexation ordinance temporarily places the land in another district.

9.0302 ZONING MAP

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this Ordinance and shall be available to the public in the office of the Village Clerk.

9.0303 A-2 LIMITED AGRICULTURAL DISTRICT

The A-2 limited agricultural district is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not yet committed to urban development. It is further intended for this district to protect lands contained therein from urban development until their orderly transition into urban oriented districts is required.

Permitted Uses

1. Apiculture (beekeeping)
2. Crop production
3. Floriculture (cultivation of ornamental flowering plants)
4. Forestry
5. Hay
6. Orchards
7. Plant nurseries
8. Raising of grain, grass, mint, and seed crops
9. Raising of tree fruits, nuts, and berries
10. Sod farming
11. Truck farming
12. Vegetable raising
13. Viticulture (grape growing)
14. Single-family dwellings
 - a. Existing dwellings not accessory to any farm operation or dwelling remaining after consolidation of farms

b. Essential services

Permitted Accessory Uses

1. Existing general farm buildings including barns, silos, sheds, and storage bins
2. Customary accessory buildings, including not more than one (1) roadside stand for the sale of farm products produced on the premises. Any such stand shall conform to the setback, sign, and other provisions of this Ordinance
3. Forest and game management
4. Home occupations and professional home offices
5. Attached or detached private garages and carports accessory to permitted uses, providing that accessory uses shall not involve the conduct of a business

Conditional Uses (See Section 9.2206)

1. Airports, airstrips, and landing fields provided that the site is not less than 20 acres
2. Bed and Breakfast establishments
3. Drive-in establishments selling fruits and vegetables
4. Keeping and raising of domestic stock for agribusiness, show, breeding, or other purposes incidental to the principal use of the premises and subject to the following limitations:
 - a. The keeping and raising of hogs or fur-bearing animals is prohibited.
 - b. Not more than one (1) head of livestock or twenty (20) head of poultry shall be permitted for each two and one-half (2 ½) acres.

Lot Area and Width

1. Farm structures hereafter erected, moved, or structurally altered shall provide a contiguous area of not less than ten (10) acres, and no farm parcel shall be less than 330 feet in width
2. Farm dwellings remaining after the consolidation of existing farm shall provide a lot area of not less than 40,000 square feet and a lot width of not less than 120 feet

Building Height and Area

1. No building or parts of a non-residential building shall exceed 90 feet in height. No farm dwelling or other residential structure shall be less than 1,000 square feet in area or more than 35 feet in height

Setback and Yards

1. There shall be a minimum building setback of 50 feet from the street right-of-way
2. There shall be a side yard offset on each side of the principal structure not less than 25 feet in width
3. There shall be a rear yard offset of not less than 50 feet

9.0305 RS-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

The RS-1 residence district is intended to provide for single-family residential development, at densities not to exceed 2.1 dwelling units per net acre.

Permitted Uses

1. Single-family dwellings
2. Foster family home
3. Community living arrangement which has capacity for eight (8) or fewer persons being served by the program
4. Family day care homes
5. Essential services

Permitted Accessory Uses

1. Gardening, tool and storage sheds incidental to the residential use
2. Home occupations and professional home offices
3. Satellite dishes
4. Swimming pools

Conditional Uses (See Section 9.2206)

1. Amateur communication towers
2. Bed and Breakfast establishments
3. Community living arrangements which have a capacity for nine (9) or more persons
4. Day Care facilities
5. Utilities
6. "In-law" suite

Lot Area and Width

1. Lots shall have a minimum of 20,000 square feet in area and shall be not less than 120 feet in width and shall have sufficient area for septic system and replacement system pursuant to Section 9.0204 of this Ordinance.

Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height. The total minimum floor area shall be 1,750 square feet, with a minimum first floor area of 950 square feet.

Yards

1. A minimum street yard of 30 feet from the right-of-way of all public streets shall be required.

2. There shall be a total minimum side yard offset width of 25 feet with a 10 foot minimum on a side.
3. There shall be a rear yard offset of not less than 25 feet.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited.
3. Only Domesticated Animals, as defined, are allowed.

9.0306 RS-2 SINGLE-FAMILY RESIDENTIAL DISTRICT

The RS-2 residence district is intended to provide for single-family residential development, at densities not to exceed 2.1 dwelling units per net acre.

Permitted Uses

1. Single-family dwellings
2. Foster family home
3. Community living arrangement which has capacity for eight (8) or fewer persons being served by the program
4. Family day care homes
5. Essential services

Permitted Accessory Uses

1. Gardening, tool and storage sheds incidental to the residential use
2. Home occupations and professional home offices
3. Satellite dishes
4. Swimming pools

Conditional Uses (See Section 9.2206)

1. Amateur communication towers
2. Bed and Breakfast establishments
3. Community living arrangements which have a capacity for nine (9) or more persons
4. Day Care facilities
5. Utilities
6. "In-law" suite

Lot Area and Width

1. Lots shall have a minimum of 20,000 square feet in area and shall be not less than 75 (?) feet in width and shall have sufficient area for septic system and

replacement system pursuant to Section 9.0204 of this Ordinance.

Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height. The total minimum floor area shall be 1,400 square feet, with a minimum first floor area of 700 square feet.

Yards

1. A minimum street yard setback of 30 feet from the right-of-way of all public streets shall be required
2. There shall be a total minimum side yard offset width of 25 feet with a 10 foot minimum on a side
3. There shall be a rear yard offset of not less than 25 feet

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

9.03061 HISTORICAL DISTRICT OVERLAY

1. Lots platted to zoning requirements of obsolete standards shall not be considered nonconforming due zoning requirements changing after the lot was established.
2. Lots in the Historical District Overlay will remain zoned as RS-2
3. The Historical District Overlay will apply only to lots that meet the following requirements:
 - a. The street yard abuts to Main St as of September 11, 2014.
 - i. Any lot division after September 11, 2014 of a Historical District Overlay lot shall maintain the Historical District Overlay classification for all newly formed lots.
 - b. The lot is located between the cross streets of Hwy 67 and Markham Road.
4. Lots in the designated Historical District Overlay shall have the following zoning requirements in lieu of current RS-2 zoning requirements:
 - a. Lots shall have a minimum of 6,000 square feet in area and shall be not less than 35 feet in width.
 - b. Lots shall have sufficient area for septic system and replacement system pursuant to Section 9.0204 of this ordinance.
 - c. Due to the nature of small lot sizes in the Historical District Overlay, the rear Yard shall include the side yard for any zoning requirements.

- d. Due to the nature of small lot sizes in the Historical District Overlay, the --
-f(street) yard setback shall be 10 feet, the side yard offset shall be 5
feet and the rear yard offset shall be 10 feet.

9.0307 RS-3 SINGLE-FAMILY RESIDENCE DISTRICT

The RS-3 residence district is intended to provide for single-family residential development, at densities not to exceed 2.1 dwelling units per net acre.

Permitted Uses

1. Single-family dwellings
2. Foster family home
3. Community living arrangement, which has capacity for eight (8) or fewer persons being served by the program
4. Family day care homes
5. Essential services

Permitted Accessory Uses

1. Gardening, tool and storage sheds incidental to the residential use
2. Home occupations and professional home offices
3. Satellite dishes
4. Swimming pools

Conditional Uses (See Section 9.2206)

1. Amateur communication towers
2. Bed and Breakfast establishments
3. Community living arrangements which have a capacity for nine (9) or more persons
4. Day Care facilities
5. Utilities
6. "In-law" suite

Lot Area and Width

1. Lots shall have a minimum of 20,000 square feet in area and shall be not less than 120 feet in width and shall have sufficient area for septic system and replacement system pursuant to Section 9.0204 of this Ordinance.

Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height. The total minimum floor area shall be 1,200 square feet, with a minimum first floor area of

600 square feet.

Yards

1. A minimum street yard setback of 30 feet from the right-of-way of all public streets shall be required.
2. There shall be a total minimum side yard offset width of 25 feet with a 10 foot minimum on a side.
3. There shall be a rear yard offset of not less than 25 feet.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

9.0308 RD-1 TWO-FAMILY RESIDENTIAL DISTRICT

The RD-1 residence district is intended to provide for two-family residential development, at densities not to exceed 3.5 dwelling units per net acre.

Permitted Uses

1. Two-family dwellings
2. Foster family home in either or both units of two-family dwelling
3. Community living arrangement which has capacity for eight(8) or fewer persons served by the program in either or both units of a two-family dwelling structure
4. Family day care homes
5. Essential services

Permitted Accessory Uses

1. Gardening, tool and storage sheds incidental to the residential use
2. Home occupations and professional home offices
3. Satellite dishes
4. Swimming pools

Conditional Uses (See Section 9.2206)

1. Community living arrangements which have a capacity for nine (9) or more persons in either or both units of a two-family dwelling structure
2. Utilities

Lot Area and Width

1. Lots shall have a minimum of 24,000 square feet, with not less than 12,000 square feet per dwelling unit and shall not be less than 120 feet in width and

shall have sufficient area for septic system and replacement system pursuant to Section 9.0204 of this Ordinance.

Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height. The total minimum floor area shall be 1,800 square feet, with a minimum first floor area of 900 square feet.

Yards

1. A minimum street yard setback of 35 feet from the right-of-way of all public streets shall be required
2. There shall be a total minimum side yard offset width of 25 feet with a 10 foot minimum on a side
3. There shall be a rear yard offset of not less than 25 feet

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

9.0309 RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT

The RM-1 residence is intended to provide for multiple-family residential development, at densities not to exceed 8.7 units per acre.

Permitted Uses

1. Multiple-family dwellings
2. Foster family home unit
3. Community living arrangement for 15 persons or less
4. Essential services

Permitted Accessory Uses

1. Private garages and carports
2. Gardening, tool and storage sheds incidental to the residential use
3. Swimming pools

Conditional Uses

1. Community living arrangements which have a capacity of 16 persons or more

Lot Area and Width

1. Lots shall have the minimum of the larger of 36,000 square feet and shall have

sufficient area for septic system and replacement system pursuant to Section 9.0204 of this Ordinance, or:

Dwelling Unit	Minimum Lot Area
Multiple-family, 1 bedroom	5,000 sq ft per unit
Multiple-family, 2 bedroom	7,000 sq feet per unit
Multiple-family, 3 bedroom	9,000 sq feet per unit

2. Lots shall not be less than 150 feet in width.

Building Height and Area

1. No building or parts of a building shall exceed 35 feet in height. The minimum first floor area of a principal structure shall be 1,000 square feet, and no dwelling unit shall have a livable floor area of less than the following:
 - a. Efficiency apartment - 400 square feet per dwelling unit
 - b. 1-bedroom unit - 600 square feet per dwelling unit
 - c. 2-bedroom unit - 850 square feet per dwelling unit
 - d. 3-bedroom unit - 1100 square feet per dwelling unit

Yards

1. A minimum street yard setback of 35 feet from the right-of-way of all public streets shall be required
2. There shall be a total minimum side yard offset required of 20 feet
3. There shall be a rear yard offset of not less than 25 feet

Animals

1. The keeping and raising of Agricultural Animals and livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to be Submitted to Plan Commission

Every builder of any building hereafter erected or structurally altered for multiple-family use shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Fire Inspector, Building Inspector and Village Plan Commission, who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property or substantially increase the danger of fire or traffic congestion, or otherwise endanger the public health or safety or substantially diminish or impair property values within the neighborhood.

