

ARTICLE C

Zoning Districts

SEC. 10-1-20 ESTABLISHMENT OF DISTRICTS.

- (a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Trempealeau into the following eleven (11) basic zoning districts:
- (1) B-2 Commercial District
 - (2) R-1 Residential District
 - (3) R-2 Multiple-Family Residential District
 - (4) B-1 Business District
 - (5) I-1 Industrial District
 - (6) A-1 Agriculture District
 - (7) C-1 Conservancy District
 - (8) G-1 Institutional District
 - (9) R-MH Mobile Home District
 - (10) MW Municipal Well Recharge Area Overlay District
 - (11) HB-2 Historical District

SEC. 10-1-21 VACATION OF STREETS; ANNEXATIONS.

- (a) **Vacation of Streets.** 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.
- (b) **Annexations.** Annexations to or consolidations with the Village subsequent to the effective date of this Chapter shall be placed in the R-1 Single-Family District, unless the annexation ordinance places the land in another district.

SEC. 10-1-22 ZONING MAP.

- (a) The Village of Trempealeau is hereby divided into Zoning Districts as shown upon a map designated as the Official Zoning Map of the Village of Trempealeau and made a part of this Chapter. The Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Clerk of the Village of Trempealeau.
- (b) The District Boundaries shall be determined by measurement from and as shown on the Official Zoning Map, and in case of any question as to the interpretation of such boundary lines, the Village Board shall interpret the map according to the reasonable intent of this Chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter section or sixteenth section lines; or the centerlines of streets, highways, railways or alleys.

SEC 10-1-23 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (c) Boundaries indicated as approximately following Village boundaries shall be construed as following municipal boundaries.
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- (e) Boundaries indicated as following shorelines shall be construed to follow such shorelines and, in the event of change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.
- (f) Boundaries indicated as parallel to or extensions of features indicated in the preceding shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.

SEC. 10-1-24 B-2 COMMERCIAL DISTRICT.

- (a) **Purpose.** The purpose of the B-2 District is to delineate areas appropriate for commercial uses in the central business district or areas of similar compact development served by public sewer.
- (b) **Permitted Uses.**
 - (1) Antique stores.
 - (2) Bakery.
 - (3) Barber shops.
 - (4) Bars.
 - (5) Beauty shops.
 - (6) Clinics.
 - (7) Clothing stores.
 - (8) Clubs.
 - (9) Drug stores.
 - (10) Eating and drinking establishments.
 - (11) Fish markets.
 - (12) Florists.
 - (13) Food lockers.
 - (14) Fruit and vegetable stores.
 - (15) Furniture stores.
 - (16) Gas stations.
 - (17) Gift stores.
 - (18) Grocery stores.
 - (19) Hardware stores.

- (20) Hotels.
- (21) Hobby shops.
- (22) Laundry.
- (23) Lodges.
- (24) Meat markets.
- (25) Motel.
- (26) Music stores.
- (27) Office supplies.
- (28) Optical stores.
- (29) Package beverage store.
- (30) Place of entertainment.
- (31) Professional.
- (32) Governmental and business offices.
- (33) Retail stores.
- (34) Vehicular sales and services.
- (35) Personal services establishments.
- (36) Funeral homes.
- (37) Residential units above a retail store.
- (c) **Accessory Uses.** Dwelling as a part of the principal building, parking area and garage.
- (d) **Conditional Uses.**
 - (1) Farm implement sales.
 - (2) Recreational uses (Section 10-1-77).
 - (3) Public and semi-public (Section 10-1-72).
 - (4) Plumbing warehouse.
 - (5) Packaging and shipping operation.
- (e) **Prohibited Uses.**
 - (1) Junk yards.
 - (2) Salvage yards.
 - (3) All uses not specifically permitted.
 - (4) Slaughter houses.
- (f) **Lot Area and Restrictions.**
 - (1) Minimum lot area: Eight thousand (8,000) square feet.
 - (2) Minimum lot width: Fifty (50) feet.
 - (3) Front setback: None beyond public right-of-way.
 - (4) Rear setback: Twenty (20) feet.
 - (5) Side setback: None.
 - (6) Building height: Three (3) stories or forty (40) feet.
 - (7) Minimum lot depth: One hundred (100) feet.
 - (8) Percent slope: No buildings shall be permitted on slopes twenty (20) percent or greater, except as a conditional use.
 - (9) Accessory building: No more than fifty (50) percent of rear yard maybe covered and three (3) feet from rear lot line and three (3) feet from side yard line.

SEC. 10-1-25 R-1

RESIDENTIAL DISTRICT.

- (a) **Purpose.** The purpose of the R-1 District is:
- (1) To maintain compact residential development around existing residential development.
 - (2) To delineate those areas where predominantly residential development has occurred in accordance with the general plan or overriding economic consideration.
 - (3) To guard against surface and sub-surface water pollution.
 - (4) To protect the integrity of residential areas by prohibiting the incursion of incompatible residential and non-residential uses.
 - (5) To create and preserve the general aesthetics of an area by regulating land use.
 - (6) To locate this district in areas with a soil suitability of residential development of slight or moderate restriction.
- (b) **Permitted Uses.**
- (1) One (1) family and manufactured homes with public sewer;
 - (2) Library;
 - (3) Museum; and
 - (4) Park and playground.
- (c) **Accessory Uses.**
- (1) Essential services;
 - (2) Home occupation;
 - (3) Professional home office; and
 - (4) Private garage or parking areas.
- (d) **Conditional Uses.**
- (1) Two (2) family dwelling;
 - (2) Residential uses (Section 10-1-73);
 - (3) Recreational uses (Section 10-1-77);
 - (4) Public and semi-public uses (Section 10-1-72); and
 - (5) The following activities are permitted in an R-1 District as a Conditional Use and are subject to all provisions of Article E Conditional Uses starting with Village Code Section 10-1-60:
 - ◆ Antique shop;
 - ◆ Barber shop;
 - ◆ Beauty shop;
 - ◆ Clinics;
 - ◆ Clubs;
 - ◆ Florist;
 - ◆ Gift store;
 - ◆ Music store;
 - ◆ Hobby shop; and
 - ◆ Lodges.
- (Amended 5/99)
- (e) **Prohibited Uses.** All uses not specifically permitted.
- (f) **Lot Area and Restrictions.**
- (1) Minimum Lot Area: Five thousand (5,000) square feet.
 - (2) Minimum Lot Width: Fifty (50) feet.
 - (3) Front Setback: Twenty-five (25) feet from Village's right-of-way line.
 - (4) Rear Setback: Thirty (30) feet.
 - (5) Side Setback: Six (6) feet each, measured from foundation.

- (6) Building Height: Two (2) stories of twenty-six (26) feet.
- (7) Minimum Lot Depth: One hundred (100) feet.
- (8) Minimum Dwelling Area: Twenty-four (24) feet width and first floor with 960 square feet of living space.
- (9) Minimum Pitched Roof: 4.12-pitched roof.
- (10) Minimum Eave Overhang: Twelve (12) inch eave overhang.
- (11) Minimum Accessory Building Setbacks: No more than fifty (50) percent of the rear yard covered and three (3) feet from rear lot line and three (3) feet from side yard line.

