

## **CHAPTER 18 ZONING CODE**

(Title 18, Renumbered and recreated, Codification 2001-LGRS)

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Effective with recodification, 2001, this chapter is being retitled, "Zoning Code." These provisions were previously titled as, "Title 18 Zoning and Annexation."



**18.01 INTRODUCTION.**

**(1) AUTHORITY.** These regulations are adopted under the authority granted by §§61.35 and 62.23(7), Wis. Stats. Therefore, the Village Board of Brownsville, Wisconsin, do ordain as follows:

**(2) PURPOSE.** The purpose of this Chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

**(3) INTENT.** It is the general intent of this Chapter to regulate and restrict the use and development of all structures, lands, and waters; to regulate and restrict lot coverage, population distribution and density, dredging and lagooning in shoreland areas, and the size and location of all structures, so as to: lessen congestion in, and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; prevent water pollution; protect spawning grounds, fish and aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan and plan components. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

**(4) ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, Chapters, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

**(5) INTERPRETATION.** The provisions of this Chapter shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**(6) SEVERABILITY.** If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect the remainder of this Chapter.

**(7) REPEAL.** All other Chapters or parts of Chapters of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.



## Chapter 18

## ZONING CODE 18.01(8)

**(8) TITLE.** This Chapter shall be known as, referred to, or cited as the "*ZONING CODE, VILLAGE OF BROWNSVILLE, WISCONSIN*".

**(9) EFFECTIVE DATE.** This Chapter shall be effective after a public hearing, adoption by the Village Board of Trustees , and publication or posting as provided by law.

*Note Sec. 18.01 and 18.02 are recreated and renumbered from Village ordinances Chapters 18.01 §§18.01.010 through 18.01.090.*

**18.015 DEFINITIONS.** For the purpose of this Chapter, 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. The word "may" is permissive.

**(1) ACCESSORY USE OR STRUCTURE.** A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal structure.

**(2) BASEMENT.** That portion of any structure located partly below the average adjoining lot grade.

**(3) BUILDING.** Any structure which is built for the support , shelter or enclosure of persons , animals, chattels or movable property of any kind and which is permanently affixed to the land.

**(4) BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs; to the mean height, level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.

**(5) BUILDING INSPECTOR.** The officer or other designated authority charged with the administration and enforcement of this Chapter or his duly authorized representative.

**(6) BUILDING LINE.** The distance between the front lot r line and the nearest point of a structure so that the minimum front yard requirements are met.

**(7) CONDITIONAL USES.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.



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## ZONING CODE 18.015(8)

**(8) DENSITY.** The number of living units per acre allowable under the schedule of district regulations.

**(9) DISTRICT.** A section or sections of the Village of Brownsville for which the regulations governing the use of building and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

**(10) DUPLEX.** A dwelling containing two dwelling unit.

**(11) DWELLING.** A detached 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.

**(12) DWELLING, MULTIFAMILY.** A dwelling containing three (3) or more dwelling units.

**(13) DWELLING SINGLE FAMILY.** A dwelling containing one (1) dwelling unit.

**(14) DWELLING, TWO FAMILY (DUPLEX).** A dwelling containing two (2) dwelling units.

**(15) DWELLING UNIT.** One (1) or more rooms which are arranged, designed or used as living quarters for one family only.

**(16) EMERGENCY SHELTER.** Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare, fire, flood, windstorm, riots and invasions.

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

**(18) FAMILY.** The body of persons who live together in one dwelling unit as a single housekeeping entity.



(19) **FARMING, GENERAL.** General farming shall include floriculture; forest and game management; orchards, raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming and vegetable farming. General farming includes the operating of such an area for one or more of the above uses with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

(20) **FLOOR AREA.** Area in square feet of all floors in a building including elevators and stairways, measured by perimeters of outside walls multiplied by the number of floors, including basements which are used in the primary function of the building.

(21) **FRONTAGE.** The smallest dimension of a lot abutting a public street measured along the street line.

(22) **GARAGE, PRIVATE.** An accessory building housing motor driven vehicles which are the property of and for the private use of the occupants of the lot on which the private garage is located. Not more than one (1) of the vehicles may be a commercial vehicle of not more than three (3) tons capacity.

(23) **HOME OCCUPATION.** Any occupation for gain or support conducted entirely within buildings by resident occupants, which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) 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 a babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods or such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios.

(24) **HOTEL.** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.

(25) **Institution.** A building occupied by a non-profit corporation or a nonprofit establishment for public use.

(26) **Lodging House.** A building or place where lodging is provided (or which is equipped regularly to provide lodging) by prearrangement for a definite period, for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels open to transients.



(27) **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; met the lot width, lot frontage, lot area, parking area and other space provisions of this Chapter.

(28) **Lot, Corner.** A lot abutting two or more streets at their intersection provided. That the corner of such intersection shall have an angle of one hundred. Thirty-five ( 135) degrees or less, measured on the lot side.

(29) **Lot, Depth of.** The mean horizontal distance between the front and rear lot lines.

(30) **Lot, Double Frontage.** A lot having frontage of two ( 2) non intersecting streets, as distinguished from a corner lot.

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

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

(33) **Lot Lines and Area.** The peripheral boundaries of a parcel-of land and the total area lying within such boundaries.

(34) **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.

(35) **Mobile Home.** Any vehicle or structure which is or was as originally constructed, designed to be transported by any motor vehicle on a public highway and designed, equipped, used or intended to be used primarily for human habitation; including any additions, attachments, annexes, foundations and appurtenances thereto.

(36) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

(37) **Mobile Home Lot.** A parcel of land designed for the exclusive use of the occupants of a single mobile home.



(38) **Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

(39) **Nonconforming Uses or Structures.** Any structure, land or water lawfully used, occupied or erected at the time of the effective date of this Chapter or amendments thereto which does not conform to the regulations of this Chapter or amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

(40) **Nursing Home.** An establishment used as a dwelling placed by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment, or the care of the sick or injured.

(41) **Sign.** Any 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 highway.

(42) **Stock Farms.** The keeping of any livestock or animals for commercial gain or sale.

(43) **Street.** A public right-of-way not less than forty (40) feet wide providing primary access to abutting properties.

(44) **Structure.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment including all buildings.

(45) **Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.

(46) **Swimming Pool.** A swimming pool shall be any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent, either above or below the ground, in which water of more than 12 inches in depth is contained and which is used primarily for the purpose of bathing and swimming.



(47) **Travel Trailer.** A travel trailer is a vehicular portable, structure built on a chassis and designed as a temporary dwelling for travel, recreation and vacation.

(48) **Useable Open Space.** Space suitable for recreation, gardens or household service activities, such as clothes drying. Such space must be at least seventy-five (75) percent open to the sky, free of automobile traffic, parking and undue hazards and readily accessible by all those for whom it is intended.

(49) **Trailer Space.** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

(50) **Utilities.** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electric 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, shops and storage areas.

(51) **Yard.** An open space on the sane lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of a lot.

(52) **Yard, Front (Street).** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.

(53) **Yard, Rear.** 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 front (street) yard or one of the front (street) yards on a corner lot.

(54) **Yard, Side.** 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 to the nearest point of the principle structure.

**Note: Sec. 18.015** *is amended, recreated and renumbered from Village ordinances Chapter 18.21 §§18.21.010 through 18.21.020.*

## **18.02 GENERAL PROVISIONS.**

(1) **JURISDICTION.** The jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the Village of Brownsville.



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## **ZONING CODE 18.02(2)**

**(2) COMPLIANCE.** No structure, land, or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except for normal repairs of existing structures, without a Building Permit and/ or a certificate of Zoning Compliance and without full compliance with the provisions of this Chapter and all other applicable local, County and state regulations.

### **(3) BUILDING PERMIT.**

**(a)** Applications for a Building Permit shall be made duplicate to the Building Inspector on forms furnished by his office and shall include the following where applicable:

1. Names and Addresses of the applicant, owner of the site- architect, professional engineer, and/or, contractor.

2. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of occupants or employees; and the zoning district within which the subject site lies.

3. Location Sketch prepared by applicant if the subject site is part of a recorded subdivision or Plat of Survey prepared by registered land surveyor if subject site is not part of a recorded subdivision, showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; and, existing and proposed street, side, and rear yards.