9.0310 B-1 CENTRAL BUSINESS DISTRICT

The B-1 business district is intended to provide for the orderly continuation of the traditional central business district on existing lots in the Village of Eagle. The business activities are of a general nature and are characterized by on street parking.

Permitted Uses

1. Antique and collectors stores
2. Bakeries
3. Banks, credit unions, and savings and loan associations
4. Barbershops and beauty shops
5. Bars and taverns
6. Bed and Breakfast establishments
7. Bookstores
8. Business offices
9. Camera and photographic supply stores
10. Catering services
11. Clothing stores
12. Confectioneries
13. Consignment and second hand retail stores
14. Dance halls
15. Delicatessens
16. Dental clinics
17. Department stores
18. Drug stores
19. Electronic stores
20. Fish markets
21. Florists
22. Fruit stores
23. Furriers and fur apparel
24. Gift stores
25. Grocery stores
26. Hardware stores
27. Hobby and craft shops
28. Internet sales stores
29. Jewelry stores
30. Lawn and garden stores
31. Lodges and clubs
32. Meat markets
33. Medical clinics
34. Music stores

35. Newspaper and magazine stores
36. Optical stores
37. Packaged beverage stores
38. Paint, glass, and wallpaper stores
39. Public utility offices
40. Publishing houses
41. Radio and television stores
42. Restaurants
43. Shoe stores and leather goods stores
44. Soda fountains
45. Sporting goods stores
46. Stationery stores
47. Theaters
48. Tobacco shops
49. Variety stores
50. Vegetable stores

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhoods..

Permitted Accessory Uses

1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises
2. Off-street parking and loading areas
3. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business
4. Rental efficiency and one or two bedroom apartments on a non-ground level
5. Essential services

Conditional Uses (See Section 9.2206)

1. Drive-in establishments selling fruits and vegetables
2. Gasoline service stations, automobile and truck rental services, and automobile washing Utilities
3. New and used automobile, aircraft, and marine craft sales and the sale of tires, batteries, and other automotive, marine, and aircraft accessories
4. Radio and television transmitting and receiving stations

Lot Area and Width

1. Lots shall be a minimum of 1,300 square feet in area and shall not be less than

25 feet in width and shall have sufficient area for a septic system and an alternate system pursuant to ILHR 83 of the Wisconsin Administrative Code.

Building Height

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

Setback and Yards

1. No minimum setback shall be required
2. No minimum side yard is required between structure and the lot line or between adjacent structures, however, where a side yard is provided; it shall be no less than eight (8) feet in width
3. There shall be a rear yard sufficient in size to accommodate a septic system pursuant to State requirements

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to Be Submitted to Plan Commission

1. Every builder of any building hereafter erected or structurally altered for use in the central business district shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Fire Inspector, Building Inspector and Village plan Commission who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the central business district.

9.0304 B1-A SINGLE FAMILY RESIDENTIAL/LIMITED SMALL BUSINESS DISTRICT

The B1-A District is intended to provide for single-family residential development at densities not exceeding 1.0 dwelling unit per 20,000 square feet. This district is intended to provide for single-family residential development in an area where the lots are of adequate size to allow the owner/occupant to operate a "small business" from the residence or an accessory building located behind the principal residence.

Permitted Uses

1. Single family dwellings with attached or detached garages, and attached

business office

2. Non-habitable structures related to business activities
 - a. Structures for equipment and material storage
 - b. Yard and gardening equipment storage structures
 - c. Home occupations and professional home offices
 - d. Family day care homes
 - e. Business offices

Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of a business
2. Off-street parking and loading areas

Conditional Uses (See Section 9.2206)

1. Community living arrangements, which have a capacity for nine (9) or more persons
2. The types of small businesses to be allowed will be determined by the Planning Commission and approved by the Village Board on a case-by-case basis
3. Utilities

Temporary Uses

1. Real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure

Lot, Yard and Building Requirements

1. Lot frontage at set back shall be a minimum of 150 feet
2. Lot area shall be a minimum of 20,000 feet
3. Principal building front yard setback shall be a minimum of 40 feet, side yard offset minimum of 20 feet, and a rear yard offset of a minimum of 35 feet
4. Accessory buildings (non-habitable) shall have a minimum front yard of 50 feet, and a side and rear yards a minimum of 5 feet
5. Building height shall not exceed 35 feet
6. Percentage of lot coverage shall be a maximum of 30%
7. Minimum dwelling size, excluding garage:

Dwelling Size	Minimum Square Footage
1 Bedroom	1200 square feet
2 Bedroom	1300 square feet
3 Bedroom	1500 square feet
4 Bedroom	1700 square feet

8. Off-street parking will consist of a minimum of two (2) spaces both of which are in a garage
9. Lots shall have a minimum of 20,000 square feet in area and shall be not less than 120 feet in width and shall have sufficient area for septic system and replacement system pursuant to Section 9.0204 of this Ordinance

Screen Requirements

1. All outdoor storage and trash areas shall be screened from view by an enclosure or by landscape screening, or by a combination of both methods

Limitations

1. All buildings used for business related to activities shall be located behind the principal residence
2. "Small business" employing not more than seven (7) full-time employees on the premises, or a maximum of fifteen (15) for service related businesses where the employees' duties are performed off the premises
3. All parking for business purposes shall be off-street, with no short-term or long-term parking within the public right-of-way

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

9.0311 B-2 COMMUNITY BUSINESS DISTRICT

The B-2 business district is intended to provide for individual or small groups of retail and customer service establishments. This type of district is generally located away from the traditional central business district and provides such amenities as increased open space and off-street parking and loading facilities.

Permitted Uses

1. Retail sales including:
 - a. Bakeries, not including the manufacturing of bakery products

- b. Bed and Breakfast establishments
- c. Bicycles
- d. Books
- e. Business office buildings
- f. Cameras and photographic supplies
- g. Candy, nuts, and confectioneries
- h. Children's and infants wear
- i. Cigars, cigarettes, and tobacco
- j. Consignment and second hand retail stores
- k. Department stores
- l. Dry goods and general merchandise
- m. Drug stores and apothecaries
- n. Eating and drinking establishments, except drive-in establishments
- o. Electrical supplies
- p. Fish and seafoods
- q. Florists
- r. Fruits and vegetables, except drive-in establishments
- s. Fuel oil, bottled gas, and ice dealers
- t. Furriers and fur apparel
- u. Gifts, novelties, and souvenirs
- v. Groceries
- w. Hardware
- x. Hobby shops
- y. Internet sales stores
- z. Jewelry
- aa. Liquor
- bb. Lumber yards
- cc. Meats, not including slaughtering
- dd. Men's and boys' clothing and furnishings
- ee. Mini-warehousing
- ff. Newspapers and magazines
- gg. Office supplies and equipment
- hh. Optical goods
- ii. Paint, glass, and wallpaper
- jj. Shoes
- kk. Soda fountains
- ll. Sporting goods
- mm. Stationery
- nn. Tailoring, custom
- oo. Variety stores
- pp. Women's accessories and specialties

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhoods.

2. Retail services including:

- a. Accounting, auditing, and bookkeeping services
- b. Appraisal services
- c. Artists
- d. Banking services
- e. Barber services
- f. Beauty shops
- g. Business and management consulting services
- h. Catering services
- i. Coin operated laundries and self-service dry cleaning
- j. Collection and adjustment services
- k. Commodity contracts, brokers and dealers
- l. Consumer and mercantile credit reporting services
- m. Credit services, agricultural, business, personal
- n. Detective and protective services
- o. Employment services
- p. Engineering, land surveying, planning and architectural services
- q. Funeral services
- r. Holding and investment services
- s. Hotels and motels
- t. Insurance agents, brokers, carriers, and services
- u. Labor unions and similar labor organizations
- v. Legal services
- w. Medical clinics and services including chiropractic, dental, general practice, optometrist, and osteopathic services, but not veterinarian services and not including hospitals
- x. Photographic services
- y. Post Offices
- z. Professional membership organizations
- aa. Public relations offices
- bb. Real estate agents, brokers and management services
- cc. Real estate, subdividing and development services
- dd. Savings and loan associations
- ee. Security brokers, dealers and flotation services
- ff. Shoe repair, shoe shining and hat cleaning services

- gg. Stenographic services and other duplicating and mailing services
- hh. Tailor services
- ii. Title abstracting services
- jj. Transportation ticket services
- kk. Travel arranging services

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhoods..

Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of a business
2. Off-street parking and loading areas
3. Essential services

Conditional Uses (See Section 9.2206)

1. Drive-in establishments serving food or beverages for consumption outside the structure.
2. Drive-in establishments selling fruits and vegetables.
3. Crematory service.
4. Gasoline service stations, automobile and truck rental services, and automobile washing.
5. Veterinary clinics, provided that no service including the boarding of animals, is offered outside of an enclosed building.
6. Utilities.

Lot Area and Width

1. Lots shall have a minimum lot area of 25,000 square feet and shall be not less than 120 feet in width.
2. Individual shops and stores shall provide sufficient area for the principal structure and its accessory structures, off-street parking loading areas and all required yards.
3. Lots shall have sufficient area for a POWTS pursuant to the applicable provisions of the Wisconsin Administrative Code.

Building Height

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

Yards

1. A minimum street yard of 35 feet from the right-of-way line of all public streets shall be required.
2. There shall be a minimum side yard offset on each side of all buildings not less than 10 feet.
3. There shall be a minimum rear yard offset of 25 feet.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to be Submitted to Plan Commission

1. Every builder of any building hereafter erected or structurally altered for use in the community business district shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Fire Inspector, Building Inspector and Village Plan Commission who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestions, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the area.

9.0312 M-1 LIMITED MANUFACTURING DISTRICT

The M-1 limited manufacturing district is intended to provide for manufacturing, industrial, and related uses of a limited nature and size in situations where such uses are located in basic industrial groupings and also where the relative proximity to other uses requires more restrictive regulations.