(g) **Subdivision and Building Restrictions.**

- (1) If a property owner, at the time of construction, owns two adjacent R-1 lots (not separated by an alley, street, easement or any similar property boundary) and each lot is no greater in width than 62.5 feet and no greater in length than 155 feet, then that owner may, if they so choose, build as if the two adjacent lots were designed as one fully consolidated lot. The maximum width, therefore, may not exceed 125 feet and the maximum length, therefore, may not exceed 155 feet when allowing the two lots to act as one consolidated lot. If a lot is already being used as a consolidated lot, it may not be used or consolidated with another adjacent lot. (Amended 10/02)

Accessory Building Restrictions: Code Reference 10-1-140

Revised 3-6-00

SEC. 10-1-25A R-2 RESIDENTIAL DISTRICT.

- (a) Purpose. The purpose of the R-2 District is:
 - (1) To maintain compact residential development around existing residential development.
 - (2) To delineate those areas where predominantly residential development has occurred in accordance with the general plan or overriding economic consideration.
 - (3) To guard against surface and sub-surface water pollution.
 - (4) To protect the integrity of residential areas by prohibiting the incursion of incompatible residential and non-residential uses.
 - (5) To create and preserve the general aesthetics of an area by regulating land use.
 - (6) To locate this district in areas with a soil suitability of residential development of slight or moderate restriction.
- (b) Permitted Uses.
 - (1) Single family homes with public sewer and public water;
 - (2) Library;
 - (3) Museum;
 - (4) Park and playground.
 - (5) Structures shall have acceptable appearances similar to the surrounding dwellings within the zoning district.
- (c) Accessory Uses.
 - (1) Essential services;
 - (2) Home occupation;
 - (3) Professional home office;
 - (4) Private garage or parking areas.
- (d) Conditional Uses.
 - (1) Two (2) Family Dwellings;
 - (2) Residential uses (Section 10-1-73);
 - (3) Recreational uses (Section 10-1-77);
 - (4) Public and semi-public uses (Section 10-1-72);
- (e) Prohibited Uses. All uses not specifically permitted.
- (f) Principal Structure Lot Area and Setbacks.
 - (1) Minimum lot area: Nine Thousand Two Hundred (9,200) square feet.
 - (2) Minimum lot width: Eighty (80) feet. Cul-de-sac lots must have Eighty (80) foot lot widths at the building setback line.
 - (3) Minimum lot depth: One hundred Fifteen (115) feet, at eighty (80) foot widths.
 - (4) Front setback: Twenty-five (25) feet from the furthest projection of the structure excluding no more than a 24" eve overhang to the Village's right-of-way line.
 - (5) Rear setback: Forty (40) feet from the furthest projection of the structure excluding no more than a 24" eve overhang to the rear lot line.
 - (6) Side setback (non street side): Ten (10) feet from the furthest projection of the structure excluding no more than a 24" eve overhang to the side lot line.
 - (7) Side setback (corner lot, street side): Twenty-five (25) feet from the furthest projection of the structure excluding no more than a 24" eve overhang to the Village's right-of-way line.
 - (8) Building height: Two (2) stories of twenty-six (26) feet.
 - (9) Minimum dwelling area: Twenty-four (24) feet width and first floor with 960 square feet of living space.
 - (10) Minimum pitched roof: 4.12 pitched roof.
 - (11) Minimum eve overhang: Twelve (12) inch eve overhang.
 - (12) Minimum accessory building setbacks:
 - a. No more than fifty (50) percent of the rear yard covered;
 - b. Six (6) feet from the furthest projection of the structure to the rear lot line;
 - c. Six (6) feet from the furthest projection of the structure to the side yard lot line;
 - d. No garage may be closer than fifteen (15) feet to the right-of-way of any alley;
 - e. Shall conform to accessory building restrictions as per Village Code Section 10-1-140.

(g) Subdivision and Building Restrictions.

- (1) The front or front yard of each lot shall be all that property fronting the outer most projection of the principal structure's Street-side property the entire width of the lot. Corner lots with two Street-side yards shall refer to the front of each lot as the area along the street with the minimum frontage required opposite the rear yard. Cul-de-sac front yards shall parallel the curvature of the street right-of-way line.
- (2) The rear of each lot shall be all the property backing the outermost projection of the principal structure's Rear-yard property (including attached accessory structures) the entire width of the lot.
- (3) The side of each lot shall be all that property alongside the principal structure not already described as part of the front or rear-yard areas.
- (4) All lots shall have Village sewer and water.
- (5) Lots shall be serviced with fully improved streets containing square-back curbs, concrete storm water gutters and storm sewers unless otherwise already developed without such amenities. Those such streets are grandfathered until changed.
- (6) All streets shall be centered on the Village right-of-way. Previously developed streets are grandfathered until changed.
- (7) All streets shall be 66 feet in width. The Village may require street right-of-way widths up to 80 feet for streets planned as primary corridors or collector streets.
- (8) The paved portion of the Village street shall be 32 feet in width, not including gutters. Previously developed streets are grandfathered until changed. Paved areas and/or street design for primary corridors or collector streets shall be at the discretion of the Plan Commission.
- (9) All streets to have no less than a 4 inch thickness of asphalt. No building permit shall be issued unless the access street has been paved with at least one lift of asphalt.
- (10) Street access shall only be permitted along the front of each plated lot unless the rear lot abuts an existing improved alley. Driveway approaches shall not be permitted onto primary corridor or arterial traffic routes.
- (11) All streets shall be accompanied with 4 foot wide concrete sidewalks on each side of the street. Sidewalks shall be 4 inches in thickness in non-driveway crossing locations. At driveway crossing locations, sidewalks shall be 6 inches in thickness and all drive approaches between the sidewalk and the curb shall be 6 inches in thickness of concrete.
- (12) Streets may be named by the subdivider pending approval from the Plan Commission for each chosen name.
- (13) Streets shall be tree lined with 3" caliber, Village accepted trees, measured 1 foot off the ground, located every approximate 50 feet within the terrace area between the sidewalk and the curb.
- (14) Terrace areas shall be 10 feet in width located between the sidewalk and the curb on each side of the street.
- (15) Any subdivider or developer of an R-2 subdivision shall conform to the subdivision and development requirements of the R-6 Single-family Exclusive Zoning Code.

Revised 10/7/02

SEC. 10-1-25B R-3 RESIDENTIAL DISTRICT.