4. Additional Information as may be required by the Village Plan Commission or Building Inspector.

5. Fee Receipt in the amount as specified in the Building Code or, if Building Code does not apply, ten dollars (\$10).

**(b)** Any application for a Building Permit shall be granted or denied in writing by the Building Inspector within thirty (30) days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. The permit shall expire within six ( 6) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

### **(4) CERTIFICATE OF ZONING COMPLIANCE.**

**(a)** No building, or addition thereto, constructed after the effective date of this Chapter and no addition, alteration, reconstruction, extension, enlargement, conversion, or structural alteration to a previously existing building shall be occupied or used for any purpose until a certificate of Zoning Compliance has been issued by the office of the Building Inspector. No change in a use shall be made until a certificate of Zoning Compliance has been issued by the office of the Building Inspector. Every Certificate of Zoning Compliance shall state that the use or occupancy complies with all of the provisions of this Chapter.



(b) Every application for a Building Permit shall be deemed an application for a certificate of Zoning compliance. Every application for certificate of Zoning Compliance for a new use or change in use of land or building shall be made directly to the office of the Building Inspector on forms provided by his office.

(c) No certificate of Zoning Compliance for a building, or portion thereof, constructed after the effective date of this Chapter, shall be issued until construction is substantially completed and the premises inspected and certified by the office of the Building Inspector to be in conformity with the plans and specifications upon which the Building Permit was issued.

(d) Upon written request from the owner, the building inspector shall issue a certificate of Compliance for any building or premises existing at the time of the adoption of this Chapter, certifying, after inspection, the extent and kind of use made of the building or premises and whether or not sum use conforms **to the provisions of this chapter.**

**(5) SITE RESTRICTIONS.**

(a) All Principal Structures shall be located on a lot ; and only one principal structure shall be located, erected, or moved onto a lot.

(b) No Building 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.

**(6) DIMENSIONS OF BUILDING SITES.**

(a) Minimum Area, Width and Side Yard for Lots Not Served by Public Sewer.

1. Except as otherwise specifically required or permitted the minimum lot area shall be 20,000 square feet and the minimum lot width one hundred (100) feet at the building line and one hundred (100) feet at the water's edge unless percolation rates require larger lot areas and widths pursuant to sections H 65. 03 and H 65.04 of the Wisconsin Administrative Code respectively.



2. Except as otherwise specifically required or permitted the minimum width of one side yard shall be ten (10) feet. The minimum aggregate width of both side yards shall be twenty-five (25) feet. Side yards for substandard lots may be reduced to a minimum aggregate width of both side yards of forty (40) percent of the lot width and a minimum width of one side yard of forty (40) percent of the aggregate.

**(b) Minimum Area, Width and Side Yard For Lots Served by Public Sewer.**

1. Except as otherwise specifically required or permitted the minimum lot area shall be ten thousand (10,000) square feet and the minimum lot width one hundred (100) feet at the building line and one hundred (100) feet at the water's edge. Minimum corner lot width shall be one hundred (100) feet.

2. Except as otherwise specifically required or permitted the minimum width of one side yard shall be eight (8) feet. The minimum aggregate width of both side yards shall be twenty (20) feet.

**(7) USE RESTRICTIONS.**

**(a)** The following use restrictions and regulations shall apply:

1. Principal Uses. Only those Principal uses specified for a district; their essential services, and the following uses shall be permitted in that district.

2. Accessory Uses and Structures. Accessory uses and structures are, permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry. Accessory uses and structures include incidental repairs; storage; parking facilities; gardening; servant's quarters; itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

3. Conditional Uses. Conditional uses and their accessory uses are those which require review, public hearing, and approval by the Village Plan commission in accordance with §18.12. The only conditional uses and structures permitted by this Chapter shall be those enumerated in the Zoning District Regulations.

4. Unclassified or Unspecified Uses. Unclassified or Unspecified Uses may be permitted by the Board of Appeals after review and recommendation by the Village Plan Commission provided that such uses are similar in character to the principal uses existing in the district, and that no material detrimental to adjoining property will result.

5. Temporary Uses. Temporary Uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Building Inspector through the issuance of a certificate of Zoning Compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semiannually but in no case shall the effective time span of the certificates exceed two (2) years.



**(8) REDUCTION OR JOINT USE.** No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter.

**(9) ANNEXATIONS.** Annexations to the Village subsequent to the effective date of this Chapter shall be placed in the R-1 Residential District, unless the annexation Chapter places the land in another district within ninety (90) days, after completion of the annexation procedures, the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

**(10) VIOLATIONS.** It shall be unlawful to construct any structure or building or to use any structure, building, land, or water in violation of any of the provisions of this Chapter. In case of violation, the Village Board, Plan Commission, the Building Inspector, or any property owner who would specifically be damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Chapter or cause such structure or use to be vacated or removed.

**(11) PENALTIES.** Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, *forfeit* not less than ten dollars (\$10) nor more than fifty (\$50) dollars and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

**(12) ZONING MAP.**

**(a)** The locations and boundaries of the zoning districts are shown on the Village Zoning map, and referred to by reference as the (official Zoning Map, Brownsville, Wisconsin. This map, together with all explanatory matter and regulations thereon, is an integral part of this Chapter.

**(b)** Official copies of the zoning map, together with a copy of this Chapter, shall be kept by the Building Inspector and shall be available for public inspection. The map shall be certified by the Village President and attested by the Village Clerk/Treasurer. Any changes or amendments affecting district boundaries or explanatory matter shall be recorded on the map. No change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.



(c) When uncertainty exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:

1. When Width or Length of Boundaries are not clear, the scale of the map shall determine the approximate dimensions.

2. District Boundaries are normally lot lines, center lines of streets, highways, railroads or alleys.

3. The Board of Appeals, in accordance with the provisions of this Chapter, shall hear and decide the precise location of a district boundary line when such line cannot otherwise be determined.

Note: Sec. 18.02 is amended, recreated and renumbered from Village ordinance Chapter 18.02 §§18.02.010 through 18.02.120.

**18.03 ZONING DISTRICTS ESTABLISHMENT.** (Was §18.03.010) For purposes of this Chapter, the following primary use districts are hereby established within the Village of Brownsville:

- (1) **R-1 RESIDENTIAL DISTRICT**
- (2) **R-2 RESIDENTIAL DISTRICT**
- (3) **R-3 RESIDENTIAL DISTRICT**
- (4) **C-1 CENTRAL COMMERCIAL DISTRICT**
- (5) **C-2 HIGHWAY COMNIERCIAL DISTRICT**
- (6) **I INDUSTRIAL DISTRICT**
- (7) **A-G AGRICULTURAL DISTRICT**
- (8) **C-O CONSERVANCY DISTRICT**

**18.04 RESIDENTIAL DISTRICT R-1.**

(1) **PURPOSE.** This district is primarily intended to provide a suitable environment for single family residential development:

(2) **LOT SIZE REGULATIONS.** See sec. 18.02(6).



**(3) HEIGHT REGULATIONS.** Maximum height: 35 feet

**(4) YARD AND SETBACK REGULATIONS.**

(a) Minimum Front Yard: 25 feet

(b) Minimum Side Yard: See sec. 18.02(6).

(c) Minimum Rear Yard: 25 feet

**(5) PERMITTED USES.**

(a) Single family dwellings

(b) Truck gardening, nurseries and greenhouses, only for the propagation of plants.

(c) Forestry, open spaces.

(d) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.

(e) Accessory structures including: private garages, parking spaces , and carports for vehicles , and other structures clearly incidental to the residential use of the property.

**(6) CONDITIONAL USES.**

(a) Churches, including those related structures located on the same site which are an integral part of the church proper , convents and homes of persons engaged in a religious function on the same site, provided no building shall be located nearer than twenty-five (25) feet from any lot line.

(b) Home occupations when such occupations are incidental to the residential use of the premises and do not involve any exterior alteration that would effect a substantial change in the residential character of the building; provided further that no article is sold or offered for sale that is not produced by such home occupation; that there is no sign used, other than a nameplate which is attached to the building, is not illuminated, and is not more than two (2) square feet in area.

(c) Professional offices, where such office is conducted solely by a member or members of the occupant family entirely within the residence and incidental to the residential use of the premises. Not more than twenty-five (25) percent of the floor area or only one (1) story of a dwelling unit shall be occupied by such office. Not more than one (1) non-family member may be employed in such office. Only one (1) unlighted nameplate, not exceeding one (1) square foot in area, containing the name and profession of occupant of the premises shall be exhibited.



**(d)** Municipal buildings except the following: garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions or asylums.

**(e)** Golf courses, country clubs, tennis clubs, swimming pools and other similar recreational facilities. The principal structure for any of the above listed uses shall be one hundred (100) feet or more from any abutting lot line in a "R" Zoning District, and any accessory structure shall be a minimum of fifty (50) feet from any lot line.