Permitted Uses

1. Processing, manufacturing and/or storage of the following:
 - a. Apparel findings and related products
 - b. Automatic temperature controls
 - c. Baked good and bakery products
 - d. Belts
 - e. Blank books, loose-leaf binders, and devices
 - f. Books: publishing, printing, and binding
 - g. Boot and shoe cut stock and findings
 - h. Brooms and brushes
 - i. Cabinet making
 - j. Canvas products
 - k. Cigars and cigarettes

- l. Costume jewelry, costume novelties, buttons, and miscellaneous notions
- m. Creamery butter
- n. Curtains and draperies
- o. Dental equipment and supplies
- p. Dress and work gloves
- q. Electronic assembly, components, and accessories
- r. Electrotyping and stereotyping
- s. Engineering, laboratory and scientific research instruments and associated equipment
- t. Envelopes
- u. Fabrics, broad and narrow woven
- v. Felt goods
- w. Flavor extracts and flavor syrups
- x. Floor coverings limited to rugs and carpeting
- y. Footwear
- z. Fresh or frozen fruits, fruit juices, vegetable and specialties
- aa. Funeral Directors' goods
- bb. Greeting cards
- cc. Handbags and other personal leather goods
- dd. Hats, caps, and millinery
- ee. Household furniture and furnishings
- ff. Ice
- gg. Ice cream and frozen desserts
- hh. Jewelers findings and materials
- ii. Jewelry and precious metals
- jj. Knit goods
- kk. Lace goods
- ll. Lamp shades
- mm. Leather and sheep clothing
- nn. Leather gloves and mittens
- oo. Luggage
- pp. Macaroni, spaghetti, vermicelli, and noodles
- qq. Manifold business forms
- rr. Manufacturing of lawn equipment and generators
- ss. Marine boat repair
- tt. Mechanical measuring and controlling instruments
- uu. Men's, youths', and boys' furnishings, work clothing and allied garments
- vv. Motion picture production
- ww. Musical instruments and parts
- xx. Newspapers: publishing and printing
- yy. Paper coating and glazing

zz. Partitions, shelving, lockers and office and stores fixtures
 aaa. Pens, pencils, and other office and artists
 bbb. Periodicals: publishing and printing
 ccc. Photoengraving
 ddd. Photographic equipment and supplies
 eee. Plastic manufacturing
 fff. Pleating, decorative and novelty stitching and tucking for the trade
 ggg. Office furniture
 hhh. Optical instruments and lenses
 iii. Orthopedic, prosthetic, and surgical appliances and supplies
 jjj. Printing, commercial
 kkk. Raincoats and other waterproof outer garments
 III. Rice milling
 mmm. Robes and dressing gowns
 nnn. Sanitary paper products
 ooo. Signs and advertising displays
 ppp. Silverware and plated ware
 qqq. Surgical and medical instruments and apparatus
 rrr. Toys, amusements, sporting, and athletic goods
 sss. Typesetting
 ttt. Umbrellas, parasols, and canes
 uuu. Venetian blinds and shades
 vvv. Wallpaper
 www. Watches, clocks, clockwork operated devices, and parts
 xxx. Women's, misses', juniors', girl's and infants' furnishings, work
 and dress clothing and allied garments
 yyy. Yarns and threads

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhood.

Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of an industry
2. Off-street parking and loading areas
3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations

Conditional Uses (See Section 9.2206)

1. Fur goods not including processing
2. Airports, airstrips, landing fields, provided that the site is not less than 20 acres
3. Utilities
4. Heliports, bus and rail depots, provided all principal structures and uses are not less than 100 feet from any residential district boundary
5. Transmitting towers, receiving towers, relay and micro-wave towers without broadcast facilities or studios
6. Experimental, testing, and research laboratories
7. Manufacturing and processing hardwood dimension and flooring, veneer, and plywood
8. Millwork, lumber yards, saw mills, and planing mills

Lot Area and Width

1. Lots in the M-1 district shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width
2. Lots shall have sufficient area for a septic system and an alternate system pursuant to Chapter H63 of the Wisconsin Administrative Code.

Building Height

1. No building or parts of a building shall exceed 45 feet in height.

Setback and Yards

1. A minimum setback of 35 feet from the right-of-way line of all public streets shall be required
2. There shall be a side yard offset on each side of the buildings not less than 10 feet in width
3. There shall be a rear yard offset of not less than 25 feet
4. Structures shall not be less than one hundred (100) feet from any residential district

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in industrial districts shall not be issued without review and approval of site plans by the Village Fire Inspector, Building Inspector and Village Plan Commission.

Said review and approval of site plans shall be concerned with general site layout, ingress, egress, parking, loading and unloading, and landscape plans.

9.0313 M-2 GENERAL MANUFACTURING DISTRICT

The M-2 general manufacturing district is intended to provide for manufacturing and industrial development of a more general and less restrictive nature than the M-1 limited manufacturing district in those areas where the relationship to surrounding land use would create fewer problems of compatibility and would not normally abut directly upon residential districts.

Permitted Uses

1. Those industrial uses permitted in the M-1 limited manufacturing district:
 - a. Processing, manufacturing and/or storage of the following:
 - i. Aircraft and parts
 - ii. Automobile wrecking yard; junk yard
 - iii. Brick and structural clay tile
 - iv. Coating, engraving, and allied services
 - v. Communication equipment
 - vi. Construction, mining, and materials handling machinery and equipment
 - vii. Cutlery, hand tools, and general hardware
 - viii. Electric lighting and wiring equipment
 - ix. Electrical industrial apparatus
 - x. Electrical transmission and distribution equipment
 - xi. Electrometallurgical products
 - xii. Engines and turbines
 - xiii. Farm and garden machinery and equipment
 - xiv. Fine earthenware, table, and kitchen articles
 - xv. Flat glass
 - xvi. Glass containers
 - xvii. Heating apparatus and plumbing fixtures
 - xviii. Household appliances
 - xix. Metal cans
 - xx. Metal products, fabricated structural
 - xxi. Motor vehicles and motor vehicle equipment
 - xxii. Motorcycles, bicycles, and parts
 - xxiii. Office, computing, and accounting machines
 - xxiv. Pharmaceutical manufacturing
 - xxv. Porcelain electrical supplies
 - xxvi. Radio and television receiving sets
 - xxvii. Screw machine products and bolts, nuts, screws, rivets, and

- washers
- xxviii. Service industry machines
- xxix. Ship and boat building and repairing
- xxx. Signaling and fire control equipment
- xxxi. Smelting
- xxxii. Stone and stone products, cut
- xxxiii. Wire products, fabricated

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhood.

Permitted Accessory Uses

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Off-street parking and loading areas.
3. Offices, storage, power supply, and other uses normally auxiliary to the principal industrial operations.

Conditional Uses (See Section 9.2206)

1. Fur goods not including processing
2. Airports, airstrips, landing fields, provided that the site is not less than 20 acres
3. Utilities
4. Heliports, bus and rail depots, provided all principal structures and uses are not less than 100 feet from any residential district boundary
5. Transmitting towers, receiving towers, relay and microwave towers without broadcast facilities or studios
6. Experimental, testing, and research laboratories
7. Manufacturing and processing hardwood dimension and flooring, veneer, and plywood
8. Millwork, lumber yards, saw mills, and planing mills
9. Wood pressing
10. Construction and prefabrication of wood buildings and structural members and construction of wooded containers

This list of conditional uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhood.

Lot Area and Width

1. Lots in the M-2 district shall have a minimum of 40,000 square feet in area and shall be not less than 150 feet in width
2. Lots shall have sufficient area for a septic system and an alternate system pursuant to ILHR 83 of the Wisconsin Administrative Code.

Building Height

1. No building or parts of a building shall exceed 45 feet in height.

Setback and Yards

1. A minimum setback of 35 feet from the right-of-way line of all public streets shall be required.
2. There shall be a side yard offset on each side of the buildings not less than 25 feet in width.
3. There shall be a rear yard offset of not less than 25 feet.
4. Structures shall not be less than one hundred (100) feet from any residential district.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to be Submitted to Plan Commission

1. To encourage an industrial use environment that is compatible with the residential character of the Village, building permits for permitted uses in industrial districts shall not be issued without review and approval of site plans by the Village Fire Inspector, Building Inspector and Village Plan Commission. Said review and approval of site plans shall be concerned with general site layout, ingress, egress, parking, loading and unloading, and landscape plans.

9.0314 I-1 INSTITUTIONAL DISTRICT

The I-1 institutional 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.

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. Water storage tanks and towers

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and application presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhood.

Permitted Accessory Uses

1. Residential quarters for caretakers or clergy.
2. Garages for storage of vehicles used in conjunction with the operation of a permitted use.
3. Off-street parking and loading areas.
4. Service buildings and facilities normally accessory to the permitted uses.

Conditional Uses (See Section 9.2206)

1. Utilities
2. Cemeteries
3. Crematory service

Lot Area and Width

1. Lots in the I-1 district shall be a minimum of 25,000 square feet in area with a minimum lot width of 120 feet
2. Lots shall have sufficient area for a septic system and an alternate system pursuant to Chapter H63 of the Wisconsin Administrative Code.

Building Height

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

Setback and Yards

1. A minimum building setback of 35 feet from the right-of-way line of all public streets shall be required.
2. There shall be a minimum side yard offset of 10 feet.
3. There shall be a rear yard offset of not less than 25 feet.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to be Submitted to Plan Commission

1. Every builder of any building hereafter erected or structurally altered for institutional uses shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Fire Inspector, Building Inspector and Village Plan Commission who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the neighborhood.

9.0315 P-1 PARK DISTRICT

The P-1 park district is used to provide for areas where the open space and recreational needs, both public and private, of the citizens can be met without undue disturbance of natural resources and adjacent uses.

Permitted Uses

1. Amphitheaters
2. Aquariums
3. Arenas and field houses
4. Art galleries
5. Auditoriums
6. Boat rentals and boat access sites
7. Botanical gardens and arboretums
8. Dude ranches
9. Exhibition halls
10. Fairgrounds
11. Forest reserves (wilderness refuges)
12. General resorts
13. Golf courses with or without country club facilities
14. Golf driving ranges
15. Gymnasiums and athletic clubs
16. Health resorts
17. Historic and monument sites
18. Hunting and fishing clubs
19. Ice skating
20. Legitimate theaters
21. Libraries
22. Miniature golf

23. Motion picture theaters
24. Museums
25. Parks: general recreation
26. Parks: leisure and ornamental
27. Picnicking areas
28. Planetaria
29. Playgrounds
30. Play lots or tot lots
31. Recreation centers
32. Roller skating
33. Skiing and tobogganing
34. Ski resorts
35. Stadiums
36. Swimming beaches
37. Swimming pools
38. Tennis courts

This list of permitted uses is not an all-inclusive list. The Planning Commission and the Village Board have the authority to approve businesses not on this list upon submittal of proper paperwork and applications presuming that they find that said business is harmonious with the list of other permitted uses and consistent with the general character of the neighborhoods..

Permitted Accessory Uses

1. Buildings accessory to the permitted recreational use.

Conditional Uses (See Section 9.2206)

1. Utilities
2. Drive-in movies
3. Archery ranges

Lot Area and Width

1. Lots shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas as required by Section 9.0500 of this Ordinance,
2. All required yards shall have sufficient area for a septic system and an alternate system pursuant to ILHR 83 of the Wisconsin Administrative Code.