- (a) **Purpose.** The purpose of the R-3 District is:
- (1) To maintain compact two-family residential development around existing residential development or in area presently served or readily serviceable by public sewer.
 - (2) To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the general plan or overriding economic consideration.
 - (3) To guard against surface and sub-surface water pollution.
 - (4) To protect the integrity of residential areas by prohibiting the incursion of incompatible residential and non-residential uses.
 - (5) To create and preserve the general aesthetics of an area by regulating land use.
 - (6) To locate this district in areas with a soil suitability of residential development of slight or moderate restriction.
- (b) **Permitted Uses.**
- (1) Two (2) family dwellings and manufactured two-family homes with public sewer;
 - (2) Library;
 - (3) Museum;
 - (4) Park and playground.
- (c) **Accessory Uses.**
- (1) Essential services;
 - (2) Home occupation;
 - (3) Professional home office;
 - (4) Private garage or parking areas.
- (d) **Conditional Uses.**
- (1) Residential uses (Section 10-1-73);
 - (2) Recreational uses (Section 10-1-77);
 - (3) Public and semi-public uses (Section 10-1-72).
- (e) **Prohibited Uses.** All uses not specifically permitted.
- (f) **Lot Area and Restrictions.**
- (1) Minimum lot area: Ten thousand (10,000) square feet.
 - (2) Minimum lot width: One-hundred (100) feet.
 - (3) Front setback: Twenty-five (25) feet from Village's right-of-way line.
 - (4) Rear setback: Forty (40) feet.
 - (5) Side setback: Ten (10) feet each, measured from foundation.
 - (6) Building height: Two (2) stories of twenty-six (26) feet.
 - (7) Minimum lot depth: One hundred (100) feet.
 - (8) Minimum dwelling area: Twenty-four (24) feet width and first floor with 960 square feet of living space per dwelling.
 - (9) Minimum pitched roof: 4.12 pitched roof.
 - (10) Minimum eave overhang: Twelve (12) inch eave overhang. *fifty (50)*
 - (11) Minimum accessory building setbacks: No more than ~~thirty (30)~~ *thirty (30)* percent of the rear yard covered and three (3) feet from rear lot line and three (3) feet from side yard line.

Accessory Building Restrictions - Code Ref. 10-1-140

Revised 3-6-00

SEC. 10-1-26 R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT.

- (a) **Purpose.** This district is intended to provide for apartments, to include family or garden types, elevator and walk-up types, efficiency or studio types, and manufactured home parks, subject to other provisions of this Code of Ordinances.
- (b) **Requirements.**
- (1) **Lot Size.** Minimum area (in square feet) twelve thousand (12,000) plus one thousand five hundred (1,500) for each dwelling unit over four (4).
 - (2) **Setbacks.** Minimum front yard (in feet): twenty-five (25); minimum either side yard (in feet): eight (8); minimum aggregate side yard (in feet): twenty (20); minimum rear yard (in feet): twenty five (25).
 - (3) **Height.** Maximum permitted (in feet)--principal structure: forty-five (45) [a building may be erected to a height of sixty (60) feet if set back from all required yard lines a distance of one (1) foot for each foot of additional height above forty-five (45) feet]; accessory structure: twenty-five (25).
 - (4) **Off street Parking: Parking shall be in accordance with Section 10-1-92.** (5) Accessory Bldg. Restrictions. In Code Ref. 10-1-140. Revised 3-6-00
- (c) **Permitted Uses.** A building or premise shall be used only for the following purposes:
- (1) Multiple-family dwellings.
 - (2) Publicly owned or operated park, playground or community building, provided that any building shall be located not less than twenty-five (25) feet from any side lot line.
 - (3) Home occupation and professional offices.
 - (4) Accessory building or use, including a private garage, carport and paved parking area customarily incident to the above uses, but not involving the conduct of a business.
- (d) **Conditional Uses.**
- (1) Private lodges and clubs.
 - (2) Nursing homes and Community Based Residential Facility (CBRF).
 - (3) Public utility offices and installation, including transmission lines and substations.
 - (4) Funeral homes.
 - (5) Dental and medical clinics.
 - (6) Church or other place of worship or Sunday School, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
 - (7) Public school, kindergarten, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school, provided that any such building shall be located not less than twenty-five (25) feet from any side lot line.
 - (8) Institution of a religious, education, eleemosynary or philanthropic nature, but not a penal or mental institution.

SEC. 10-1-26B R-5 ZERO LOT LINE RESIDENTIAL DISTRICT.

- (a) **Purpose.** The purpose of the R-5 District is:
- (1) To provide compact residential development around existing residential development or in areas presently served or readily serviceable by public sewer with zero line setback on one side yard. This will permit two single family homes to be joined to give the appearance of a two family dwelling.

- (2) To delineate those areas where predominantly residential development has occurred or will be likely to occur in accordance with the general plan or overriding economic consideration.
 - (3) To guard against surface and sub-surface water pollution.
 - (4) To protect the integrity of residential areas by prohibiting the incursion of incompatible residential and non-residential uses.
 - (5) To create and preserve the general aesthetics of an area by regulating land use.
 - (6) To locate this district in areas with a soil suitability of residential development of slight or moderate restriction.
- (b) **Permitted Uses.**
- (1) One (1) family and manufactured homes with public sewer when a fire/sound wall is provided from the foundation to the roof that meets the following minimum specifications:
One layer 5/8 inch type gypsum wallboard of veneer base applied parallel with or at right angles to each side of 2 x 4 wood studs space 24 inches o.c. with 6d coated nails 1 7/8 inches long, 0.0915 inch shank, 1/4 inch heads, 7 inches o.c. Wallboard nailed to top and bottom plates at 7 inches o.c. Stagger joints 24 inches o.c. each side. (Load Bearing)
 - (2) Park and playground;
 - (3) Home occupation.
- (c) **Accessory Uses.**
- (1) Essential services;
 - (2) Household occupation;
 - (3) Private garage or parking areas.
- (d) **Conditional Uses.**
- (1) Residential uses (Section 10-1-73);
 - (2) Recreational uses (Section 10-1-77);
 - (3) Public and semi-public uses (Section 10-1-72).
- (e) **Prohibited Uses.** All uses not specifically permitted.
- (f) **Lot Area and Restrictions.**
- (1) Minimum lot area: Five thousand (5,000) square feet.
 - (2) Minimum lot width: Fifty (50) feet.
 - (3) Front setback: Twenty-five (25) feet from Village's right-of-way line.
 - (4) Rear setback: Twenty-five (25) feet.
 - (5) Side setback: Ten (10) feet on one side and zero feet on the opposite side, measured from foundation.
 - (6) Building height: Two (2) stories of twenty-six (26) feet.
 - (7) Minimum lot depth: One hundred (100) feet.
 - (8) Minimum dwelling area: Twenty-four (24) feet width and first floor with 960 square feet of living space.
 - (9) Minimum pitched roof: 4.12 pitched roof.
 - (10) Minimum eave overhang: Twelve (12) inch eave overhang on the sides other than the zero lot line set back if the structure is attached to another structure on the zero lot line side.
 - (11) Minimum accessory building setbacks: No more than thirty (30) percent of the rear yard covered and three (3) feet from rear lot line and three (3) feet from side yard line.

Accessory Building Restrictions: Code Reference 10-1-140 (Revised 3/6/00)

SEC. 10-1-26C R-6 SINGLE FAMILY EXCLUSIVE RESIDENTIAL SUBDIVISION.