**(f)** Rest, nursing, rehabilitation, group foster homes and similar group homes.

**(g)** Hospital for human care and sanitariums, provided that all structures except fences shall be located one hundred (100) feet or more from the lot line of any abutting lot in an "R-1" District.

**(h)** Day care center, when required to be licensed by an agency of the State of Wisconsin, where a person provides for compensation, care and maintenance for four (4) or more infants at a location other than the child's own home or the home of relatives or guardians. In such a center, a play area of seventy-five (75) square feet per child shall be provided within a fenced area, other than a front yard. Where three (3) or fewer children are cared for and maintained, such operation shall be permitted as a "home occupation".

**(i)** Public and parochial schools, colleges, universities and dormitories provided that no building shall be located nearer than twenty-five (25) feet from any lot line.

**(j)** Public utility and public service uses as follows:

1. Electric substations.
2. Gas regulator stations.
3. Railroad right-of-ways, but not including railroad yards and shops, freight and service buildings or right-of-ways for switch, lead, or spur tracks.
4. Sewerage system lift stations.
5. Telephone exchanges, microwave relay towers and telephone transmission equipment buildings.
6. Water pumping stations and water reservoirs.
7. Community centers and libraries
8. Public emergency shelters
9. Parks and playgrounds
10. Planned unit developments
11. Two-family dwellings
12. Cemeteries



**ORDINANCE NO. 2016-02****VILLAGE OF BROWNSVILLE, DODGE COUNTY, WISCONSIN**

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**An Ordinance to Repeal and Re-Crete Section 18.05 R-2  
Two Family Residential Zoning District**

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WHEREAS, the village board of the Village of Brownsville desires to repeal and re-create section 18.05 of the Brownsville Municipal Code to regulate two-family zoning district development. Before approving this zoning ordinance, the Village Board conducted a public hearing and due notice and publication, and received input from the plan commission as required by law.

NOW, THEREFORE, the village board of the Village of Brownsville do ordain as follows:

**I. Section 18.05 of the Brownsville Municipal Code is hereby repealed and re-created to read as follows:**

**18.05 RESIDENTIAL DISTRICT R-2.**

(1) **PURPOSE.** This district is primarily intended to maintain the residential character of the district with two-family residential development.

(2) **PERMITTED USES:** Permitted uses are as follows.

(a) Two-family dwellings

(b) Single-family dwellings

(c) Community-based residential facility or community living arrangement for eight residents or fewer.

(3) **PERMITTED ACCESSORY USES:** Permitted accessory uses are as follows.

(a) Attached private garages and carports

(b) Detached gardening, tool and storage sheds.

(c) Detached private garages, provided that they are constructed of a similar type of construction as the principal structure. Different construction types may be used provided that they receive prior Plan Commission approval.

(e) Swimming pools

(4) **CONDITIONAL USES:** Conditional uses are as follows.

(a) Utilities and essential services

(b) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums.



- (c) Public, parochial, and private elementary and secondary schools and churches.
- (d) Side-by-side single attached dwellings in a two-family residential district.
  - (1) In granting a conditional use permit for side-by-side single attached dwellings in a residential district (zero lot lines), the following conditions must be met:
    - a. Side-by-side single-family attached structures are not to exceed two family living units with one common wall and lot line.
    - b. All building, fire prevention, area and yard requirements of the residential district apply excepting one common wall lot line.
    - c. If each the dwelling is not serviced by a double sewer and water lateral, the declaration or agreement between unit owners (section 4 (d) 2 below) must address repair and replacement of laterals.
  - (2) The owner(s) of the property shall enter into a restrictive covenant zero lot line declaration or a zero lot line agreement in a form approved by the Village Attorney.

**(5) LOT AREA, WIDTH AND HEIGHT REGULATIONS.**

- (a) **Minimum Lot Size:** 7,200 square feet
- (b) **Minimum Lot Width:** 60 feet
- (c) **Maximum height:** 35 feet
- (d) No building area shall be less than 750 square feet per living area.
- (e) No building area shall be less than 750 square feet per unit under one roof.

**(6) YARD AND SETBACK REGULATIONS.**

- (a) **Minimum Front Yard:** Twenty-five (25) feet or the average of the existing front yards of the existing principal structures on abutting lots on each side. If only one abutting lot is occupied by a principal structure, the minimum required front yard shall be the average of twenty-five (25) feet and the existing front yard of the existing principal structure on the abutting lot, whichever is less.
- (b) **Minimum Side Yard:** The minimum width of one side yard shall be eight (8) feet. The minimum width of both side yards shall be twenty (20) feet.
- (c) **Minimum Rear Yard:** 25 feet.

**II. This ordinance shall become effective upon passage and publication according to law.**

Passed by the Village Board of the Village of Brownsville in the County of Dodge, in the State of Wisconsin on this 10th day of February, 2016.



**18.06 RESIDENTIAL DISTRICT R-3.**

**(1) PURPOSE.** This district is intended to provide a suitable environment for multi-family residential development.

**(2) LOT SIZE REGULATIONS.**

**(a)** Minimum lot area shall be provided as follows:

**1. Proposed Use Served By Public Sewer.**

Multi-family dwelling units containing: Minimum lot area per dwelling unit:

- |                            |                   |
|----------------------------|-------------------|
| (1) three or more bedrooms | 4,000 square feet |
| (2) two bedrooms           | 3,500 square feet |
| (3) one bedroom            | 3,000 square feet |

**2. Proposed Use Served By On-Site Sewage Disposal.**

Multi-family dwelling units containing: Minimum lot area per dwelling unit:

- |                            |                    |
|----------------------------|--------------------|
| (1) three or more bedrooms | 12,000 square feet |
| (2) two bedrooms           | 10,500 square feet |
| (3) one bedroom            | 8,000 square feet  |

**3.** See sec. 18.02(6), for minimum lot area for uses other than multi-family dwellings.

**(3) MINIMUM LOT WIDTH.** See sec. 18.02(6).

**(4) HEIGHT REGULATIONS.** Maximum height: 35 feet



**(5) YARD AND SETBACK REGULATIONS.**

- (a) Minimum Front Yard: 25 feet
- (b) Minimum Rear Yard: 35 feet
- (c) Minimum Side Yard: See sec. 18.02(6).

**(6) PERMITTED USES.** Uses permitted in the R-1 residential District Duplexes.

**(7) CONDITIONAL USES.** Conditional uses listed in the R-1 Residential District Multifamily dwellings provided there shall be provided not less than five hundred (500) square feet of useable open space per dwelling unit plus one hundred (100) square feet of additional area for each additional bedroom over two in a dwelling unit.

- (a) Funeral homes
- (b) Lodging houses
- (c) Mobile home parks
- (d) Private clubs and lodges

*Note: Sec. 18.06 is amended, recreated and renumbered from Village ordinance Chapter 18.06 §§18.06.010 through 18.04.070.*

**18.07 CENTRAL COMMERCIAL DISTRICT.**

**(1) PURPOSE.** This district is intended to provide a suitable environment for commercial development associated with a central community location.

**(2) LOT SIZE REGULATIONS.**

- (a) Minimum area: none.
- (b) Minimum width: none.

**(3) HEIGHT REGULATIONS.** Maximum height: 35 feet.

**(4) YARD AND SETBACK REGULATIONS.**

- (a) Minimum Front Yard: none.
- (b) Minimum Side Yard: None, except same as any adjoining district.
- (c) Minimum Rear Yard: 10 feet.



**(5) PERMITTED USES.**

- (a) Banks and similar financial institutions;
- (b) Business and professional offices and studios;
- (c) Dental and medical clinics
- (d) Garages for storage of vehicles used in conjunction with permitted use (e)  
Laundromats
- (f) Restaurants and taverns
- (g) Retail stores and shops offering convenience goods and services
- (gm) Food stores
- (i) Hotels
- (j) Department stores
- (k) Funeral homes
- (L) Furniture stores
- (Lm) Furniture upholstery shops
- (m) Heating and/or plumbing supply stores
- (n) Gas stations
- (nm) Vehicle sales, service, washing and repair stations
- (o) Laundry and dry-cleaning establishments
- (p) Office supply stores
- (q) Pawn shops
- (r) Pet shops



- (rm)** Veterinary clinics
- (s)** Print shops
- (t)** Private clubs, lodges and meeting places
- (u)** Second hand stores
- (v)** Sign shops
- (w)** Publishing shops and offices
- (x)** Variety stores
- (y)** Dwelling, single family, only as accessory to a principal use
- (z)** Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures

**(6) CONDITIONAL USES.**

- (a)** Emergency public shelters.
- (b)** Lodging houses.
- (c)** Parks and playgrounds.
- (d)** Community center and libraries
- (e)** Cemeteries
- (f)** Planned unit developments
- (g)** Churches, including those related structures located on the same site which are an integral part of the church proper, convents and homes of persons engaged in a religious function on the same site, provided no building shall be located nearer than twenty-five (25) feet from any lot line.
- (h)** Municipal buildings except the following: garbage incinerators, public shops and storage yards, public warehouses, and penal or correctional institutions or asylums.