Building Height

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

Setback and Yards

1. A minimum building setback of 25 feet from the right-of-way of all public streets shall be required.
2. There shall be a side yard offset on each side of all buildings not less than 40 feet in width.
3. There shall be rear yard offset of not less than 40 feet.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

Site Plans to be Submitted to Plan Commission

1. Every builder of any building hereafter erected or structurally altered for park uses shall, before a building permit is issued, present detailed site plans pertaining to the proposed structures to the Village Fire Inspector, Building Inspector and Village Plan Commission who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety, or substantially diminish or impair property values within the neighborhood.

9.0316 C-1 CONSERVANCY DISTRICT

The C-1 conservancy district is intended to be used to prevent destruction of valuable natural or man-made resources and to protect woodland and wetland areas, wildlife habitat, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.

Permitted Uses

1. Agricultural uses, provided that they do not involve extensions of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, water regimen.
2. Forest and game management.
3. Forest reserves (wilderness and/or wildlife areas).

Permitted Accessory Uses

1. Structures used in or accessory to a fish hatchery.
2. Non-habitable park or recreation shelters.

3. Structures used to traverse lowlands or watercourses.

Restrictions

1. Grading and filling shall be prohibited except with the specific approval of the Plan Commission and Village Board of Eagle.
2. The removal of topsoil or other earthen materials shall be prohibited.
3. The removal or destruction of any vegetative cover i.e. trees, shrubs, grasses, etc. shall be prohibited, with the exception of the removal of dead, diseased or dying vegetation at the discretion of the landowner, or silvicultural thinning upon the recommendation of a forester or naturalist and the approval of the Plan Commission and Village of Board of Eagle.
4. Grazing by domestic animals i.e. horses, cows, etc., shall be discouraged to the greatest extent possible.
5. The introduction of plant material not indigenous to the existing conservancy area shall be prohibited.
6. Ponds may be permitted subject to the approval of the Village of Eagle and, if applicable, the Waukesha County Park and Planning Commission, the Wisconsin Department of Natural Resources and the Army Corp. of Engineers.
7. Construction of buildings or residences within the Primary Environmental Corridor Preservation Area is prohibited. The purpose of this restriction is to preserve the Primary Environmental Corridor to the greatest extent possible so as to avoid the unnecessary and deleterious effect such land disturbing activity may have on the environmental quality and sensitive natural flora of the area.

Conditional Uses

1. Essential services.

Animals

1. The keeping and raising of Agricultural Animals and Livestock is prohibited.
2. The keeping and raising of Dangerous and Poisonous Animals is prohibited
3. Only Domesticated Animals, as defined, are allowed.

SECTION 9.0500 TRAFFIC, LOADING, PARKING AND ACCESS

9.0501 TRAFFIC VISIBILITY

No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed

intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.

9.0502 LOADING REQUIREMENTS

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 x 25 feet for each 3,000 square feet of floor area or part hereof except in the B-1 central business district.
2. Wholesale and Industrial: One (1) space of at least 10 x 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.

9.0503 PARKING REQUIREMENTS

In all districts, except the B-1 central business district, and in connection with every use, there shall be provided at the time any or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

1. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings, at least 18 feet for farmsteads, and a minimum of 24 feet for all other uses.
2. Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
3. Location to be on the same lot as the principal use or not over 400 feet from the principle use.
4. Surfacing. All off-street parking areas shall be graded and surfaced so as to be hard surfaced dust free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
5. Landscaping. All public and private off-street parking areas, which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this ordinance shall be provided with accessory landscape areas totaling not less than five (5) percent of the surfaced area. The minimum size of each landscape area shall not be less than 100 square feet. Location of landscape areas, plant materials, protection afforded the planting, including curbing and provision for maintenance, shall be subject to approval by the Village Plan Commission. All plans for such proposed parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing

trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area. Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent capacity or other effective means, built and maintained at a minimum height of six (6) feet.

6. Curbs or barriers shall be installed a minimum of four (4) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
7. Spaces required:

Use	Minimum Required Parking
Single Family Dwellings	2 Spaces for each unit
Two Family Dwellings	2 Spaces for each unit
Housing for the Elderly	0.5 Spaces for each unit
Multi-Family Housing	1.5 Spaces for each unit
Motels and Hotels	1 Space for each guest unit, Plus 1 space for each 3 employees
Rooming and Boarding Housing, Fraternity and Sorority Houses, Dormitories and Rectories	1 Space per bed
Retirement homes, Orphanages, Convents, Monasteries	1 Space per 2,000 feet of principal floor area
Hospitals, Sanatoriums, Institutions, Rest and Nursing Homes	1 Space for each 5 beds, Plus 1 space for each 3 employees
Manufacturing and Processing Plants (Including meat and food processing, laboratories and warehouse)	1 Space for each 2 employees
Medical and Dental Clinics	5 Spaces for each doctor
Churches, Theaters, Auditoriums, Community Centers, Vocational and Night Schools, and other places of public assembly	1 Space for each 5 seats
Colleges, Secondary and Elementary Schools	1 Space for each 2 employees, Plus 1 Space for each 10 students of 16 years of age or more
Restaurants, Bars, Places of	1 Space for each 150 sq/ft of

entertainment, Lodges and clubs, Repair shops, Retail and Service stores	floor area and 1 Space for each 2 employees
Financial Institutions, Business, Government and Professional offices	1 Space for each 300 sq/ft of floor area and 1 Space for each 2 employees
Funeral Homes	20 spaces for each viewing room
Bowling Alleys	5 Spaces for each alley
Automobile Repair Garages and Service Garages	1 Space for each regular employee Plus 1 Space for each 250 sq/ft of floor area used for repair work
Motor Vehicles Sales (New and Used)	1 Space for each 500 sq/ft of floor area used Plus 300 sq/ft of outdoor display are for each motor vehicle to be displayed. (This requirement does not include service garages – see above.)
Gasoline Filling Stations	2 Spaces for each grease rack or similar facility Plus 1 Space for each attendant
Drive-through Facilities	4 Stacking Spaces per drive-through service lane for financial institution; 7 Spaces per service lane for a drive-through restaurant; 7 Spaces per drive-through service bay for a full-service car wash, and 2 Spaces per service bay for a self-service car wash

8. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
9. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

9.0504 DRIVEWAYS

All new driveways installed or extended after the effective date of this Ordinance shall meet the following requirements:

1. Islands between driveway openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.
2. Openings for vehicular ingress and egress shall not exceed 30 feet at the street line and 35 feet at the roadway.
3. Vehicular Entrances and Exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground library, public emergency shelter, or other place of public assembly.

9.0505 HIGHWAY ACCESS

No direct private access shall be permitted to the existing or proposed rights-of-way of controlled access arterial streets without permission of the highway agency that has jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Arterial Streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
2. Access Barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
3. Temporary Access to the above rights-of-way may be granted by the Village Board 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 12 months.

9.0506 CULVERTS

Culverts are those structures, which function to convey surface water through an embankment or under a roadway or a driveway. All culverts hereafter erected, shall be a minimum of 18 feet in length and sized to accommodate a ten-year frequency storm, be constructed of corrugated metal piping and conform with all other standards as set forth by the State of Wisconsin Department of Transportation.

SECTION 9.0600 MODIFICATIONS

9.0601 HEIGHT

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modification shall be in accord with the following:

1. Architectural Projections, such as spire, steeples, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.
2. Special Structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this ordinance.
3. Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.
4. Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height three (3) times their distance from the nearest lot line, not to exceed 75 feet.
5. Agricultural Structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.
6. Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 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.

9.0602 YARDS

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

1. Uncovered Stairs, lands, 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.
2. Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed three (3) feet.
3. Residential Fences, are permitted to the property lines in residential districts, but shall not in any case exceed a height of six (6) feet in rear or side yards; shall not exceed a height of four (4) feet in the street yard and shall not be closer than two (2) feet to any public right-of-way and must comply with all other setback requirements. Fence support system shall be positioned towards applicant's

property. Decorative side of fence must face neighbor's properties. Exceptions to this ordinance must be must reviewed by the Planning Commission and approved by the Village Board.

4. Security Fences are permitted on the property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
5. Accessory Uses and detached accessory structures are permitted in the rear yard only and shall not be closer than Ten (10) feet to the principal structure unless fire protected per state code requirements; shall not exceed fifteen (15)feet in height; shall not occupy more than 20 percent of the rear yard area in all districts except the business districts where such uses and structures shall not occupy more than 75 percent of the rear yard area; and shall not be closer than six (6) feet to any lot line nor six (6) feet an alley line; except that communication structures shall not be less than fifteen (15) feet from any lot line; and except that solar related heating and cooling unit shall not be less than fifteen (15) feet from any lot line.
6. Communication Structures such as radio and transmission and relay towers, aerals, radio and television receiving and transmitting antennas shall be a minimum fifteen (15) feet from any rear or side yard lot line and are not permitted in the front yard.
7. Solar Related Heating and Cooling units are not exempt from the yard and distance regulations and shall be a minimum of fifteen (15) feet from any rear or side yard lot line and are not permitted in the front yard.
8. Off-street Parking is permitted in all yards of all districts but shall not be closer than six (6) feet to a side lot line, right-of-way, or rear lot line.
9. Essential Services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance.
10. Landscaping and vegetation are exempt from the yard requirements of this ordinance.

9.0603 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.

9.0604 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 district and five (5) feet in any business district except in

the B-1 central business district.

9.0605 CORNER LOTS

Structures shall provide a street yard as required by this ordinance on the street that the structure faces. A second street yard shall be provided on the side of the structure abutting a second public or private street.

9.0606 EXISTING SUBSTANDARD LOTS

A lot located in a residential district which does not contain sufficient area to conform to the dimensional requirements of this ordinance, but which is at least 50 feet wide and 6,000 square feet in area, may be used as a single building site provided that the use is permitted in the zoning district, provided that the lot is a lot of record in the County Register of Deeds Office prior to the effective date of this ordinance.

A lot located in the business, manufacturing, or institutional districts which does not contain sufficient area to conform to the dimensional requirements of this ordinance may be used as a building site provided that the lot is a lot of record in the County Register of Deeds Office prior to the effective date of this ordinance.

If two (2) or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this ordinance.

Substandard lots granted permits under this section shall be required to meet the setback and other yard requirements of this ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Appeals.

SECTION 9.0700 SIGNS

9.0701 PURPOSE AND INTENT

The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses and express the identity of individual proprietors and the community as a whole.