- (a) Purpose: This zoning district is intended to provide for larger (minimum 15,000 sq. ft.) single-family residential lots. The zoning district is designed specifically to create a quiet, peaceful, uniform and clean living environment. The zoning district is much more restrictive than most other residential zoning districts in the Village. The Village of Trempealeau wishes this subdivision design be implemented to its fullest extent to foster the unique neighborhood environment the design intends for the purpose of protecting property values and upholding uniform property rights.
- (b) Permitted Uses:
 - (1) Single-family residential living;
 - (2) Parks and playgrounds; and
 - (3) Land preservation and conservancy.
 - (4) All uses not specifically permitted in this zoning district are strictly prohibited.
- (c) Accessory Uses:
 - (1) Professional home office, not disrupting the intent and purpose of the zoning district;
 - (2) Household utility service facilities for the purpose of providing required utility services to the subdivision or neighboring subdivisions. Such facilities shall be developed and designed to conform to high architectural standards to equal the esthetics of the surrounding residential properties.
 - (3) All uses not specifically permitted as an accessory use in this zoning district are strictly prohibited.
- (d) Conditional Uses:
 - (1) Public and semi-public uses such as schools, churches and municipal buildings. Eighty percent (80%) of the façade on all conditional uses must be developed and designed with 3" to 4" brick and glass and no building side shall be considered exempt from public view. All conditional uses shall be setback a minimum of 50 feet from any adjacent residential R-6 lot line. The Plan Commission shall require all conditional uses to adhere to extremely strict landscaping, berming, parking and lighting requirements.
 - (2) All uses not specifically permitted as a possible conditional use in this zoning district are strictly prohibited.
 - (3) No variance shall be granted to any provision of this ordinance. All development must be pre-planned to fully conform to the ordinance.
- (e) Requirements:
 - (1) Lot Size:
 - a. Minimum 15,000 square foot lots.
 - b. Minimum 100 foot frontage.
 - c. Minimum 115 foot frontage for corner lots.
 - d. Minimum 130 foot lot depth at 100 foot widths, at 115 foot widths for corner lots.
 - e. Cul-de-sacs shall have a minimum 60 foot frontage at the ROW line and a minimum 100 foot frontage at the required building setback line.
 - (2) Density: Minimum 21,780 square foot density throughout the entire subdivision. An R-6 subdivision must be a minimum of 43,560 square feet in size. Planned dedicated ROW, storm water management facilities and wetlands shall not be included in the overall density calculation. No subdivision shall exceed the permitted number of lots provided by the density requirement. Any land remaining unplatted as a subdivided, buildable parcel, that is not noted as a dedicated ROW, storm water facility or wetland, shall be developed into both permanent natural prairie greenspace and open parkland. At no time may R-6 platted greenspace and/or open parkland be subdivided for development of any kind.
 - (3) Developer's Agreement Required:
 - a. The Subdivider shall, at the Subdivider's cost, prepare and submit a developer's agreement to the Village outlining the process, timeline, regulations and all aspects of the development prior to beginning construction.
 - b. All variables of development must be explained and highlighted in the developer's agreement. These such variables must complement the intent and purpose of this ordinance and include all those factors of a new development as outlined in this ordinance.

- c. The Plan Commission shall first review the developer's agreement following a preliminary review from the Village Administrator/Zoning Administrator. The Plan Commission may request additional items be written into the developer's agreement and the Subdivider shall resubmit the developer's agreement as such.
 - d. Once the Plan Commission finds the developer's agreement meets the intent and purpose of this ordinance and finds that the agreement is in the Village's best interest, the Plan Commission shall make a favorable recommendation to the Village Board for approval. Only after the Village Board has approved the developer's agreement and after all fees related to new development have been paid may the development proceed.
- (4) Height: The principal structure's maximum building height shall not exceed 30 feet unless otherwise permitted by Village Code.
- (5) Setbacks and Yard Determination:
- a. The front or front yard of each lot shall be all that property fronting the outer most projection of the principal structure's Street-side property the entire width of the lot. Corner lots with two Street-side yards shall refer to the front of each lot as the area along the street with the minimum frontage required opposite the rear yard. Cul-de-sac front yards shall parallel the curvature of the street ROW line.
 - b. The rear of each lot shall be all the property backing the outer most projection of the principal structure's Rear-yard property (not including attached accessory structures, decks and patios) the entire width of the lot.
 - c. The side of each lot shall be all that property alongside the principal structure not already described as part of the front or rear-yard areas.
 - d. The Street-side building setback (where "building" is defined as any erected structure, not including landscaping and landscape features) shall be a minimum of 30 feet, but no greater than 35 feet along all plated streets from the ROW line the entire width of the lot.
 - e. Minimum Rear-yard building setback (where "building" is defined as any erected structure, not including landscaping and landscape features) is 20 feet from the rear property line directly opposite the principle access street the entire width of the lot. Rear-yard building setbacks for corner lots shall be measured from the rear property line opposite the street with the minimum frontage required.
 - f. Minimum Side-yard building setback (where "building" is defined as any erected structure, not including landscaping and landscape features) is 15 feet from the side property line. Corner lots with a side yard adjacent a street shall refer to required Street-side building setbacks.
 - g. No zero lot line development is permitted.
- (6) Lot, Structure and Accessory Restrictions:
- a. Forty-percent (40%) of the lot must remain in greenspace.
 - b. Every residential home must have attached a 2.5 car garage with a minimum of 500 square feet.
 - c. The minimum size for each residential dwelling shall be 1,300 square feet of finished living space.
 - d. Driveways shall be able to accommodate two vehicles off the Village ROW.
 - e. Driveways shall be finished with a paved surface of asphalt, concrete or brick.
 - f. Accessory structures shall first conform to the requirements of this ordinance. Any accessory structure(s) and/or restrictions on accessory structures not specifically prohibited or otherwise regulated as part of this ordinance shall refer to Title 10, Chapter 1, Article K of the Village Code.
 - g. All accessory structures must be constructed with similar exterior materials as the principal residence.
 - h. All accessory structures shall be located within required building setbacks as specified in Section (e)(5)d., e., and f., of this ordinance. This includes any structure of a permanent nature such as, but not limited to, detached garages, decks, patios, sheds, kiddy facilities, kennels, swimming pools and other similar development thereof.
 - i. No accessory structure shall be permitted in the front yard.
 - j. An animal kennel must be located within required building setbacks and is prohibited in the front and side yards.