## Chapter 18

## ZONING CODE 18.07(6)(i)

- (i) Day care center, when required to be licensed by an agency of the state of Wisconsin, where a person provides for compensation, care and maintenance for four ( 4) or more infants at a location other than the child' s own home or the home of relatives or guardians. In such a center, a play area of seventy-five (75) square feet per child shall be provided within a fenced area, other than a front yard. Where three (3) or fewer children are cared for and maintained, such operation shall be permitted as a "home occupation."
- (j) Public and parochial schools, college, universities and dormitories provided that no building shall be located nearer than twenty-five (25) feet from any lot line.
- (k) Public transportation terminals such as bus and rail depots.
- (l) Public and private parking garages and lots.
- (m) Commercial entertainment facilities.
- (n) Commercial recreation facilities sum as: 1. Arcades . 2. Physical culture. 3. Bowling alleys. 4. Pool and billiard halls.5. Dance halls.6. Turkish baths.7. Gymnasiums 8. Skating rinks. 9. Marinas. 8. Theaters. 9. Miniature Golf.
- (o) Dwelling, single family, two family, - and such use must meet minimum yard and lot size requirements of R-2 Residential District.
- (p) Multi-family dwellings -and such use must meet minimum yard and lot size requirements of R- 3 Residential District.
- (q) Public utility and public service uses as follows: 1. Electric substations. 2. Gas regulator stations. 3. Railroad right-of-ways, but not including railroad yards and shops, freight and service buildings or right-of-ways for switch, lead, or spur tracks. 4. Sewerage system lift stations. 5. Telephone exchanges, microwave relay towers and telephone transmission equipment buildings. 6. Water Pumping stations and water reservoirs.

*Note: Sec. 18.07 is amended, recreated and renumbered from Village ordinance Chapter 18.07 §§18.07.010 through 18.07.060.*

### **18.08 HIGHWAY COMMERCIAL DISTRICT.**

- (1)**\_PURPOSE.** This district is intended to provide a suitable environment for commercial development which is generally associated with higher volume traffic arteries.
- (2) **LOT SIZE REGULATIONS.** See sec. 18.02(6).



**(3) HEIGHT REGULATIONS.** Maximum height: 35 feet.

**(4) YARD AND SETBACK REGULATIONS.**

- (a) Minimum Front Yard: 25feet.
- (b) Minimum Rear Yard: 10 feet.
- (c) Minimum Side Yard: 10 feet.

**(5) PERMITTED USES.**

- (a) Dwelling, single family, only as accessory to a principal use.
- (b) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.
- (c) General farming except farms operated for the disposal of sewage, rubbish or offal, fur farms, stock farms and poultry farms.
- (d) Truck gardening, nurseries, and greenhouses only for the propagation of plants.
- (e) Forestry, open spaces.

**(6) CONDITIONAL USES.**

- (a) All Permitted or conditional uses listed in the C-1 District.
- (b) Drive In establishments serving food and/or beverages.
- (c) Drive hi theaters.
- (d) Motel.
- (e) Lumberyards.
- (f) Grain and feed mills.
- (g) Veterinary clinics and hospitals and animal boarding.
- (h) Truck terminals.
- (i) Agricultural machinery sales and repair.

*Note: Sec. 18.08 is amended, recreated and renumbered from Village ordinance Chapter 18.08 §§18.08.0]0 through 18.04.060.*



**18 .09 INDUSTRIAL DISTRICT.**

**(1) PURPOSE.** This district is intended to provide a suitable environment for industrial

**(2) LOT SIZE REGULATIONS.** See sec. 18.02(6).

**(3) HEIGHT REGULATIONS.** Maximum height: 35 feet

**(4) YARD AND SETBACK REGULATIONS.**

**(a)** Minimum Front Yard: 25 feet.

**(b)** Minimum Rear Yard: 40 feet

**(c)** Minimum Side Yard: 40 feet

**(5) PERMITTED USES.**

**(a)** All structures associated with all permitted uses shall be located at least forty ( 40 ) feet from any residential zoning district boundary line.

**(b)** Commercial bakeries

**(c)** Auto body repair

**(d)** Commercial greenhouses

**(e)** Agricultural machinery sales and repair

**(f)** Distributors

**(g)** Office, storage, power supply and other such uses normally incidental to the principal use

**(h)** Manufacture and bottling of nonalcoholic beverages supply

**(i)** Trade and contractor's offices

**(j)** Warehousing and wholesaling

**(k)** Utilities

**(l)** General farming operated for the disposal of sewage, rubbish, or offal, fur



**(m)** farms, stock farms and poultry farms

**(n)** Gas stations

**(o)** Forestry

**(p)** Machine shops

**(6) CONDITIONAL USES.**

**(a)** Manufacture, fabrication, processing, packaging, and packing of

1. Confections.
2. Electronic devices.
3. Instruments.
4. Cosmetics.
5. Food.
6. Pharmaceuticals.
7. Electrical appliances.
8. Jewelry.
10. Tobacco.
11. Toiletries .

**(b)** Manufacture, fabrication, packing, packaging, and assembly of products from: Furs, Metals, Plastics, Glass, Paper, Textiles, Leather, Plaster, tobacco and wood.

**(c)** Printing or publishing

**(d)** Storage and sale of machinery and equipment

**(e)** Airport, air strips, and landing fields

**(f)** Animal hospitals or pounds

**(g)** Commercial service facilities such as restaurants and fueling stations if oriented towards serving the Surrounding industrial uses.

**(h)** Municipal buildings except penal or correctional institutions or asylums.



- (i) Sewage disposal plants
- (J) Contractor's storage yard
- (k) Public passenger transportation terminals, such as heliports, bus and rail depots.
- (L) Community centers and libraries
- (m) Fairgrounds
- (n) Public emergency shelters
- (o) Parks and playgrounds
- (p) Public Warehouses and storage yards
- (q) Public garbage incinerators
- (r) Manufacturing and processing of:

Abrasives	Chemicals	Hair Products	Plastics
Acetylene	Chlorine	Ice	Poison
Acid	Coal	Ink	Polish
Alkalies	Coffee	Insecticide	Potash
Ammonia	Coke	Lampblack	Pulp
Asbestos	Cordage	Lime	Pyroxylin
Asphalt	Creosote	Lime Products	Radium
Batteries	Dextrine	Linoleum	Rope
Bedding	Disinfectant	Matches	Rubber
Bleach	Dye	Meat	Sausage
Bone	Excelsior	Meat	Shoddy
Cabbage	Flet	Oil Cloth	Shoe and Lampblackening
Candles	Fish	Paint	Size
Carpeting	Fuel	Paper	Starch
Cellulose	Furs	Peas	Stove polish
Cement	Gelatin	Perfume	Textiles
Cereals	Glucose	Pickle	Varnish
Charcoal	Gypsum	Plaster of Paris	



## Chapter 18

## ZONING CODE 18.09(6)(s)

### (s) Manufacturing, processing, and storage of

Building materials	Flammables	Lard	Turpentine
Explosives	Gasoline	Plastics	Vinegar
Dry Ice	Glue	Radioactive materials	Yeast
Fat	Grains	Shellac	
Fertilizer	Grease	Soap	

### (t) Other conditional uses:

Animal Reduction  
Bag cleaning  
Bleacheries  
Canneries  
Cold storage warehouses

Electric and steam generating plants  
Electroplating  
Enameling  
Forges  
Foundries  
Incinerators  
Junk yard

Lacquering Lithographing Manufacturing  
& bottling of alcoholic beverages  
, quarrying

*Note: Sec. 18.09 is amended, recreated and renumbered from Village ordinance Chapter 18.09 §§18.94.010 through 18.04.060.*

## **18. 10 AGRICULTURAL DISTRICT.**

**(1) PURPOSE.** This district is intended to provide a suitable environment for agricultural practices.

### **(2) LOT SIZE REGULATIONS.**

**(a) Minimum Area:** 1 acre

**(b) Minimum Width:** 150 feet



**(3) HEIGHT REGULATIONS.** Maximum height: 35 feet

**(4) YARD AND SETBACK REGULATIONS.**

(a) Minimum Front Yard: 50 feet

(b) Minimum Side Yard: 30 feet

(c) Minimum Rear Yard: 30 feet

**(5) PERMITTED USES.**

(a) General farming and necessary appurtenant structures, except fur farms and farms operated for the disposal of garbage, rubbish, offal or sewage, stock farms and poultry farms.