For the purpose of this Section, sign structures shall be classified as:

1. Awning Sign: A non-illuminated identification sign affixed flat to the surface of an awning and which does not extend vertically or horizontally beyond the limits

- of such awning.
2. Banner: A projecting type graphic delineating a special area or depicting a special announcement that may only be displayed by commercial and institutional establishments, delineating a special area or depicting a special announcement.
 3. Canopy Sign: A sign suspended from or forming part of a canopy or marquee and which does not extend horizontally beyond the limits of such canopy or marquee.
 4. Changeable Copy Sign: Any sign which is characterized by changeable copy, letters, or symbols, regardless of method of attachment.
 5. Flags: Devices generally made of flexible materials, such as cloth, paper, or plastic, and displayed on strings. They may or may not include copy. .
 6. Ground Sign: A sign attached to the ground independent of any buildings.
 7. Marquee: (See Canopy Sign).
 8. Projecting Sign: A sign projecting more than 12 inches from the face of the building.
 9. Roof Sign: A sign erected on or over the roof of a building.
 10. Wall Sign: A sign which is attached to a wall of a building and projects not more than 12 inches from such wall and does not extend above the ceiling line of the top floor of the building.
 11. Window Sign: A sign painted on or affixed to a window. Materials affixed to a window shall be affixed to the inside surface of the window to eliminate scattering of copy by wind.

9.0702 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

1. Ground or Wall Signs, not exceeding eight (8) square feet in area on one side or sixteen (16) feet in area on all sides. No sign shall be erected in a street right-of-way. Signs shall be set back at least ten (10) feet from a side or rear lot line.
2. Ground Signs Identifying the Name and Address of the Resident, not exceeding two (2) square feet located on the premises. Name signs shall be set back at least ten (10) feet from a side or rear lot line.
3. Wall Signs not exceeding two (2) square feet in area and mounted flush against the dwelling.
4. Election Campaign Signs which address a particular election may be erected on any property provided that they shall comply with the following restrictions:
 - a. No election campaign sign shall be placed within the street right-of-way nor so close to a pedestrian way as to hinder or endanger safe passage.
 - b. All election campaign signs on non-residential properties which address a

particular election may remain erected only from sixty (60) days prior to said election until ten (10) days following said election. All election campaign signs on residential properties which address a particular election may remain erected only during the pertinent "election campaign period" as defined in Section 12.04(1)(a) of the Wisconsin Statutes. The person or party erecting an election campaign sign and the person or party on whose residential property said signs are erected are jointly responsible for their removal within ten (10) days following said election.

- c. No temporary election campaign sign placed on non-residential property shall exceed sixteen (16) square feet in area, and the total area of signage of all temporary election campaign signs erected on one non-residential parcel shall not exceed eight (8) square feet.
 - d. All temporary election campaign signs shall be constructed of such a material and posted so as to remain in place under all weather conditions which are reasonably likely to occur during the time which the sign is posted.
- 5.
 - 6. Tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - 7. Official Ground Signs, such as traffic control, parking restrictions, information, and notices. Such signs may be placed at the curb line or pavement edge.
 - 8. Temporary Flags, banners, or signs when authorized by the Village Plan Commission on a case-by-case basis for a period not to exceed six (6) months.

9.0703 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT

The following signs are permitted in any residential district and are subject to the following regulations:

- 1. Signs placed at the entrance to a subdivision or development shall be not closer than ten (10) feet from a street right-of-way, or side or rear lot line. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- 2. Temporary Signs may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall not be closer than ten (10) feet from a street right-of-way, or side or rear lot line. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

9.0704 SIGNS PERMITTED IN ALL BUSINESS AND MANUFACTURING DISTRICTS WITH A PERMIT

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

1. Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, and shall not exceed in area thirty percent (30%) of the signable area of the building, as defined in Section 9.0706 herein, or 300 square feet, whichever is smaller, for any one premise. Wall signs shall not exceed above the ceiling level of the top floor of the building upon which they are located. Signs attached to fences shall be considered to be wall signs.
2. Projecting Signs, Awning Signs, Canopy Signs, and Marquees fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premise; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above the sidewalk nor fifteen (15) feet above a driveway or an alley.
3. Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade, and shall not exceed eighty (80) square feet on one side nor 160 square feet on all sides for any one premise. Ground signs shall be not less than ten (10) feet from any street right-of-way, or any side or rear lot line. No ground sign shall be placed closer than eighty (80) feet to another ground sign or projecting, awning, canopy or marquee sign.
4. Roof Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed 300 square feet on all sides for any one premise.
5. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings.
6. The Total of All Signs, except window signs, erected or placed on any one premise shall not exceed sixty percent (60%) of the signable area of the building, as defined in Section 9.0706 herein, or 400 square feet, whichever is smaller.

9.0705 SIGNS PERMITTED IN INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT

The following signs are permitted in the Institutional and Park Districts and are subject to the following regulation:

1. Signs when approved by the Village Board after review and recommendation by the Village Plan Commission.

9.0706 SIGNABLE AREA

The signable area of a building is designated as the area of the facade of the building up to the roof line which is free of windows and doors or major architectural detail on which signs may be displayed. In computing signable area, any facade which faces or abuts upon a public street right-of-way may be utilized. Calculations may include parapet walls, but shall exclude door and window openings.

9.0707 SEARCHLIGHTS

The Village Board may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six-month period.

9.0708 PORTABLE SIGNS

Portable signs or other portable advertising structures shall be prohibited within the Village.

9.0709 FACING

No sign except those permitted in Section 9.0703 and Section 9.0704 shall be permitted to face a residential district within 100 feet of such district boundary.

9.0710 LIGHTING AND COLOR

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing. Signs shall not contain elements that are moving, rotating, or pulsating. Signs which give time and temperature information shall not be considered flashing or pulsating signs.

Exterior Reader Boards are permitted on properties zoned B-1, B1-A, B-2, M-1, M-2 and I-1 subject to the following provisions:

1. The message area of reader board signs shall not exceed 25% of the total area of all wall-mounted display signs on the premises.

2. The message area of all other reader board signs shall not exceed 25% of the sign's total area.
3. Reader board signs may change messages not more than once every minute and the change must be made in one-half second or less and not flash, scroll, alternate, move or show video.
4. Display design brightness cannot exceed 500 nits at night and 3000 nits during the day.
5. Electronic reader boards shall not face residential properties.

Interior Reader Boards are permitted on properties zoned B-1, B1-A, B-2, M-1, M-2 and I-1 subject to the following provisions:

1. The message area of reader board signs shall not exceed 25% of the total window space.
2. Reader board signs may change messages on a continuous basis, however messages shall only change, scroll or alternate. Messages shall not flash or show video.

9.0711 CONSTRUCTION AND MAINTENANCE STANDARDS

1. Wind Pressure and Dead Load 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 dead loads as required in the Village of Eagle Building Code or other ordinance.
2. Protection of the Public. The temporary occupancy of a side-walk or street or other public property during construction, removal, repair, alteration, or maintenance of a sign is permitted provided the space occupied is roped off, fenced off or otherwise isolated.
3. Maintenance. The owner of any sign shall keep a sign in good maintenance and repair which includes restoring, repainting, or replacing a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
4. 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 a 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 ensure 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 of the building should the Building Inspector determine that the safe and

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

5. No Signs or any part thereof or sign anchors, braces, or guide rods 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 guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through a door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against a building by the Fire Department of the Village of Eagle, as necessity therefore may require.

9.0712 EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform to this Ordinance.

In the event that the sign is expanded or the copy and graphics on the face of the sign are changed, the sign will need to be made conforming under the terms of this Chapter.

Notwithstanding the foregoing, repainting of a sign or other updates that do not change the size and simply freshens the graphics or copy of the sign, may be made without changing the non-conforming status of the sign.

9.0713 SIGN PERMIT

No sign shall hereafter be located, erected, moved, reconstructed extended, enlarged, converted, or structurally altered without a building permit except those signs exempted in Section 9.0703 of this ordinance, and all signs shall fully conform to the requirement of this ordinance.

1. Applications for a sign permit shall be made on forms provided by the Building Inspector or Village Administrator and shall contain or have attached thereto the following information:
 - a. Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - b. Name of person, firm, corporation, or association erecting the sign.
 - c. Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - d. A scale drawing of such sign indicating the dimensions, the materials to

- be used, the type of illumination, if any, and the method of construction and attachment.
- e. A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures.
 - f. Copies of any other permit required and issued for said sign, including the written approval of the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the same complies with the Village of Eagle Electrical Code.
 - g. Additional information as may be required by the Building Inspector or Village Plan Commission.
2. Sign Permit Applications shall be filed with the Building Inspector, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within thirty (30) days of receipt unless the time is extended by written agreement with the applicant. A Sign Permit shall become null and void if work authorized under the permit has not been completed within six (6) months of the date of issuance.

9.0714 APPEALS

Any person aggrieved by a decision of the Building Inspector on any application to erect a sign in the Village may appeal the decision to the Zoning Board of Appeals or may apply for a variance. The Board of Appeals may grant variances from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions; a literal enforcement of this ordinance will result in unnecessary hardship. The Board shall be guided in the consideration of variances by the standards set forth in Section 9.2000 of this ordinance. All notice and publication costs of an appeal shall be paid by the applicant at the time of publication.

SECTION 9.0800 NONCONFORMING USES, STRUCTURES, AND LOTS

9.0801 EXISTING NONCONFORMING USES AND STRUCTURES 2011 Wisconsin Act 170

The lawful nonconforming use of a structure or land 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; however:

1. Only that Portion of the land in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted, or moved,

except when required to do so by law or order or so as to comply with the provisions of this ordinance.

2. Total Lifetime Structural Repairs or alterations to a non-conforming structure shall not exceed 50 percent of the municipality's assessed value of the structure at the time of it becoming a nonconforming structure unless it is permanently changed to conform to the use provisions of this ordinance.
3. Substitution of New Equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
4. The Plan Commission may approve a change of use to a use not otherwise allowed in the underlying zoning district if the Plan Commission finds that the new proposed use will be no more injurious than the previous use or will decrease the extent of the non-conformity. If the Plan Commission approves such a change of use, it shall be authorized to impose conditions it deems necessary to reduce or minimize any potentially adverse effect upon other property in the neighborhood and to carry out the general purpose and intent of this Chapter. Any condition imposed must relate to a situation created or aggravated by the proposed use and must be roughly proportional to its impact.
5. If a non-conforming use is discontinued for a period of twelve (12) months, any future use of the building, premises, structure or fixture shall conform to this Ordinance.

9.0802 ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure or land shall conform to the provisions of this ordinance.

1. Structures which are damaged or destroyed as a result of violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored to the size, location and use that it had immediately before the damage and destruction occurred. Structures so damaged may also be enlarged if an increase in size beyond that of the structure immediately preceding the damage or destruction is necessary to comply with applicable state or federal requirements.
2. Repair or reconstruction of a non-conforming structure, other than as described in Paragraph 1 above, shall comply with the provisions of this Code except as are needed to maintain the premises and to allow structures to be structurally strengthened or restored to a safe condition in accordance with an official order of a public official.
3. Once a Nonconforming Use or Structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing

nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board.