- k. No fencing is permitted in the R-6 Zoning District unless it is specifically used to enclose an accessory swimming pool; such a fence must be made of wooden, plastic or decorative iron materials and must be located within required building setbacks.
 - l. Each residential home must address itself off the front yard street.
 - m. No lot shall be used for outside storage of any material or collection of materials such as wood, metal, plastic, glass, brush, rock, garbage, junked machinery or the like thereof, so as to become a nuisance to neighboring properties having a potential adverse effect on the purpose and intent of this zoning district.
 - n. No person owning property in an R-6 Zoning District shall keep stored outside on any lot any seasonal, recreational or inoperable vehicle, such as but not limited to, boats, trailers, campers, snowmobiles, four-wheelers, unlicensed cars and trucks.
 - o. Structures shall have acceptable appearances similar to the surrounding dwellings within the zoning district.
- (7) Street Design and Requirements:
- a. Street ROW shall be 66 feet in width. The Village may require street ROW widths up to 80 feet for streets planned as primary corridors or collector streets.
 - b. The paved portion of the Village street shall be 32 feet in width, not including gutters. Paved areas and/or street design for primary corridors or collector streets shall be at the discretion of the Plan Commission and included in the required Developer's Agreement.
 - c. All streets shall have square-back curb and concrete storm water gutters.
 - d. All streets shall be centered on the Village ROW.
 - e. All streets shall be accompanied with 4 foot wide concrete sidewalks on each side of the street. Sidewalks shall be 4 inches in thickness in non-driveway crossing locations. At driveway crossing locations, sidewalks shall be 6 inches in thickness and all drive approaches between the sidewalk and the curb shall be 6 inches in thickness of concrete.
 - f. Streets may be named by the subdivider pending approval from the Plan Commission for each chosen name.
 - g. Streets shall be tree lined with 3" caliber, Village accepted trees, measured 1 foot off the ground, located every approximate 50 feet within the terrace area between the sidewalk and the curb.
 - h. Terrace areas shall be 10 feet in width located between the sidewalk and the curb on each side of the street.
 - i. Cul-de-sacs shall be avoided whenever possible. Temporary cul-de-sacs are required if a street is expected to dead-end for more than one year. Temporary cul-de-sacs shall not be required to have sidewalks or gutters, however, must have concrete curbing.
 - j. All streets to have no less than a 4 inch thickness of asphalt. No building permit shall be issued unless the access street has been paved with at least one lift of asphalt.
 - k. Street access shall only be permitted along the front of each plated lot. Driveway approaches shall not be permitted onto primary corridor or arterial traffic routes.
- (8) Association to be Formed:
- a. The subdivider shall establish as part of the developer's agreement for the new subdivision, an association and a means of maintaining an association over the life of the subdivision. The association shall be made up of property owners within the subdivision. The association shall be responsible for maintaining any parkland not dedicated to the Village, all storm water facilities, wetlands and any naturally preserved greenspace or conservancy.
 - b. The association may establish an architectural review committee to evaluate the appropriateness of materials, colors and designs for each residential home and/or all accessory structures before construction.
 - c. The association may choose to establish additional rules and regulations and implement those rules in addition to those provisions outlined in this ordinance.
 - d. No association nor architectural review committee shall permit any development or activity that is inconsistent with this ordinance.
 - e. Once an R-6 Subdivision has been created and the final plat has been accepted by the Village Board, the Association may enforce the restrictions and provisions outlined in this ordinance. The Village shall, however, enforce any provision of this ordinance at any time in order to protect the purpose and intent of the ordinance.

- (9) Subdivider's Responsibilities:
- a. The Subdivider shall be responsible for all costs and aspects of the new development as required and specified by the Village Plan Commission and Village Board. This includes, but is not limited to: Village engineering and engineering reviews, all Village attorneys fees, all fully developed streets, all sanitary sewers (12" or less), all sanitary facilities, all water mains (12" or less), all stormwater facilities designed to transport, hold and maintain stormwater runoff, all survey and subdivision costs, all electric installation as specified by the Village and PSC, all grading, all sidewalk improvements, all signage, all required landscaping and parklands, and all other costs not here listed specifically related to the development of the new subdivision.
 - b. The Subdivider shall form an Association as specified in Section (e)(8) of this Ordinance.
 - c. The Subdivider shall pay to connect all existing adjacent streets, sidewalks, dead ends and utilities cohesively into the new subdivision.
 - d. The Subdivider shall, install neighborhood parks within each subdivision. The size and the design of each park shall be at the discretion of the Plan Commission, correlated with the density calculation for the subdivision as specified in Section (e)(2) of this Ordinance.
 - e. The Subdivider shall dedicate all ROW, easements, utilities and utility features to the Village of Trempealeau only after the Village resolves to accept the development as final and complete according to Village specifications.
 - f. The Village of Trempealeau shall not be responsible for any costs associated with the development or associated with required improvements around the new development, because of the new development.
- (f) Penalty For Non-Compliance:
- (1) Any person, party, corporation or organization, that fails to comply with any provision of this ordinance shall pay a forfeiture to the Village of Trempealeau.
 - a. The first offense for non-compliance or violation of any provision of this ordinance shall be a forfeiture of not less than \$75.00.
 - b. The second offense for non-compliance or violation of any provision of this ordinance shall be a forfeiture of not less than \$150.00.
 - c. The third or any consecutive offense thereafter for non-compliance or violation of any provision of this ordinance shall be a forfeiture of not less than \$300.00 per offense.
 - d. Each single violation shall constitute a separate offense.
 - e. Each consecutive day (24 hour period) that the violation has not been remedied so as to fully comply with the intent and purpose of this ordinance as interpreted by the Village of Trempealeau Board, Zoning Administrator and/or Police Chief, shall constitute as a separate offense.

SEC. 10-1-27 B-1 BUSINESS DISTRICT.

- (a) Propose. The purpose of this District is:
 - (1) To delineate areas appropriate for commercial uses which are either oriented to the highway user or intended as service to vehicles.
 - (2) To delineate predominantly retail shopping areas outside of central business districts, or areas of similar compact development.
 - (3) To locate this district in areas with public sewer with a soil suitability for urban development of slight or moderate restriction.
- (b) Permitted Uses. All principal permitted uses of B-2 District plus drive-in theaters, farm implement sales and service.
- (c) Accessory Uses. Dwellings as a part of the primary building or permitted use, essential services parking garage or parking area.
- (d) Prohibited Uses. All uses not specifically permitted.

- (e) **Lot Area and Restrictions.**
- (1) Minimum lot area: Eight thousand (8,000) square feet when sewerred; twenty thousand (20,000) square feet when not sewerred.
 - (2) Minimum lot width: None.
 - (3) Front setback: None.
 - (4) Rear setback: Forty (40) feet where adjacent to R or R-1 District.
 - (5) Side setback: Twenty (20) feet where adjacent to R or R-1 District; otherwise no restrictions.
 - (6) Building height: Two (2) stories or twenty-six (26) feet next to R or R-1 district.
 - (7) Minimum lot depth: One hundred (100) feet; two hundred twenty (220) if not sewerred.
 - (8) Sanitary Criteria: No more than seventy-five (75) percent of the minimum lot (when no public sewer) area shall be on a slope greater than twelve (12) percent or of soil conditions unsuitable for septic tanks. [At least twenty-five (25) percent of the lot area shall be under twelve (12) percent and with soil suitable for septic tank.]
 - (9) Percent Slope. No building shall be permitted on slopes twenty (20) percent or greater, except as a conditional use.
 - (10) Accessory building: No more than thirty (30) percent of rear yard maybe covered and three (3) feet from rear lot line and three (3) feet from side yard line.

SEC. 10-1-28 I-1 INDUSTRIAL DISTRICT.