(b) Truck gardening, nurseries and greenhouses only for the propagation of plants.

(c) Dwelling, single family and necessary appurtenant structures on any operating farm for occupancy by those employed in connection with the farm operation and their families.

(d) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures.

(e) Forestry, open space Harvesting of wild crops.

**(6) CONDITIONAL USES.** Those uses listed as conditional uses in the R-1 District.

Kennels

Mineral extraction, quarrying

Fur farm

Stock farms and poultry farms

Radio and television towers

Roadside stands for the sale of farm products

Sanitary land fill

Two family dwellings

Single family dwellings

*Note: Sec. 18.10 is amended, recreated and renumbered from Village ordinance Chapter 18.10 §§18.10.010 through 18.10.060.*



**18.11 CONSERVANCY DISTRICT.**

(1) **PURPOSE.** This district is intended to protect natural resources. Generally, this district may include swamps, marshlands, river and lake shore and other land of natural aesthetic value.

(2) **LOT SIZE REGULATIONS.** See sec. 18.02(6).

(3) **HEIGHT REGULATIONS.** Maximum height: 35 feet

**(4) YARD AND SETBACK REGULATIONS.**

(a) Minimum Front Yard: 50 feet

(b) Minimum Side Yard: See sec. 18.02(6)

(c) Minimum Rear Yard: 35 feet

**(5) Permitted Uses.**

(a) General farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.

(b) The harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds.

(c) Sustained yield forestry, open spaces.

(d) Telephone, telegraph and owner distribution poles and lines and necessary appurtenant equipment and structures.

(e) Hunting and fishing.

(f) Preservation of scenic, historic and scientific areas; wildlife preserves.

(g) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish.

(h) Hiking trails and bridle paths.

(i) Public and private parks.

(j) Golf courses.



**(6) Conditional Uses.**

Filling, drainage, dredging  
Nonresidential farm structures  
occupancy  
Ponds  
Relocation of water courses

Removal of top soil or peat  
Piers, docks, boat houses not for human  
Utilities

*Note: Sec. 18.11 is amended, recreated and renumbered from Village ordinance Chapter 18.11 §§18.11.010 through 18.04.060.*

**18.12 CONDITIONAL USES.**

**(1) PERMIT.** The Plan Commission may authorize the Building Inspector to issue a Conditional Use Permit for conditional uses after review and a public hearing, provided that such conditional uses or structures are in accordance with the purpose and intent of this Chapter and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

**(2) APPLICATION.** Applications for Conditional Use Permits shall be made in duplicate to the Building Inspector on forms provided by his office. Such applications shall be forwarded to the Plan Commission on receipt by the Building Inspector. Such applications shall include where applicable:

- (a) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (b) Description of Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (c) Plat of Survey prepared by a registered land surveyor showing of the information required under sec. 18.02(3), for a Building Permit and existing and proposed landscaping.
- (d) Additional Information as may required by the Plan Commission or other boards, commissions, or officers of the Village.
- (e) Fee Receipt in the amount of fifty dollars (\$50).



**(3) REVIEW AND APPROVAL.**

(a) The Plan Commission shall review the site; existing and proposed structures and architectural plans; parking areas, driveway locations; highway areas, traffic generation and circulation; drainage, sewerage and water systems; operation; conditions which will effect the maintenance of safe and healthful conditions, prevention and control of water pollution including sedimentation, the location of the site with respect to floodplains and the compatibility of the proposed use with the use of adjacent land.

(b) Upon consideration of the factors listed above, the Plan Commission may require such conditions, in addition to those listed elsewhere in this Chapter, as it deemed necessary in furthering the purpose of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration: landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, increased setbacks and yards, type of shore cover, specified sewage disposal and water supply systems, planting screens, piers and dock, signs, or any other requirement necessary to fulfill purpose and intent of this Chapter. Violation of any of these conditions shall be deemed a violation of this Chapter.

**(4) PLANS.**

(a) In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:

1. A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;
2. location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
3. plans for buildings sewage disposal facilities, water supply systems, and arrangements of operations;
4. specifications for areas of proposed filling, grading, lagooning or dredging;
5. other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

(b) The Plan Commission in evaluating each application, any request assistance from other local, county, state or federal agencies.



**(5) PUBLIC HEARINGS.** Public Hearings on applications shall be held within one (1) month by the Plan Commission. There shall be a published Class One (1) notice as provided in Chapter 985 of the Wisconsin Statutes. The Village Clerk shall notify all abutting or opposite property owners, as listed by the applicant in the original application, of the time, date, and subject matter of the hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

**(6) COMPLIANCE.** Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses except as modified by this section. Variances shall only be granted as provided in §18.18.

**(7) PERMITS.** No permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards, or possibility of accident.

**(8) CONDITIONS FOR SELECTED CONDITIONAL USES.**

**(a)** "Planned Unit Development" (PUD) are permitted as conditional uses in all zoning districts except the Conservancy District. PUD is intended to permit the development of planned developments containing not less than ten (10) contiguous acres under one ownership or control.

**(b)** Within such planned communities, the location of all residential, commercial, industrial and governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.

**(c)** The procedure for obtaining a permit for the development of a PUD shall be as outlined in sec. 18.18 of this Chapter, except that the following requirements shall also apply:

**1.** The applicant shall provide proof that the site under consideration contains a minimum land area of not less than ten (10) acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this article shall apply except the minimum acreage requirement of ten (10) acres.



**2.** The applicant shall furnish with his application for a Conditional Use Permit fifteen (15) copies of a preliminary plan, prepared or certified by a surveyor or engineer showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.

**3.** Following approval by the Plan commission and Village Board of a preliminary plan, the applicant shall furnish fifteen (15) copies of a final plan of any section of not less than four (4) acres of the land shown on the preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the state to practice as such, showing the layout of all major and local thoroughfares and local streets, the location of all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreating areas, school sites, playgrounds, the proposed use of all buildings and the metes and bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the village to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication shall have been approved by the Plan commission and Village Board as being in conformity with this section and with any changes or requirements of the Plan commission and Village Board on the preliminary plan, it shall be approved for recordation and recorded. Thereafter, no modification may be made in any final plan except by an amended final plan submitted as provided for the original plan.

**(d)** In granting a permit for the development of a PUD the Plan Commission and Village Board shall make the following determinations:

**1.** That the overall population density shown on the PUD plan for residential and associated industrial and Commercial uses shall not exceed an average density of eleven (11) persons per acre. In computing population density, a factor of 3.7 persons shall be used per one family dwelling, 3.0 persons per garden-type apartment unit or town house and 1.5 persons per high rise apartment unit.

**2.** That a maximum of three (3) residential density areas are shown on the PUD plan. Such density areas shall be designated low, medium and high.

**a.** The population density within a low density area shall not exceed 3.8 persons per acre of gross residential area.



b. The population density within a medium density area shall not exceed fourteen (14) persons per acre of gross residential area.

c. The population density within a high density area shall not exceed sixty (60) persons per acre of gross residential area.

3. That in computing average density on any final plan of a PUD, which at the time of its creation was under one ownership or control, any excess in land area over that required to support an average density of thirteen (13) persons per acre of gross residential area in any final plan previously recorded may be included. In other words, as each successive final plan is submitted, the overall density of all areas shown on recorded final plans within the proposed PUD as approved by the Plan Commission and Village Board shall be recomputed so that the average population density of the developed areas within the recorded sections of the PUD shall never at any time in the history of the development exceed a density of thirteen (13) persons per acre.

4. That the uses shall be as shown on the preliminary plans.

5. That the location of all structures and designated building envelopes shall be as shown on final plans. Building envelopes must be protected by adequate covenants running with the land, conveyances, or dedications.

6. The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage and no minimum lot width in the PUD. However, every single family dwelling shall have access to a public street, court, walkway or other area dedicated to public use and no single family dwelling (except a town house or semidetached dwelling) and no addition to any single family dwelling shall be erected within a distance of less than 16 feet from any other single family dwelling.

7. That the owner has bonded himself and his contractors to make the required improvements within a reasonable length of time.