9.0803 EXISTING SUBSTANDARD STRUCTURES

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

1. Additions and Enlargements to existing substandard structures are permitted and shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this section with respect to additions or enlargements are applicable only if the lot or parcel conforms to the existing sanitary code requirements.
2. Existing Substandard Structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and insofar as is practicable shall conform with the established building setback lines along arterial 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.
3. Existing Substandard Structures may be moved and, insofar as is practicable, shall conform with the established building setback lines along arterial 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.

9.0804 CHANGES AND SUBSTITUTIONS

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

_____ NON-CONFORMING LOTS

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Chapter may be continued, although the lot area or lot width does not conform to the requirements of this Chapter. Additions and enlargements to such structures on such lots are permitted and shall conform to the established building setback lines along streets, the yard height, parking, loading and access provisions of this Chapter.

SECTION 9.0900 PERFORMANCE STANDARDS

9.0901 COMPLIANCE

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

9.0902 AIR POLLUTION

No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities, so as to substantially contribute to exceeding established State or Federal air pollution standards.

9.0903 FIRE AND EXPLOSIVE HAZARDS

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187 F	400,000
105 F to 187 F	200,000
Below 105 F	100,000

9.0904 GLARE AND HEAT

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

9.0905 WATER QUALITY PROTECTION

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall withdraw water or discharge any liquid, or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code.

9.0907 REGULATION OF MOBILE TOWER CITING

1. Purpose. Mobile tower facilities shall be regulated as set forth in this section, subject to 2013 Wisconsin Act 10, which amended §66.0404, Wis. Stats. These standards shall also be interpreted and enforced in a manner consistent with the Telecommunications Act of 1966.
2. Exemptions:
 - a. Emergency communication facilities used for emergency communication by public officials.
 - b. City communication facilities.
 - c. Antennas, amateur radio antennas (e.g., ham radio), and satellite dishes as regulated this Code.
3. Definitions: For the purposes of this section, the following definitions shall be used.
 - a. **Antenna.** Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

- b. **Application.** An application for a permit under this section to engage in activity specified in this section.
- c. **Building Permit.** A permit issued by the Village that authorizes an applicant to conduct construction activity that is consistent with the Village of Eagle and State of Wisconsin Building Codes.
- d. **Class 1 Co-Location.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.
- e. **Class 2 Co-Location.** The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.,
- f. **Co-Location.** Class 1 or Class 2 Co-Location, or both.
- g. **Distributed Antenna System.** A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- h. **Equipment Compound.** An area surrounding or adjacent to the base of an existing support structure, within which are located mobile facilities.
- i. **Existing Structure.** A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with a political subdivision.
- j. **Fall Zone.** The area over which a mobile support structure is designated to collapse.
- k. **Mobile Service.** Has the meaning given in 47 USC §153(33). The term “mobile service” means a radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes:
 - i. Both one-way and two-way radio communication services.
 - ii. A mobile service which provides a regularly interacting group of base, mobile, portable and associated control and relay stations (whether licensed on an individual, cooperative or multiple basis) for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and
 - iii. Any service for which a license is required in a personal communications service established pursuant to the proceeding entitled “Amendment to the Commissioner’s Rules to Establish New Personal Communications Services”, or any successor proceeding.
- l. **Mobile Service Facility.** The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and associated equipment, that is necessary to provide mobile services to a discrete geographic area, but does not include the underlying support structure.
- m. **Mobile Service Provider.** A person who provides mobile service.

- n. **Mobile Service Provider Support Structure.** A freestanding structure that is designed to support a mobile facility.
 - o. **Permit.** A permit, other than a building permit, or approval issued by the Village which authorizes any of the following activities by an applicant:
 - i. A Class 1 Co-Location.
 - ii. A Class 2 Co-Location.
 - iii. The construction of a mobile service support structure.
 - p. **Political Subdivision.** A city, village, town or county.
 - q. **Public Utility.** Has the meaning given in §196.05(5) Wis. Stats.
 - r. **Search Ring** A shape drawn on a map to indicate the general area which in which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
 - s. **Substantial Modification.** The modification of a mobile support structure, including the mounting of an antenna on such a structure, that does any of the following:
 - i. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
 - ii. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
 - iii. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.
 - iv. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
 - t. **Support Structure.** An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building or other structure.
 - u. **Utility Pole.** A structure owned or operated by an alternative telecommunications utility, as defined in §196.01(1d), Wis. Stats; public utility as defined in §196.01(5), Wis. Stats.; telecommunications utility as defined in §196.01(10), Wis. Stats.; political subdivision; or cooperative association organized under Chapter 185, Wis. Stats.; and that is designed specifically for and used to carry lines, cables or wires for telecommunications service, as defined in §182.017(1g)(cq), Wis. Stats.; [for] video service as defined in §66.0420(2)(y) Wis. Stats; for electricity or to provide light.
4. **Waivers/modifications.** The Plan Commission may waive or modify any requirements of this section. Any site for which a waiver from the requirements of this section is granted shall comply with all other requirements of this Chapter. Such waiver or modification shall only be granted if the Plan Commission determines that:
- a. There will be no appreciable off-site impact caused by the waiver/modification.
 - b. Compliance with the requirement(s) is impractical or impossible due to site conditions or other circumstances beyond the control of the applicant.

- c. The specific requirement is not necessary for a particular site to ensure compliance with the requirements of this section.
- 5. The siting and construction of a new mobile service support structure and facilities or the substantial modification of an existing support structure and mobile service facilities (Class 1 Co-Location).
 - a. Application information, process and fees. An application for conditional use permit shall be made through the Village Clerk's Office on forms furnished by the Village and shall include information and supporting materials as specified under this section. Applicable application fees and developer deposit shall accompany the application as outlined in this Zoning Code. The conditional use application shall be in writing and in an electronic format and shall contain all of the following information:
 - i. The name and business address of and the contact individual for the applicant.
 - ii. The location of the proposed or affected support structure.
 - iii. The location of the proposed mobile service facility.
 - iv. Applications to substantially modify an existing support structure shall submit a construction plan, which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
 - v. Applications to construct a new mobile service support structure shall submit a construction plan, which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment to be placed on or around the new mobile service support structure.
 - vi. Applications to construct a new mobile service support structure shall submit an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that:
 - 1. Co-location within the applicant's search ring would not result in the same mobile service functionality, coverage and co-location capacity;
 - 2. Co-location is technically infeasible; or
 - 3. Co-location is economically burdensome to the mobile service provider.
 - vii. Provide documentation of the applicant's right, title or interest in the property where the facility is to be located. If the applicant is not the property owner, the applicant shall submit a letter from the property owner(s) stating that they are consenting to have a tower placed on their property. When the property owner is the Village, the applicant shall obtain approval from the applicable Boards or Commissions that oversee the facility or land where the tower is proposed to be placed. Any proposal for a new mobile service support structure and facility on Village owned lands (parks, utility, etc.) shall be required to make a submitted to

the Village Board outlining their specific request. The Village Board shall forward an RAS to the Board to decide if it wishes to enter into negotiations on a lease to move forward with a full submittal. If the Board agrees to investigate further, the Board will refer the request on to the applicable Boards, Commissions and Committees.

- viii. The facility is appropriately landscaped.
- ix. The facility/tower is in compliance with any other applicable local, state or federal regulations.
- x. Structure report. A structure report prepared by a qualified and licensed professional engineer which:
 - 1. Describes the tower or structure height and design, including a cross section and elevation;
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - 3. Describes the tower or structure capacity, including the number and type of antennas that it can accommodate;
 - 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - 5. Includes an engineer's stamp and registration number;
 - 6. Includes safety considerations; and
 - 7. Includes other information necessary to evaluate the request.
- xi. Design: ground equipment and utility structure:
 - 1. One building that houses all the necessary ground equipment shall be located on the site. All co-located equipment shall be located within the common building to the maximum extent practicable. The building shall either be sized to house all equipment for all future co-location or constructed in a manner that allows expansion. All expansions shall be architecturally consistent and compatible.
 - 2. The building shall be architecturally designed to be compatible with the architectural characteristics of the surrounding structures to the maximum extent practicable.
 - 3. The building shall meet the minimum setbacks of the zoning district.
 - 4. Ground-mounted equipment, including but not limited to equipment cabinets and generators, should, to the maximum extent practicable, be enclosed in a building except when screened with appropriate landscaping.
- xii. Landscaping. The parking areas, buildings and equipment shall be landscaped in accordance with Village Rules. The Plan Commission may allow an alternative landscaping or screening plan or waive the landscaping requirements if it is determined that the landscaping will not serve a functional value based on existing topography or surrounding land uses.

- xiii. Height standards. Height is to be measured from the ground elevation to the top of the tower, excluding any antennas.
 - xiv. A conditional use status shall not be granted for communication towers unless the tower is located so that there is sufficient radius of clear land around the tower that its collapse shall be completely contained on the property, subject to the following. If an applicant provides the Village with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Plan Commission provides the applicant with substantial evidence that the engineering certification is flawed.
 - xv. Setback Standards: Roof, existing structure and/or building-mount facilities. Antenna arrays shall not project into the setback of the structure they are located on or within.
- b. Completeness determination. If an application submits to the Village an application for a permit to engage in an activity described under this Code, which contains all of the information required under this Code, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it's complete.
 - c. Approval criteria. Within 90 days of its receipt of a completed conditional use application, meeting the criteria listed within this section, the Village shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Village may agree, in writing, to an extension of the 90 day period:
 - i. Review the application to determine whether it complies with this section of the Zoning Ordinance.
 - ii. Plan Commission holds a public hearing.
 - iii. Make a final decision whether to approve or disapprove the application.
 - iv. Notify the applicant, in writing, of its final decision.
 - v. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - d. The Plan Commission may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described hereunder.
 - e. A party who is aggrieved by the final decision of the Plan Commission may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.
6. Co-location of existing support structure (Class II Co-Location).

- a. Application information. An application for a building permit shall be made through the permit application center on forms furnished by the Village and shall include information and supporting materials as specified under this category. Applicable application fees shall accompany the application as outlined in this Zoning Code and the State of Wisconsin. The building permit application shall be in writing and in an electronic format and shall contain all of the following information:
 - i. The name and business address of and the contact individual for the applicant.
 - ii. The location of the proposed or affected support structure.
 - iii. The location of the proposed mobile service facility and construction plans.
 - iv. The application complies with this section.
 - v. The facility/tower is in compliance with any other applicable local, state or federal regulations.
 - vi. Structure report. A structure report prepared by a qualified and licensed professional engineer which:
 - 1. Describes the tower or structure height and design, including a cross section and elevation;
 - 2. Documents the height above grade for all potential mounting positions for co-located antennas and the minimum separation distances between antennas;
 - 3. Describes the tower or structure capacity, including the number and type of antennas that it can accommodate;
 - 4. Documents what steps the applicant will take to avoid interference with established public safety telecommunications;
 - 5. Includes an engineer's stamp and registration number;
 - 6. Includes safety considerations; and
 - 7. Includes other information necessary to evaluate the request
- b. Completeness determination. If an applicant submits to the Village an application for a permit to engage in an activity which contains all of the information required, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant, in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- c. Approval criteria. Within 45 days of its receipt of a complete building permit application, meeting the criteria listed, the Village shall complete all of the following or the applicant and the Village may agree, in writing, to an extension of the 45 day period:
 - i. Make a final decision whether to approve or disapprove the application.
 - ii. Notify the applicant, in writing, of its final decision.
 - iii. If the application is approved, issue the applicant the relevant permit.
 - iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

- v. A party who is aggrieved by the final decision of the Village may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located.