- (a) **Purpose.** The purpose of the I-1 District is to delineate areas best suited for industrial development because of location, topography, existing facilities and relationship to other land uses. Uses incompatible with industry are not to be permitted.
- (b) **Permitted Uses.** Manufacturing, processing, repairing or warehouse use, wholesale establishments, auction sales.
- (c) **Accessory Uses.** Essential services.
- (d) **Conditional Uses.** Dump; sanitary landfill; mineral extraction (Sec. 10-1-74); junk and salvage yards (Sec. 10-1-76); slaughterhouses and rendering works; sewer plant; equipment parking; vehicle impound yard. **Amended 10/2/00**
- (e) **Prohibited Uses.** All uses not specifically permitted.
- (f) **Lot Area and Restrictions.**
 - (1) Minimum lot area: Eight thousand (8,000) square feet when sewerred; one (1) acre if not sewerred.
 - (2) Minimum lot width: Eighty (80) feet.
 - (3) Front setback: Twenty-five (25) feet.
 - (4) Rear setback: Ten (10) feet except that it shall be no closer than one-hundred (100) feet to an adjacent residential district.
 - (5) Side setback: Ten (10) feet except that it shall be one-hundred (100) feet when adjacent to a residential district.
 - (6) Building height: Six (6) stories or sixty (60) feet.
 - (7) Minimum lot depth: One hundred (100) feet.
 - (8) Percent Slope. No building shall be permitted on slopes twenty (20) percent or greater, except as a conditional use.
 - (9) Accessory building: No more than thirty (30) percent of rear yard maybe covered and three (3) feet from rear lot line and three (3) feet from side yard line.

SEC. 10-1-29 A-1 AGRICULTURAL DISTRICT.

- (a) **Purpose.** This district includes large undeveloped tracts within the Village used for agricultural purposes in the past or at the present time. It is assumed such land will be subject to rezoning as necessary.
- (b) **Principal Permitted Uses.** Crop agriculture, forestry, greenhouses, nurseries, orchards, truck farming, one (1) family dwellings.
- (c) **Accessory Uses.** Essential services.
- (d) **Conditional Uses.**
 - (1) Recreation uses (Section 10-1-77);
 - (2) Recreational camping (Section 10-1-78);
 - (3) Others as allowed in Section 10-1-72; public and semi-public uses;
 - (4) Livestock raising; and
 - (5) **ADULT ENTERTAINMENT.** An adult-oriented establishment shall be a permitted use in the A-1 Agricultural District. All pertinent general or district zoning restrictions shall apply. In addition, no permit may be granted for an adult-oriented establishment unless it shall be located at least one thousand feet from:
 - a) The boundaries of the following districts: R-1 Single-family Residential District, R-2 Single-family Residential District, R-3 Two Family Residential District, R-4 Multiple-family Residential District, and PUD Planned Unit Development District; and/or
 - b) any property within the Village then used for residential, church, park or school purposes.All applicable provisions of the municipal code and the Wisconsin Statutes regulating conditional uses shall apply to any request for conditional use for an adult-oriented establishment.
If any provision of this chapter is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same.
- (e) **Prohibited Uses.** All uses not specifically permitted. Platted subdivisions and manufactured homes.
- (f) **Lot Area and Restrictions.**
 - (1) Minimum lot area: Five (5) acres.
 - (2) Minimum lot width: Two hundred (200) feet.
 - (3) Front setback: Twenty-five (25) feet.
 - (4) Rear setback: Fifty (50) feet for all buildings, except animal housing which requires one hundred (100) feet.

SEC. 10-1-29A M-1 LIGHT INDUSTRIAL DISTRICT

(a) **Purposes.** The M-1 Light Industrial District is established to accommodate those uses which are of a non-nuisance type located in relative proximity to residential areas and to preserve and protect lands designated on the Comprehensive Plan for industrial development and use from the intrusion of certain incompatible uses, which might impede the development, and use of lands for industrial purposes.

(b) **Permitted Uses.**

- (1) Wholesale trade.
- (2) Essential services.
- (3) Public works yards.
- (4) Utility facilities.

(c) **Conditional Uses.**

- (1) Business services.
- (2) Repair shops.
- (3) Retail trade.
- (4) Miniwarehouses, self-storage.
- (5) Mobile home dealers.
- (6) Professional services.
- (7) Warehousing.
- (8) Light manufacturing.
- (9) Contractors, building construction.
- (10) Contractors, heavy construction.

(d) **Prohibited Uses.** All uses not specifically permitted.

(e) **Property Development Regulations.**

(1) **Building**

a. **Height.** Maximum forty (40) feet

(2) **Yards**

a. **Front setback.** Minimum twenty-five (25) feet

b. **Rear setback.** Minimum thirty (30) feet.

c. **Side setback.** Whenever an M-1 Industrial District shall border property having a zoning classification of R-1 or R-2, there shall be a twenty (20) foot setback requirement on the M-1 land. For any other bordering zoning classifications the setback requirement shall be ten (10) feet.

d. **Minimum Lot Area.** Minimum 8,000 square feet.

Adopted 6/2/08.

SEC. 10-1-30 C-1 CONSERVANCY DISTRICT.

- (a) **Purpose.** The purpose of this District is:
- (1) To delineate those areas where substantial development of the land in the form of buildings or structures is prohibited due to:
 - a. Special or unusual conditions of topography, drainage, floodplain or other natural conditions, whereby considerable damage to buildings or structures and possible loss of life may occur due to the processes of nature.
 - b. The lack of proper facilities or improvements resulting in the land not being suitable for improvement at the present time.
 - (2) To delineate areas subject to flooding by adjacent lakes or streams and deem suitable for development.
 - (3) For the preservation and protection of scenic, historic, scientific and biologically important areas. For the protection of groundwater sources.
- (b) **Principal Permitted Uses.** Soil and water conservation, forestry under professional guidance, floodplain, wildlife habitat, public park and campground, drainage, water measurement and water control facilities, grazing under professional guidance, accessory structures such as park buildings, orchards, utilities, wild crop harvesting and Village park land.
- (c) **Accessory Uses.** Essential uses.
- (d) **Conditional Uses.** Recreation uses (Section 10-1-77).
- (e) **Prohibited Uses.** No structures permitted, except those housing essential services accessory to the principal or permitted uses. Uses involving the dumping, filling, cultivation, mineral, soil or peat removal or any other use that would disturb the natural fauna, flora, water courses, water regimen, natural land forms or topography. All uses not specifically permitted.
- (f) **Lot Area and Regulations.**
- (1) Minimum lot area: None.
 - (2) Minimum lot width: None.
 - (3) Front setback: Ten (10) feet.
 - (4) Rear setback: Ten (10) feet.
 - (5) Side setback: Ten (10) feet.
 - (6) Building Height: One (1) story or fifteen (15) feet.
 - (7) Minimum lot depth: Not applicable.

SEC. 10-1-31 G-1 INSTITUTIONAL DISTRICT.