(e) **Mobile Home Parks.** In granting a permit for the development or improvement of a mobile home park the Plan Commission shall make the following determinations:



## Chapter 18

## ZONING CODE 18.12(8)(e)35.

1. The minimum size of a mobile home park shall be ten (10) acres.
2. The maximum number of mobile homes per acre shall be ten (10).
3. Minimum dimensions of a mobile home lot shall be fifty (50) feet wide by eighty-five (85) feet long.
4. The spaces shall face of abut on a driveway of not less than thirty (30) feet in width giving easy access from all units to a public street.
5. All drives, parking areas and walkways shall be paved.
6. There shall be a minimum yard setback of forty (40) feet at all lot lines of the mobile home park.
7. There shall be a minimum of two (2) surfaced automobile parking spaces for each mobile home space.
8. No mobile home site shall be rented for a period of less than thirty (30) days.
9. The Plan commission may require a plan of the proposed park showing , without limitation because of enumeration, proposed layout of sites, roads, utilities, screening, signs, lighting and recreation areas.
10. These development requirements shall apply except where the provisions of Chapter H77 of the Wisconsin Administrative Code, or as amended, are greater and/or more restrictive.

**Note:** See also Ch. 16, This Code.

**(f) Trailer Courts And Campgrounds.** In granting a permit for the development of improvement of a trailer court or campgrounds the Plan Commission shall make the following determinations:

1. The minimum size of a travel trailer park or campground shall be five (5) acres.
2. The maximum number of travel trailers or campsites shall be fifteen (15) per acre.



3. Minimum dimensions of a travel trailer site or campsite shall be twenty-five (25) feet wide by forty (40) feet long.

4. Each travel trailer site or campsite should be separated from other travel trailer spaces or camp spaces by a yard not less than fifteen (15) feet wide.

5. There shall be a minimum yard setback of forty (40) feet from all exterior lot lines of the travel trailer park or campground.

6. It shall conform to the requirement of Chapter H78 Wisconsin Administrative Code which shall apply until amended and then apply as amended.

7. The screening provisions for mobile home parks are met.

Note: This paragraph was §18.12.080(F), "Trailer courts and campgrounds." It is re-titled during recodification to more accurately describe its provisions. See also Ch. 16, this code.

(g) Non-Farm Residential Uses In Agricultural District. In granting a Conditional Use Permit for non-farm residential uses in the Agricultural District, the Plan commission shall make the following determinations:

1.' That the proposed residential uses will not adversely affect agricultural operations in surrounding areas or be so situated that future inhabitants of such residences might be adversely affected by agricultural operations in surrounding areas;

2. That the site(s) of the proposed residential uses are not well suited for agricultural use by virtue of wooded areas, topography, shape of parcel, soil characteristics, and similar factors;

3. That the site(s) proposed for residential use is particularly well suited for such use as indicated by rolling topography, wooded areas, soil types, vistas, proximity to lakes or streams or other similar factors, proximity to school bus routes, traffic access and egress, established transportation routes, and adequacy of area schools to accommodate increased enrollment that might result from such development.

(h) Mineral Extraction (Quarrying). Applications requesting Plan Commission approval of a proposed quarrying activity shall be accompanied by:

1. A description of all phases of the contemplated operation including types of machinery and equipment which will or might be necessary to carry on the operation.



Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.

2. A legal description of the proposed site.
3. A topographic map at a minimum contour interval of (5 feet) of the proposed site and the area extending beyond the site to a minimum distance of 300 feet on all sides.
4. A restoration plan as hereinafter required.
5. Consideration of compatibility: in reviewing a proposal for a quarrying activity, the Plan Commission shall take into consideration:
  - a. The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
  - b. The possibility of soil erosion as a result of the proposed operation.
  - c. The most suitable land use for the area, and its effect on the land use in adjacent areas.
6. Restoration Plan and Financial Guarantee Required. No grant to carry on a quarrying operation shall be given until the Plan Commission approves a restoration plan and the owner agrees to restore the quarried areas to a condition of practical usefulness and reasonable physical attractiveness as provided in the conditional use permit or within 6 months after the quarrying operations have ceased. The owner shall provide sufficient financial guarantee to secure the performance of the restoration agreement. The agreement and financial guarantee shall be in a form approved by the Village attorney.
7. Conditions for Approval. The plan commission may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.
8. Duration of Conditional Grant. The initial grant to carry on a quarrying operation shall not be effective for more than five years. Authorization may be extended for three additional years, subject to conditions specified by the Plan Commission.

*Note: Sec. 18.12 is amended, recreated and renumbered from Village ordinance Chapters 18.12 §§18.12.010 through 18.12.080 and 14 November 1990 Ordinance Amendment to §18.12.020..*



**18.13 TRAFFIC, PARKING AND ACCESS.** (1) **Traffic Visibility.** (a) No obstructions, such as structures, parking or vegetation, shall be permitted between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of fifteen (15) feet from their intersection.

(b) The regulation shall not apply to the trunks of trees and posts not over six (6) inches square or in diameter.

(2) **LOADING REQUIREMENTS.** In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back onto any public way.

**ORDINANCE NO. 2011-01  
VILLAGE OF BROWNSVILLE**

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**AN ORDINANCE REGULATING PARKING IN RESIDENTIAL YARDS**

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The Village Board of the Village of Brownsville, Dodge County, Wisconsin, do ordain as follows:

**SECTION 1.** Brownsville Municipal Code Section 18.13(3)(i), Parking in Residential Yards, is created as follows:

**Section 18.13(3)(i) PARKING IN RESIDENTIAL YARDS.** The parking of any vehicle upon a residential lot shall be in compliance with the following standards:

(a) The parking of any vehicle within the front yard or (street) side yard shall be on an improved surface driveway or parking pad, located and permitted as provided in this chapter. The remainder of the required front yard setback, and the street side yard setback on any corner lot, shall not be considered a part of the permitted parking area and shall be landscaped with vegetation. No parking pad shall be allowed in the minimum front yard setback or minimum street side yard setback established for the district.

(b) Parking is prohibited within a driveway approach.

(c) **Permitting.** From the effective date of this ordinance, all installation of improved surfaces for vehicle parking or for outdoor storage in residential areas of the Village including replacement (except for minor repairs not exceeding one hundred fifty (150) square feet cumulative) shall require a permit issued by the Village's building inspector. When such installations involve work within the minimum required front yard or minimum required (street) side yard, all the work within the minimum required front yard or minimum required (street) side yard shall be limited by and shall be made to comply fully with the provisions of this chapter, except that existing nonconforming



excess improved surfaces may remain until such time as the surface requires replacement, at which time a permit will not be issued for replacement party.

**SECTION 2.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the reminder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

**SECTION 3.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

**SECTION 4.** This ordinance shall be effective upon passage and publication as provided by law.

Passed by vote of the Village Board this 8th day of June, 2011.

**(3) OFF-STREET PARKING REQUIREMENTS.** In all districts except the Central Commercial District and in connections with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking spaces for all vehicles in accordance with the following:

(a) **Adequate Access.** Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for one and two family dwellings and a minimum of twenty-four (24) feet for all other uses.

(b) **Size.** size of each parking space shall be not less than two hundred (200) square feet exclusive of the space required for ingress and egress.

(c) **Location.** Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking space or driveway except in residential districts shall be closer than twenty-five (25) feet to a residential district lot line.

(d) **Control.** In cases where off-street parking facilities are permitted on land other than the same lot as the principal use, such facilities shall be in the same possession as the lot occupied by the use to which the parking facilities are accessory , or in the possession of the controller of the principal use to which the parking facilities are accessory. (Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the Office of the Register of Deeds of Dodge County, requiring such owner, his heirs, or assigns to maintain the required facilities for the duration of the use served.)



(e) **Collective Provision.** Off street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to.

(f) **Design.** The required number of parking areas shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be arranged and marked to provide for orderly and safe parking. Curbs and barriers shall be installed to prevent parked vehicles from extending over any lot lines or public ways.

(g) **Maintenance.** The owner of property used for parking shall maintain such area in good condition without holes, and free of dust, trash, and other debris.

(h) **Lighting.** Any off-street parking area with more than four (4) parking spaces and which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be arranged as to reflect the light away from adjoining property.