7. General standards:

- a. All towers and sites shall be properly maintained and shall be kept in a condition as not to become a public nuisance or eyesore. Proper maintenance shall include but not be limited to regular lawn and landscaping care and painting of an accessory building, fences and tower. Additionally, the site shall be kept free of junk and trash.
- b. All antenna arrays shall be securely fastened to minimize noise emissions or damages from falling.
- c. Limitations on authority. The Village review and action in the matter shall be subject to the limitations imposed by Wis. Stats. §66.040(4). In the event the applicant believes the Village has exceeded its authority in this regard, the applicant shall notify the Village, in writing, and the Village Board reserves the right to reconsider the matter, to ensure that applicable laws are followed.

9.0907 ODORS

No activity shall emit any odorous matter or 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 13, Air Pollution Abatement Manual--1960, prepared by the Manufacturing Chemists' Association, Inc., Washington, D.C.

9.0908 RADIOACTIVITY AND ELECTRICAL DISTURBANCES

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

9.0909 VIBRATION

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

Frequency (Cycles Per Second)	Displacement (Inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002

20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and Over	.0002	.0001

SECTION 9.1000 EROSION CONTROL

9.1001 FINDINGS AND PURPOSE

The Village of Eagle finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of this State and the waters of the Village of Eagle.

It is the purpose of this Ordinance to preserve the natural resources; to protect the quality of the waters of the State and the Village of Eagle; and to protect and promote the health, safety, and general welfare of the people of the Village of Eagle, to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharged from construction sites.

9.1002 REQUIREMENTS AND ENFORCEMENT

All erosion control measures will comply with the requirements as set forth by the Village of Eagle Building Inspector as required by the State of Wisconsin and/or the County.

SECTION 9.2000 BOARD OF APPEALS

9.2001 ESTABLISHMENT

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

9.2002 MEMBERSHIP

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

Terms shall be for staggered three-year periods, except that of those first appointed: one (1) shall serve for one (1) year, two (2) for two (2) years, and two (2) for three (3) years.

Two (2) Alternate Members may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.

Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

9.2003 ORGANIZATION

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

Meetings shall be held at the call of the chairman and shall be open to the public. A quorum must consist of four (4) members.

Minutes of the proceedings and a record of all actions shall be kept by the Board, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the Village Clerk's office and shall be a public record.

The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a temporary, unclassified, or substituted use.

9.2004 POWERS

The Board of Appeals shall have the following powers:

Errors. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the Village Plan Commission.

Variances. To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and

purposes of this ordinance shall be observed and the public safety, welfare, and justice secured.

Interpretations. To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning districts, and floodlands, after the Village Plan Commission has made a review and recommendation.

Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing non-conforming uses provided no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

Permits. The Board may reverse, affirm wholly or partly or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

Assistance. The Board may request assistance from other Village officers, departments, commissions, and boards.

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

9.2005 APPEALS AND APPLICATIONS

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

1. Names and Address of the appellant or applicant and all abutting and opposite property owners of record.
2. Plat of Survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale, showing all of the information required under Section 9.1203 for a Zoning Permit.
3. Additional Information required by the Board of Appeals, or the Village Plan Commission.

9.2006 HEARING

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

9.2007 FINDINGS

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

Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

Exceptional Circumstances. There must be exceptional, extra-ordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

9.2008 DECISION

The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Village Plan Commission.

Conditions may be placed upon any zoning permit ordered or authorized by this Board.

Variances, Substitutions or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

9.2009 REVIEW BY COURT OF RECORD

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.

SECTION 9.2100 CHANGES AND AMENDMENTS

9.2100 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.

Such Change or Amendment shall be subject to the review and recommendation of the Village Plan Commission.

9.2102 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.

9.2103 PETITIONS

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

the following:

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

9.2104 RECOMMENDATIONS

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend to the Village Board that the petition be granted as requested, modified, or denied.

9.2105 HEARINGS

The Village Board shall hold a public hearing upon each proposed change or amendment recommended by the Village Plan Commission, giving notice of the time, place, and the change or amendment proposed by publication of a Class Two (2) notice, under Chapter 985 of the Wisconsin Statutes.

The Village Board shall also give at least ten (10) days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

The Village Board may delegate to the Village Plan Commission the responsibility to hold public hearings as required under this section.

9.2106 VILLAGE BOARD'S ACTION

Following such hearing and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment. Decisions on such amendments shall be based on the consideration of the following criteria:

1. whether the proposed amendment corrects and/or meets the challenge of some changing condition, trend or fact;
2. whether the proposed amendment is consistent with the Village's Comprehensive Plan

and the stated purposes of this Chapter;

3. whether the proposed amendment will protect the health, safety or general welfare of the public;
4. whether the proposed amendment will protect the natural environment, including but not limited to, air, water, storm water management, wildlife and vegetation;
5. whether adequate public facilities and services will be available to serve the subject property while maintaining adequate levels of service to existing developments;
6. the provision of public facilities to accommodate development will not place unreasonable burden on the ability of the Village to provide them;
7. the proposed amendment has taken into account impacts on surrounding properties and/or the natural environment, including air, water, noise, storm water management, soils, wildlife and vegetation; and
8. the proposed rezoning will not be used to legitimize or spot zone a non-conforming use or structure.

Amendments to the Village's Zoning Ordinance shall be consistent with the Village's Comprehensive Plan.

9.2107 PROTEST

In the event of a protest against such district change or amendment to the regulations of this ordinance, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership as provided pursuant to Wisconsin Statute Section 62.23(7).

9.2108 CHANGES AND AMENDMENTS

1. Village shall maintain a list of persons who submit a written or electronic request to receive notice of any proposed zoning action that may be taken hereunder to amend this Code or any modifications to any comprehensive plan for the municipality, which amendment or change effects the allowable use of that person's property. The Village shall give notice to residents that they may add their names to the list by any means that is approved pursuant to Wisconsin Statute §62.23(7)(d)(4). In the event that the Village considers amendments to this Code or to the zoning of any property or a proposed district plan, a notice shall be provided which contains a copy of a summary of the proposed changes or proposed amendments to each person on the aforementioned list whose property, the allowable use of which may be affected by the recommendations, proposed

changes or amendments. Notice shall be provided by mail or in any reasonable form that is agreed to by the person and the Village, including electronic mail, voicemail or text message. The Village may establish a fee from time to time for the providing of this notice.

2. The Village may only enact a down zoning ordinance if the ordinance is approved by at least two-thirds of the members elect of the Village Board unless the ordinance is agreed to or by the person who owns the land affected by the proposed ordinance, in which case the ordinance may be enacted by a simple majority of the members elect. For purposes of this subsection, down zoning shall refer to a zoning ordinance that affects an area of land is one of the following ways:
 - a. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
 - b. By reducing the permitted uses of the land that are specified in the zoning ordinance or the land use regulation to fewer uses than were allowed under its previous usage.
3. Except as otherwise provided for hereunder, if a person has submitted an application for an approval, the Village shall approve, deny or conditionally approve the application solely based on existing requirements unless the applicant and the Village agree otherwise. An application is filed on the date that the Village receives the application.

SECTION 9.2200 ADMINISTRATION

9.22005 POWERS AND DUTIES OF THE VILLAGE BOARD

Powers and duties of the Village Board under this Chapter shall be as follows:

1. Changes and Amendments. Review Petitions to change Zoning District boundaries or amend this Chapter and take final action to approve or deny such Petitions.
2. Development Agreements. Hold public meetings, review and take final action of proposed development agreements to effectuate the purposes of this Chapter.

9.2201 VILLAGE PLAN COMMISSION DESIGNATION

The Village Plan Commission is hereby designated as the administrative and enforcement officer for the provisions of this ordinance and shall discharge the authority granted under Wisconsin Statute Section 62.23 and amendments thereto, as well as Wisconsin Statute Section 61.35.

9.2202 DUTIES AND POWERS

The Village Plan Commission shall have the following duties and powers:

1. Assist the Village Clerk and Building Inspector to maintain records of all permits issued, inspections made, work approved, and other official actions.
2. To Have Inspected all structures and lands as often as necessary to assure compliance with this ordinance.
3. Investigate all complaints made relating to the location of structures and the use of structures and lands, give notice of all violations of this Ordinance to the owner, resident agent, or occupant of the premises, and report uncorrected violations to the Village Attorney in a manner specified by him.
4. Assist the Village Attorney in the prosecution of ordinance violations.
5. Issue Zoning Permits upon application for the erection or use of a structure or land where such erection or use complies with all provisions of this ordinance.
6. Access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, the Village Plan Commission is refused entry after presentation of identification, it may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes, except in cases of emergency.
7. Prohibit the use or erection of any structure or land until inspected and approved for such use or erection.
8. The Village Board shall, before final action is taken, refer the following matter to the Plan Commission in accordance with Wisconsin Statue Section 62.23: (a) location and architectural design of any public building, park layout and design, including additions to and replacement of existing buildings and facilities; (b) location of any statue, memorial or landmark; (c) location acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles or other memorial or public grounds; (d) location extension, abandonment or authorization of any public utilities; (e) all divisions of land within the Village's platting jurisdiction, including its extraterritorial platting jurisdiction; (g) the location extension, abandonment or authorization for any public utility, whether publically or privately owned; the location, character and extent or the acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion or vacation camps for children and the amendment or repeal of any Ordinance adopted pursuant to this section; (h) all annexations, incorporations or consolidations affecting the Village; (i) all proposed or requested changes and amendments to the Official Map of the Village.
9. Request Assistance and cooperation from the Village Police Department and Village Attorney.
10. Changes and Amendments. Review Petitions to change Zoning District boundaries or amend this Chapter and recommend that the Village Board approve or deny such Petitions.