- (a) **Purpose.** The G-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.
- (b) **Permitted Uses.**
- (1) Cemeteries.
 - (2) Churches.
 - (3) Fraternal organizations.
 - (4) Hospitals, sanatoriums, nursing homes and clinics.
 - (5) Libraries, museums and art galleries.
 - (6) Municipal parking lots.
 - (7) Public administrative offices and public service buildings, including fire and police stations.
 - (8) Public or private schools, colleges and universities.
 - (9) Public utility offices.
 - (10) Utilities.
 - (11) Water storage tanks, towers and wells.
 - (12) Amphitheaters.
 - (13) Amusement parks.
 - (14) Aquariums.
 - (15) Arenas and field houses.
 - (16) Art galleries.
 - (17) Auditoriums.
 - (18) Boat rentals and boat access sites.
 - (19) Botanical gardens and arboretums.
 - (20) Exhibition halls.
 - (21) Fairgrounds.
 - (22) Forest reserves (wilderness areas).
 - (23) Forest reserves (wilderness refuges).
 - (24) Golf courses with or without country club facilities.
 - (25) Golf driving ranges.
 - (26) Group or organized camps.
 - (27) Historic and monument sites.
 - (28) Hunting and fishing clubs.
 - (29) Ice skating.
 - (30) Libraries.
 - (31) Miniature golf.
 - (32) Museums.
 - (33) Parks -- general recreation.
 - (34) Parks -- leisure and ornamental.
 - (35) Picnicking areas.
 - (36) Planetaria.
 - (37) Playfields or athletic fields.
 - (38) Playgrounds.
 - (39) Play lots or tot lots.
 - (40) Recreation/community centers.
 - (41) Skiing and tobogganing.
 - (42) Stadiums.
 - (43) Swimming beaches.
 - (44) Tennis courts.
- (c) **Permitted Accessory Uses.**
- (1) Essential services.

- (2) Garages for storage of vehicles or materials used in conjunction with the operation of a permitted use.
- (3) Off-street parking and loading areas.
- (4) Residential quarters for administrators, caretakers or clergy.
- (5) Service buildings and facilities normally accessory to the permitted uses.
- (6) Service-oriented offices or shops located within institutional buildings.
- (d) **Conditional Uses.**
 - (1) Archery ranges.
 - (2) Athletic clubs and health resorts.
 - (3) Drive-in movies.
 - (4) Golf courses with country club/restaurant facilities.
 - (5) Gymnasiums.
 - (6) Miniature golf.
 - (7) Public emergency shelters.
 - (8) Roller skating.
 - (9) Skeet and trap shooting ranges, provided that the firing of rifle arms and shotgun slugs shall not be permitted directly toward or over any highway, road or navigable water, toward any building or structure or toward any population concentration within one and one-half (1-1/2) miles of the site.
- (e) **Lot Area and Width.** There are no minimum lot requirements.
- (f) **Building Height.** No building or parts of a building shall exceed forty-five (45) feet in height.
- (g) **Setback and Yards.**
 - (1) A minimum building setback of twenty-five (25) feet from the right-of-way line of all public streets shall be required.
 - (2) There shall be a minimum side yard of ten (10) feet.
 - (3) There shall be a rear yard of not less than twenty-five (25) feet.
 - (4) Exception. In the case of ownership by school district or organization or by church or religious society of more than fifty percent (50%) of the frontage on intersection streets and more than fifty percent (50%) of the area of the square block wherein such property is located, the minimum setback line for building on such school or church property shall be fifteen (15) feet.

SEC. 10-1-32 R-MH MOBILE HOME DISTRICT.

The requirements for property in the R-MH Mobile Home District shall be as provided in Article L of this Chapter.

SEC. 10-1-33 MW MUNICIPAL WELL RECHARGE AREA OVERLAY DISTRICT.

- (a) **Purpose.** The Village recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the Village's municipal wells. The restrictions imposed herein are in addition to those of the underlying residential, commercial or industrial zoning districts or any other provisions of the Zoning Ordinance.
- (b) **Overlay Zones.** The Municipal Well Recharge Area Overlay District is hereby divided into Zone A and Zone B as follows:

- (1) Zone A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone A is more restrictive than Zone B.
 - (2) Zone B is identified as a secondary source of water for the municipal well aquifer and as an area where there is a lower probability of surface contaminants reaching the municipal well fields. Zone B is less restrictive than Zone A.
- (c) **Zone A Prohibited Uses.** The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory uses are hereby prohibited within Zone a of the Municipal Well Recharge Area Overlay District:
- (1) Areas for dumping or disposing of garbage, refuse, trash or demolition material.
 - (2) Asphalt products manufacturing plants.
 - (3) Automobile laundries.
 - (4) Automobile service stations.
 - (5) Building materials and products sales.
 - (6) Cartage and express facilities.
 - (7) Cemeteries.
 - (8) Chemical storage, sale, processing or manufacturing plants.
 - (9) Dry cleaning establishments.
 - (10) Electronic circuit assembly plants.
 - (11) Electroplating plants.
 - (12) Exterminating shops.
 - (13) Fertilizer manufacturing or storage plants.
 - (14) Foundries and forge plants.
 - (15) Garages -- for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
 - (16) Highway salt storage areas.
 - (17) Industrial liquid waste storage areas.
 - (18) Junk yards and auto graveyards.
 - (19) Metal reduction and refinement plants.
 - (20) Mining operations.
 - (21) Motor and machinery service and assembly shops.
 - (22) Motor freight terminals.
 - (23) Pain products manufacturing.
 - (24) Petroleum products storage or processing.
 - (25) Photography studios, including the developing of film and pictures.
 - (26) Plastics manufacturing.
 - (27) Printing and publishing establishments.
 - (28) Pulp and paper manufacturing.
 - (29) Residential dwelling units on lots less than fifteen thousand (15,000) square feet in area. However, in any residence district, on a lot of record on the effective date of this Chapter, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of the Village's Zoning Ordinance are complied with.
 - (30) Septage disposal sites.
 - (31) Sludge disposal sites.
 - (32) Storage, manufacturing or disposal of toxic or hazardous materials.
 - (33) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
 - (34) Woodworking and wood products manufacturing.

- (d) **Zone A Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
 - (1) Any other business or industrial use not listed as a prohibited use.
 - (2) Animal waste storage areas and facilities.
 - (3) Center-pivot or other large-scale irrigated agriculture operations.
- (e) **Zone B Prohibited Uses.** The following principal or accessory uses are hereby prohibited within Zone B of the Municipal Well Recharge Area Overlay District:
 - (1) Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- (f) **Zone B Conditional Uses.** The following conditional uses may be allowed in the Municipal Well Recharge Area Overlay District, subject to the provisions of Article E:
 - (1) Any business or industrial use.

SEC. 10-1-34 HB-2 HISTORICAL DISTRICT.

- (a) **Purpose.** The purpose of the HB-2 district is to maintain the historical significance of the downtown area, while at the same time creating an atmosphere that contributes to growth of the businesses in that area through an attractive setting.
- (b) **Location of the Historical District.** The area designated as the Historical District is as follows: All of block 7 in the Consolidated Plat; all of block 12 in the Consolidated Plat with the exception of governmental property; lots 6-9 in block 11 of the Consolidated Plat; lots 5-10 in block 6 of the Consolidated Plat; lots 4-5 in block 19 of the Consolidated Plat; and lots 1-3 in block 27 of the First Addition. Business operations in this District are to follow the guidelines established by the zoning ordinances governing commercial property.
- (c) **Renovation of Existing Buildings.** The following guidelines apply only to the ^{exterior} ~~interior~~ of buildings located within the district. Any detraction from these guidelines must be approved by the Village Board.
 - (1) Rehabilitation work on buildings shall not destroy the distinguishing qualities of the property and its environment. The removal or alteration of any historical material or architectural features should be held to a minimum, consistent with the proposed use.
 - (2) Deteriorated features should be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in visual quality. Repairs and replacements of missing features should be based on duplications of the original.
 - (3) New additions or alterations to buildings within the district shall be done in a manner to enhance the overall appearance of those buildings. Additions shall have a like appearance to the building they are attached to.
 - (4) No building within the district shall be razed without the express permission of the Village Board.
 - (5) Existing brick or masonry surfaces shall not be covered by any type of siding, either natural or synthetic, except in cases where Village Board approval has been obtained. Any other surfaces may only be covered with natural wood siding or brick that is reddish in color.
 - (6) Original brick surfaces may not be painted. All other surfaces may only be painted or stained with a color or hue that does not detract from the period setting of the district.