(4) **NUMBER OF OFF-STREET PARKING SPACES REQUIRED.** For purposes of this Chapter the following off-street parking space requirements shall apply:

<b><u>TYPE OF USE:</u></b>	<b><u>PARKING SPACE REQUIRED</u></b>
<b><u>Residential:</u></b>	
One and two family dwelling, mobile homes	Two (2) for each unit
Multi-family dwellings	Two (2) for each unit
Boarding houses, rooming houses, lodges, fraternity and sorority houses, dormitories	(1) for each two (2) employees
<b><u>Commercial and Services:</u></b>	
Automobile service stations which also provide repair	One (1) for each two (2) employees plus two (2) for each service bay
Hotels, motels	One (1) for each sleeping room plus one for each two (2) employees



Automobile washing and cleaning establishments	One (1) for each two (2) employees plus reservoir space equal to five (5) times the capacity of the laundry
Funeral homes, mortuaries and similar type uses	One (1) for each fifty (50) square feet of floor area in parlors or assembly rooms
Bowling Alleys	Four (4) for each lane plus additional spaces for affiliated uses based on requirements in this Chapter
Restaurants, bars, night clubs, and similar uses	One (1) for each one hundred (100) square feet of floor area.
Auditoriums, sports arenas, theater, and other places of public assembly	One (1) for each five (5) seats or spaces equal to twenty (20) percent of capacity in persons, whichever is greater
Retail Stores	One (1) for each two hundred (200) square feet of floor area
Banks, financial institutions, business and professional offices, and similar uses	One (1) for each three hundred (300) square feet of floor area
Medical and dental clinics	Five (5) for each doctor or dentist
Other business and commercial uses	One (1) for each three hundred (300) square feet of floor area
<b><u>Institutional:</u></b>	
Churches and other places of religious assembly	One (1) for each five (5) seats, or one (1) for each ninety (90) lineal inches of pew space
Hospitals	One (1) for each bed
Sanitariums, nursing and rest homes, children's homes, and similar uses	One(1) for each two (2) beds
Libraries, museums, art galleries, etc.	One (1) for each three (3) employees plus one (1) for each four (4) seats plus one (1) for each five hundred (500) square



**feet of floor area not having seats.**



<b>Elementary and junior high schools</b>	<b>Two (2) for each classroom plus one (1) for every eight (8) seats in auditoriums or assembly halls</b>
<b>High schools, colleges, universities and other institutions of higher learning</b>	<b>One (1) for every six (6) students plus one (1) for each teacher administrator and employee</b>
<b>Business, technical and trade schools</b>	<b>One (1) for each five (5) students plus one (1) for each two (2) employees</b>
<b><u>Industrial:</u></b>	
<b>All types of manufacturing and processing plants, laboratories, warehouses, storage and wholesale uses</b>	<b>One (1) for each two (2) employees (on the largest shift for which the buildings is designed) plus one (1) for each motor vehicle used in the business</b>
<b>Cartage, express and parcel delivery, freight terminals</b>	<b>One (1) for each two (2) employees (on the largest shift for which the building is designed) plus one (1) for each motor vehicle maintained on the premises</b>

**(5) GENERAL INTERPRETATIONS.** In the interpretation of this section, the following definitions and rules shall apply:

- (a)** In the case of structures of uses not mentioned the provision for a use which is similar shall apply and shall be determined by the Building Inspector.
- (b)** Parking spaces for uses not similar to those mentioned in this section shall be determined by the Plan Commission.
- (c)** Combinations of any of the above uses shall provide for the total of the number of spaces required for each individual use.
- (d)** Fractional numbers shall be increased to the next whole number.

*Note: Sec. 18.13 is amended, recreated and renumbered from Village ordinance Chapter 18.13 §§18.13.010 through 18.13.050.*



**18.14 FILLING, GRADING AND LAGOONING. (1) PROHIBITION.** Filling, grading, lagooning or dredging which would result in substantial detriment to navigable waters by reason of erosion, sedimentation or impairment of fish and aquatic life shall be prohibited.

**(2) FILLING AND GRADING.** A Conditional use permit for filling and grading shall be required in the following instances:

**(a)** Any proposed grading or filling in a Conservancy Zoning District or of the bed of navigable body of water. Such grading or filling shall be carefully evaluated for its impact in accordance with sec. 18.14(1). The Plan Commission shall evaluate the proposal for conformance with all applicable state and local regulations and may refer the proposal to any state or local government agency for advice and/or technical assistance.

**(b)** Any proposed grading or filling of any area not within a floodplain as designated by the Flood Plain Chapter and which is within three hundred (300) feet horizontal distance of the high water mark of a navigable body of water and which has surface drainage toward the water and on which there is:

**1.** Filling of more than five hundred (500) square feet of any wetland which is contiguous to the water.

**2.** Filling or grading on slopes of twenty (20) percent or more.

**3.** Filling or grading of more than one thousand (1,000) square feet on slopes of twelve to twenty (12- 20) percent.

**4.** Filling or grading of more than two thousand (2,000) square feet on slopes of twelve (12) percent or less.

**(c)** Any proposed grading or filling of an area of more than two thousand (2,000) square feet that would create or alter slopes of ten (10) percent or more.

**(3) LAGOONING AND DREDGING.** (a) A Conditional use permit shall be required before constructing, dredging or commencing work on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within three hundred (300) feet of the high water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, runoff diversions and grassed waterways which are used for sediment retardation.



(b) The Plan commission shall evaluate each application and may request expert assistance from state, federal and local agencies.

(4) **CONDITIONS ATTACHED TO PERMIT.** In granting a conditional use permit for filling, grading, or lagooning the Plan Commission may attach the following conditions in addition to those specified in sec. 18.12(3) of this Chapter:

(a) That the smallest amount of bare ground to be exposed for the shortest time feasible.

(b) Temporary ground cover such as mulch be used and permanent cover such as sod be planted.

(c) Diversions, silting basins, terraces and other methods to trap sediment be used.

(d) Lagooning be conducted in such a manner as to avoid creation of fish trap conditions.

(e) Fill is stabilized according to accepted engineering standards.

(f) That fill will not restrict a floodway or destroy the storage capacity of a floodplain.

(g) Sides of a channel or artificial water course be stabilized to prevent slumping.

(h) Sides of channels or artificial water course be constructed with slopes of two (2) horizontal to one (1) vertical or flatter, unless vertical bulkheads or rip rapping are provided.

(5) **STATE AGENCY PERMITS.** Any state agency permits shall be required as applicable and the granting of a conditional use permit by the Plan Commission shall not be regarded as necessarily satisfying state and/or local permit requirements.

*Note: Sec. 18.14 is amended, recreated and renumbered from Village ordinance Chapter 18.14 §§18.14.010 through 18.04.050.*

**18.15 MODIFICATIONS. (1) HEIGHT.** The district height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:



(a) **Architectural Projections.** Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.

(b) **Special Structures.** Special structures such as elevator penthouses, gas tanks, grand elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks and flag poles are exempt from the height limitations of this Chapter.

(c) **Essential Services.** Essential services utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Chapter.

(d) **Communication Structures.** Communication structures such as radio and television transmission and relay towers, aerials and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.

(e) **Agricultural Structures.** Agricultural structures such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

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

(2) **YARDS.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:

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

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



(c) Regulating Fences And Hedges. (Renum. and recr. fr. §18.15.020(C), as amended by Ord. No. 2002-4, as amended) 1. General. No person, firm or corporation shall after the effective dates of this ordinance, erect or construct any fence or hedge on any premises in the Village of Brownsville which shall exceed:

a. Four (4) feet in height from ground level, as to rear yard and side yard fences and hedges;

b. Four (4) feet in height from ground level, as to front yard fences and hedges.

c. Location: The fence is permissible only if no part of the fence is closer to the street than the front wall of the house or garage structure (excluding porches).

2. Permit(s) Required. No fence shall be erected or constructed on any premises in the Village of Brownsville without first obtaining a permit therefor from the Village of Brownsville Building Inspector. Plot plans shall be submitted at the time of application for the permit and any changes shall be reported to the Village Building Inspector. The fee for such permit shall be the same as for regular building permit. A sketch of design of the proposed fence accompanying the application for such permit shall be submitted for approval the Building Inspector before construction shall begin. The Building Inspector shall furnish the necessary forms to applicants for fence permits.

3. Construction. The following regulations will govern the construction of the proposed fence:

a. Wire fences are to be of chain-link construction of other types of wire as approved by the Plan Commission;

b. If wood fences are used:

1. Redwood shall be preferred for durability;

2. Woods other than redwood may be used, provided that they are suitably maintained or painted;

c. No barbed wire or electric fence shall be permitted except for farming purposes;

d. The finished side of the fence shall face out from the lot which is being fenced, excepting in those cases where the outside face of the fence is shielded by hedge or other growth obstruction visibility of it, and shall be built entirely on the builder's lot.



3. No fence or hedge shall interfere with the free access and use of any utility easement.

4. No fence, hedge, or other obstruction shall exist closer than:

Five (5) feet from the rear lot line where alleys exist; otherwise, two (2) feet from the lot line.

5. Utility Easement. No fence or hedge shall interfere with the free access and use of any utility easement.

6. Rear Lot Line. No fence, hedge, or other obstruction shall exist closer than: Five (5) feet from the rear lot line where alleys exist; Otherwise, two (2) feet from the lot line.