11. Conditional Use Permits. Review applications for Conditional Use Permits and take final action to approve, approve with conditions or deny such applications.
12. Implement Comprehensive Plan, Future Land Use Maps and Its Components. To prepare, adopt, amend, update and implement the Village's Comprehensive Plan and its components thereof, with the physical development of the municipality, including any areas outside of its boundaries which, in the Commission's judgment, bear relation to the development of the municipality in accordance with Wisconsin Statute Sections 62.23, 66.1001 and 66.1027. The Village shall update its Comprehensive Plan as deemed necessary from time to time. The Commission shall periodically review the Village's Park and Open Space Plan and make recommendations to the Village Board relating to the acquisition, planning and development of Village Parks and recommend to the Village Board the application of State and Federal Grant Programs.
13. Official Maps and Other Regulations. To prepare, maintain, update and recommend approval of the following documents to the Village Board: an official map in accordance with Wisconsin Statute Section 62.23, the Zoning District Plan and regulations in accordance with Wisconsin Statute Section 62.23, land division and subdivision regulations in accordance with Wisconsin Statute Section 236.45.
14. Provide interpretations of the Zoning Regulations and location of the boundaries of the Zoning Districts.

9.2203 ZONING PERMIT

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

1. Names and Addresses of the applicant, owner of the site, architect, professional engineer, and 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; number of employees; and the zoning district within which the subject site lies.
3. Plat of Survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and approved by the Village Plan Commission showing the location, boundaries, dimensions, uses, and size of the following:
 - a. subject site
 - b. existing and proposed structures
 - c. existing and proposed easements, streets, and other public ways
 - d. off-street parking, loading areas, and driveways
 - e. existing highway access restrictions

- f. existing and proposed street, side, and rear yards
- 4. Additional Information as may be required by the Village Plan Commission.
- 5. The application must be signed by all owners of the property that is the subject of the application.
- 6. The developer must agree to reimburse the Village for the fees of its professional consultants.
- 7. The Village may require such additional information, including, but not limited to, expert reports; traffic impact analysis; storm water management plans; or other documents or opinions as it believes may be necessary to review and decide upon the application before it.

In approving any development or permit application, the decision-making body shall be authorized to impose such conditions upon the premises benefitted by the approvals that may be necessary to reduce or minimize any potential adverse impact upon other properties in the area, or to carry out the general purpose and intent of this Chapter. However, the condition must relate to a situation created or aggravated by the proposed use or development and be roughly proportional to its impact.

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

9.2204 USES NOT REQUIRING A ZONING PERMIT

No zoning permit shall be required in any of the following instances:

- 1. For erecting or placing an accessory building less than 100 square feet in area
- 2. For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use
- 3. For repairs (not including repairs to supporting members of the structure)

Provided however, that any work not requiring a permit shall comply with applicable setback, yard, height, and other requirements of this ordinance.

9.2205 CERTIFICATE OF COMPLIANCE REQUIRED

No vacant land shall hereafter be occupied, used, or developed; and no building shall hereafter be located, moved, reconstructed, or structurally altered; and no nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Village Plan Commission. Such certificate shall show that the structure or premises or use is in conformance with the provisions of this ordinance. Such certificate shall be applied for at the time a party occupies any land or structure or there is a renewal or change in a nonconforming use.

Application for Certificate of Compliance shall be made in the same manner as for a zoning permit pursuant to Section 9.1203 of this Ordinance.

Existing Uses. Upon written request from the owner, the Village Plan Commission shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Ordinance, certifying, after inspection, the extend and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Ordinance.

9.2206 CONDITIONAL USE PERMIT

The Village Plan Commission may authorize the Village Clerk 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.

Application for Conditional Use Permit: Application for conditional use permits shall be made to the Village Plan Commission on forms furnished by the Village Clerk and shall include the following where pertinent and necessary for proper review by the Village Plan Commission.

1. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and all opposite and abutting property owners of record.
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; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
3. Plat of Survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Village Plan Commission, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structure; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards.

In Addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; and existing and proposed landscaping when so required by the Village Plan Commission.

Additional Information, as may be required by the Village Board, Village Plan Commission or Village Engineer.

Review and Approval: The Village Plan Commission shall review the site, existing and proposed structures, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation; as well as conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting.

9.2207 PERMIT FEES

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

Zoning Permit	\$10.00
Occupancy Permit	No Fee
Sign Permit	\$20.00 minimum
Conditional Use Permit	\$200.00
Variance or Appeal	\$100.00
Application for Amendment to ordinance (Map or Text)	\$200.00

Permit Fees do not include and are in addition to permit fees established by the Building Code.

9.2208 DOUBLE FEE

A double fee may be charged by the Village Plan Commission if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.

9.2209 VIOLATIONS

It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this ordinance. In case of any violation, the Board of Trustees, 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 or cause a structure to be vacated or removed.

9.2210 REMEDIAL ACTION

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

9.2211 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the Village Plan Commission issued in accordance with this ordinance or resists enforcement shall, upon conviction thereof, forfeit the issued fine in accordance with the Village of Eagle's fine and fee schedule and costs of prosecution of each violation and in default payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

SECTION 9.2300 DEFINITIONS

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

Accessory Use or Structure: A use or detached structure subordinate to the principal use of a structure or land and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principle structure

Agricultural Animals and Livestock: Farming animals that includes cattle, equine, sheep, goats, chickens, ducks, geese, pigeons, and other poultry, pigs and hogs.

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

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.

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

Buildable Lot Area: The portion of a lot remaining after required yards have been provided.

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

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

Building, Detached: A principal building surrounded by open space on the same lot

Building Height: The vertical distance measured from the mean elevation of the unfinished lot grade along the street yard face of the structure to the highest point of the roof.

Building Line: A line between which and any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this Ordinance.

Building, Principal: A building in which the principal use of the lot on which it is located is conducted.

Business: An occupation, employment, or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations

Car Washes: Any facility used for the washing of vehicles requiring the installation of special equipment, or machinery and plumbing affixed to or affixed separate of a structure. Said facility shall be installed in such a manner as not to cause spray or runoff water to encroach upon any adjoining properties.

Clothing Repair Shops: Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine stops, clothes pressing shops, but not employing over five (5) persons.

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

Commercial Feed Lot: Confinement of 200 or more head of livestock on a farm or other site for the purpose of intensive feeding prior to slaughter or shipment in such concentration that ground vegetation is substantially destroyed where:

1. The farm or site does not produce a minimum of 60 percent of the feed necessary to sustain the herd.
2. The farm or site is insufficient in size to provide for the disposal of all animal wastes in a manner that they will not run off, seep, percolate, or wash into surface or subsurface waters.

Community Living Arrangement: The following facilities licensed or operated, or permitted under the authority of Wisconsin State Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m), and community-based residential facilities under Section 50.01; but does include day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails. The establishment of a community living arrangement shall be in conformance with Section 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a) of the Wisconsin State Statutes and amendments thereto.

Conditional Uses: Uses of a special nature as to make impractical their pre-determination as a principal use in a district

Conservation Standards: Guidelines and specifications for soil and water conservation practices any management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Corner Lot: A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Dangerous and Poisonous Animals: Animals that contain a natural poison or venom; as well as animals that are not considered to be domesticated animals.

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

District, Basic: 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

Domesticated Animals: Animals that are commonly considered domesticated such as household canines and felines (not wild canines and felines such as wolves, bobcats, cougars, or other similar canines and felines) or other animals that can be kept indoors without required outdoor needs such as grazing areas, pens or other similar needs. Animals that are considered either Agricultural or Poisonous animals shall not be considered Domesticated Animals.

Dwelling: A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

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

Dwelling, Single-Family: A detached building designed for or occupied exclusively by one (1) family

Dwelling, Two-Family: A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families

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

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

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

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 unit

Floor Area--Business and Manufacturing Buildings: For the purpose of determining off-street parking and off-street loading requirements. The sum of the gross horizontal areas of several

floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

Floor Area—Gross: The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment--open or closed--located on a roof or in a basement), penthouses, attic space having headroom of seven (7) feet, 10 inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

Foster Family Home: The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.

Frontage: The smallest dimension of a lot abutting a public street measured along the street line.

Garage—Public: Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

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

Group Foster Home: Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

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

Hotel: A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

Home Occupations: 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 25 percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupation as barbering, beauty shops, dance schools, real estate brokerage, or photographic studio.

"In-law" suite: Living arrangements within the primary structure that accommodates semi-independent living for a dependent relative.

Living Rooms: All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

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.

Lodging House: A building where lodging only is provided for compensation for not more than three (3) persons

Lot: A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, and other open space provisions of this ordinance.

Lot, Corner: A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Interior: A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

Lot, Through: A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot, Substandard: A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

Lot Coverage: The area under a roof and enclosed by the exterior permanent walls.

Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries

Lot of Record: A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Waukesha County Register of Deeds and which exists as described therein.

Lot Width: The horizontal distance between the side lot lines measured at the building setback line.

Machine Shops: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing; heating and electrical repair and overhaul shops.

Minor Structures: Any small, movable accessory erection or construction, such as bird-houses; tool houses; pet-houses; play equipment; arbors; and walls and fences under four (4) feet in height.

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

Nonconforming Uses or Structures: Any structure, use of land, use of land and structure in combination, or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a non-conforming structure and not a nonconforming use.

Parking Lot: A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.

Parking Space: A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Parties in Interest: Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages

Party Wall: A wall containing no opening which extends from the elevation of building footings

to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.

Professional Home Offices: Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, real estate agents, insurance brokers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed one-half (1/2) the area of only one floor of the residence and only one (1) nonresident person is employed.

Rear Yard: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the side of the dwelling containing the "front door" or main entryway on a corner lot.

Reader Board Sign: A display sign that includes arrays of light bulbs, LED's or other forms of illumination whose intent is the permanent or intermediate flashing, animation or display of text, data or images.

Seat: Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

Side Yard: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

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

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

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

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

properties

Street Yard: The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof excluding uncovered steps. Where the street line is an arc, the street yard shall be measured from the arc. In some ordinances, the street yard is also called a setback.

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

Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, column, beams, or girders.

Turning Lanes: An existing or proposed connecting roadway between two (2) arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

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

Use, Accessory: A subordinate use on the same lot which is incidental and customary in connection with the principal use

Use, Principal: The main use of land or building as distinguished from a subordinate or accessory use

Use, Nonconforming: Any use of a building or premises which the effective date of this Ordinance does not, even though lawfully establish, comply with all of the applicable use regulations of the zoning district in which such building or premise is located.

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, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shop, and storage yards.

Yards: An open space on the same lot with a structure, unoccupied and un-obstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.

SECTION 9.2400 ADOPTION AND EFFECTIVE DATE

9.2400 PLAN COMMISSION RECOMMENDATION

The Plan Commission of the Village of Eagle recommended the adoption of this ordinance at a meeting held on the 25th day of April, 2017.

9.2401 PUBLIC HEARING

The Village Board held a public hearing on this proposed ordinance on the 11th day of May, 2017.

9.2402 VILLAGE BOARD APPROVAL

The Village Board concurred with the recommendation of the Plan Commission and proceeded to adopt the Zoning ordinance by a majority vote at a meeting held on the 11th day of May, 2017.

9.2403 This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Eagle, Waukesha County, Wisconsin this 11th day of May, 2017.

ATTEST

VILLAGE OF EAGLE,

Cheri A. Zindars, Clerk

By: _____
Richard Spurrell, President