SEC. 10-1-34 HB-2 HISTORICAL DISTRICT, SITES AND STRUCTURES

(a) Purpose and Intent

The purpose of this section is to:

+Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the village's cultural, social, economic, political and architectural history.

+Safeguard the village's historic, prehistoric and cultural heritage, as embodied and reflected in such historic sites, structures and districts.

+Stabilize and improve property values and enhance the visual and aesthetic character of the village.

+Protect and enhance the village's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.

(b) Definitions

The definitions are as follows:

(1) Certificate of Appropriateness means the certificate issued by the planning committee approving alteration, rehabilitation, construction, reconstruction or demolition of a historic structure, site or any improvement in a historic district.

(2) Planning committee means the committee as created by the village board.

(3) Historic district is an area that contains two or more historic improvements or sites as designated in Subsection 10-1-34 (c).

(4) Historic site means any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which a historic event has occurred, and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

(5) Historic structure means any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the village, state or nation and which has been designated as a historic structure pursuant to the provisions of this subsection.

(6) Improvement means any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

(c) Location of the Historical District

The area designated as the Historical District is as follows: Lots 5 thru 9 less W 10' of N 60' Lt 9 in Block 6 of the Consolidated Plat; Lots 1 thru 6 and Lots 11-12 in Block 7 of the Consolidated Plat; Lots 6 thru 9 in Block 11 of the Consolidated Plat; Lots 1-2, and W 15' of N 100' Lot 11, Lot 12 of Block 12 of the Consolidated Plat; S 100' Lot 1, Lot 2, Block 27 of the 1st Addition. Business operations in this district are to follow the guidelines established by the zoning ordinances governing commercial property.

(d) Regulation of Construction, Reconstruction, Alteration and Demolition

(1) No owner or person in charge of a historic structure, historic site or structure within a historic district shall reconstruct, alter or demolish all or any part of such property or construct any improvement upon such designated property or properties or cause or permit any such work to be performed upon such property or demolish such property unless a Certificate of Appropriateness has been granted by the planning committee. Also, unless such certificate has been granted by the committee, the village board shall not issue a permit for any such work.

(2) Upon filing of any application for a Certificate of Appropriateness with the committee, the committee shall approve the application unless:

(aa) Proposed construction, reconstruction, exterior alteration, demolition or improvements fail to meet specific requirements outlined in (e) and (f) below.

(bb) In the case of a designated historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done.

(cc) In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district.

(dd) In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this subsection and the objectives and design criteria for said district.

(ee) The building or structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the village and state.

(ff) In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

(3) If the committee determines that the application for a Certificate of Appropriateness and the proposed changes are consistent with the character and features of the property or district, it shall issue the Certificate of Appropriateness. The committee shall make this decision within forty-five (45) days of the filing of the application.

(4) The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the village. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

(5) Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a historic structure or site or the replacement of elements of a structure with pieces identical in appearance and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.

(e) **Renovation of Existing Buildings**

The following guidelines apply only to the exterior of buildings located within the district.

- (1) Rehabilitation work on buildings shall not destroy the distinguishing qualities of the property and its environment. The removal or alteration of any historical material or architectural features should be held to a minimum, consistent with the proposed use.
 - (2) Deteriorated features should be repaired rather than replaced whenever possible. In the event that replacement is necessary, the new material should match the material being replaced in visual quality. Repairs and replacements of missing features should be based on duplications of the original.
 - (3) New additions or alterations to buildings within the district shall be done in a manner to enhance the overall appearance of the buildings. Additions shall have a like appearance to the building they are attached to.
 - (4) No building within the district shall be razed without a Certificate of Appropriateness issued by the planning committee.
 - (5) Existing brick or masonry surfaces shall not be covered by any type of siding, either natural or synthetic. Any other surfaces may only be covered with natural wood siding or brick that is reddish in color.
 - (6) Original brick surfaces may not be painted. All other surfaces may only be painted or stained with a color or hue that does not detract from the period setting of the district.
 - (7) Signs shall not dominate the building to which they are affixed. Signs that extend out from or are attached to the building may not be of a neon or fluorescent type, may not move or flash, and should be kept as simple as possible to help maintain the period setting of the district. **A sign permit is required for any sign alteration. (Amended 2/5/01)**
 - (8) **Awnings shall be limited to fabric construction of solid color which shall be of a permanent or roll-up nature and shall not detract from the period setting of the district. (Amended 2/5/01)**
 - (9) **Vending machines shall not be placed outside of buildings or property within the Historic District. (Amended 6/4/01)**
- (f) **Construction of New Buildings Within the District**

- (1) New construction should maintain the continuity of existing rows of buildings or help to re-establish this continuity where it has been lost. New buildings joining a row of other buildings should not be placed in front of or in back of the buildings adjoining it. New buildings shall be constructed to within twenty-five (25) percent of the average height of existing adjacent buildings.
- (2) The exterior covering of new buildings shall be of brick or natural wood siding only. Bricks should be of a reddish color and may not be painted. Natural wood sidings may only be stained or painted with a color or hue that does not detract from the period setting of the district.
- (3) The facades of new buildings shall be rectangular in shape with proportions compatible to the proportions of adjacent buildings. Facades must have a solid wall space above the top story and have a cornice with or without a parapet. This form of architectural organization will be most effective if aligned with similar elements on adjacent buildings. New roofs should not extend above the false fronts, cornices, or parapets.
- (4) Signs shall follow the rules outlined in Subsection 10-1-34-(e) (7).
- (5) **Awnings shall be limited to fabric construction of solid color which shall be of a permanent or roll-up nature and shall not detract from the period setting of the district. (Amended 2/5/01)**

- (6) The interiors of new buildings shall be left to the discretion of the owner, as long as it does not interfere with the outward appearance of the building. The use of new buildings shall be governed by the regulations concerning commercial zones.
- (7) Plans for construction of a new building within the district must receive a Certificate of Appropriateness.

(g) Appeals

Should the committee fail to issue a Certificate of Appropriateness due to the failure of the proposal to conform to the guidelines, the applicant may appeal such decision to the village board within thirty (30) days. In addition, if the committee fails to issue a Certificate of Appropriateness, the committee shall, with the cooperation of the applicant, work with the applicant in an attempt to obtain a Certificate of Appropriateness within the guidelines of this subsection.

(h) Penalties for Violations

Any person or persons violating any provision of this subsection shall be fined fifty (50) dollars for each separate violation. Each and every day during which a violation continues shall be deemed to be a separate offense. Notice of violations shall be issued by the village board.

SECS 10-1-35 THROUGH 10-1-49 RESERVED FOR FUTURE USE