7. Corners. On any corner where a front or side yard is required or provided, no fence, hedge, or other obstruction more than three and one-half (3 1/2) feet in height measured from the established grade of the street shall be placed so as to interfere with clear vision from one street to the other across the corner.

8. Existing Fences. Any fence which exists at the time of the passage of this ordinance, but does not conform to the provisions thereof, shall not be altered or enlarged without making the entire fence conform with the provisions of this section.

9. Gate Opening Required. A gate opening for utility and emergency personnel shall be provided where no other reasonable access is provided and where so required by the Village for other authorized personnel of the Village.

10. Appeals. Upon appeal to the Village Board, an aggrieved property owner can receive a variance to the terms of these regulations herein, in order to avoid unreasonable or impracticable application of the strict interpretation of the law due to unique characteristics of the site.

11. Effective Date. This paragraph shall take effect and begin in force from and after passage and publication. (Ord. 1995-1, as amended, adopted August 9, 1995, amended October 11, 2000.).

(d) Security Fences. Security fences are permitted on the property lines but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(e) Accessory Uses. Accessory uses and detached accessory structures, are permitted in the rear yard only; they shall not be closer than ten (10) feet to principal



structure, they shall not exceed fifteen (15) feet in height, shall not occupy more than thirty (30) percent of the rear yard area and shall not be closer than three (3) feet to any lot line nor fifteen (15) feet to an alley line.

(f) Essential Services. Essential services, utility, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

(g) Landscaping and Vegetation . Landscaping and vegetation are exempt from the yard requirements of this Chapter, with the exception that any landscaping or vegetation shall be subject to the restrictions in §13.01.

(h) Required Street Yards May Be Decreased. The required street yards may be decreased to the structures on each side but in no case less than fifteen (15) feet except in the R-2 District. (This paragraph, previously untitled, has been given a title to reflect its provisions.).

(3) **SWIMMING POOLS.** (a) Permit Required. No swimming pools shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a building permit and without being in conformity with the provisions of this Chapter.

(b) Fencing required. Every person who owns, operates, uses, has custody or control of, or has the right to use any swimming pool located in the Village shall erect and maintain a fence or barriers around such swimming pool to prevent children from falling into such swimming pool subject to the following specifications:

1. Permanent pools shall be completely isolated from adjoining properties by a 50 inch high fence which must be constructed and maintained in good state of repair and appearance;

2. Above ground pools must have pool side walls or fencing completely surrounding it or a combination thereof which total a minimum of 40 inches in height above grade;

3. Portable pools over one foot in depth must be drained, fenced, or covered in such a manner as to provide public safety after each day's use.

(c) Location of Satellite TV Dish. No swimming pool shall be erected to the front or side of the residence of the owner or occupant of the premises connected



therewith; no swimming pool shall be constructed on property which would make them incapable of conforming to present requirements in sec. 18.15(3) of this Chapter.

(4) **SATELLITE TV DISH.** No Satellite TV Dish shall be erected or placed on any property within the Village until a permit shall have first been obtained from the Village Board.

(a) **Application.** Application for a Satellite TV Dish permit shall be made in writing to the Village Clerk who shall in turn submit it to the Building Committee. With such application there shall be submitted a fee of Ten (\$10.00) Dollars and a complete set of plans and specifications, including a plot plan showing the location of the proposed Satellite TV dish with respect to adjoining alleys, lot lines, and buildings. If such application shall be approved by the Building Committee, it shall then be submitted to the Village Board at its next regular meeting for final approval. The Building Committee shall act on all such applications within a period of ten days.

(b) **Location of Satellite TV Dish.** Any Satellite TV Dish approved for placement within the Village may only be located in the rear yard of a residential lot and at least ten (10) feet from either side lot line. It shall also be placed as close to the residence as is reasonably possible. Placement in the business district shall be approved by the Building Committee.

(c) **Connection Electrical Lines.** All electrical lines, cables and conduits running to or from any Satellite T. V. Dish shall be buried. If a TV Satellite Dish is to be used by two or more residential property owners, all inter- connecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for permit.

(d) **Wind Pressure.** Each Satellite TV Dish shall be securely anchored to withstand a maximum wind pressure anticipated, taking into consideration the size, shape and weight of all of its components.

(e) **Temporary Placement.** A Satellite TV Dish may be placed in a yard on a trial basis for a period not exceeding ten (10) days.

*Note Sec. 18.05 is amended, recreated and renumbered from Village ordinance Chapter 18.15 §§18.15.010 through 18.15.040, as amended by Ord. .*



**18.16 SIGNS.** (1) **PERMIT REQUIRED.** Except those specified in subs.(2), no signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a Building Permit and without being in conformity with the provisions of this Chapter. The sign shall also meet all the structural requirements of other applicable codes and Chapters of the Village of Brownsville.

(2) **SIGNS EXCEPTED.** All signs must have a building permit except the following:

(a) **Signs Over Show Windows.** Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(b) **Real Estate Signs.** Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are temporarily located.

(c) **Name, Occupation and Warning Signs.** Name, occupation and warning signs not to exceed two (2) square feet located on the premises.

(d) **Bulletin Boards.** Bulletin boards for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.

(e) **Memorial Signs.** Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.

(f) **Official Signs.** Official signs, such as traffic control, parking restriction, information and notices.

(g) **Temporary Signs.** Temporary signs when authorized by the Building Inspector for a period not to exceed thirty (30) days.

(h) **Placement Regulated.** No Such Sign mentioned above shall be located on public road right-of-way or in, on or over public water.

(3) **SIGNS PERMITTED.** Signs are permitted for all commercial and industrial uses subject to the following restrictions:



(a) Wall signs placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in area for anyone premises and shall not exceed twenty (20) feet in height above the mean centerline street grade.

(b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for anyone premises; shall not extend more than six (6) feet into any required yard; shall not be less than ten (10) feet from all 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.

(c) On-Premise Ground Signs limited to one sign for each individual business premises which advertises the business names, services offered, or products sold on the premise shall not exceed twenty (20) feet in height, shall meet all yard requirements for the district in which it is located, and shall not exceed one hundred (100) square feet in display area on anyone side nor two hundred (200) square feet in display area on all sides for anyone premises. Such on-premise ground sign may be located not closer than fifty (50) feet to the existing or proposed right-of-way of any state or county trunk highway or any town road unless the road classification in the yard regulations in this Chapter allow a lesser yard requirement if such sign does not exceed ten (10) feet in height nor one hundred (100) square feet in display area on all sides.

(d) Off-Premise Ground Signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway, or any town road measured horizontally along a line normal or perpendicular to the center of the highway; and shall not be located within one thousand (1000) feet of any other off-premise ground sign, located on the same side of the road shall not exceed thirty (30) feet in height; and shall not exceed three hundred (300) square feet in display area or anyone side nor six hundred (600) square feet in display area on all sides.

(e) Window Signs shall be placed only on the side of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

(f) 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 three hundred (300) square feet on all sides for anyone premises.



(4) **FACING.** No sign except those permitted in Section 7.2 shall be permitted to face a Residential District within one hundred (100) feet of such district boundary.

(5) **TRAFFIC.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall 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. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(6) **MOVING OR FLASHING SIGNS.** No sign shall be erected which has any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

(7) **EXISTING SIGNS.** Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size, or location does not conform with the provisions of this Chapter. However, it shall be deemed a nonconforming use or structure, and, the provisions of § 18.17 shall apply.

*Note: Sec. 18.16 is amended, recreated and renumbered from Village ordinance Chapter 18.16 §§18.16:010 through 18.16.070.*

**18.17 NONCONFORMING USES, STRUCTURES, AND LOTS. (1) EXISTING NONCONFORMING USES.** (a) The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this section may be continued although the use does not conform with the provisions of this section, however, only that portion of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this section.

(b) Total Lifetime Structural Repairs or alterations, shall not exceed fifty (50) percent of the Village's assessed value of the structure at the time of its becoming a non-conforming use unless it is permanently changed to conform to the use provisions of this section.

(c) Substitution of New Equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(2) **ABOLISHMENT OR REPLACEMENT.** (a) If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the



structure, land, or water shall conform to the provisions of this section. When a nonconforming use or structure is damaged by fire, explosion, flood, public enemy or other calamity to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of the section.

(b) A current file of all nonconforming uses shall be maintained by the Building Inspector listing the following: owner's name and address; use of the structure, land, or water, and the assessed value at the time of its becoming a nonconforming use.

(3) **EXISTING NONCONFORMING STRUCTURES.** (a) The lawful nonconforming structure existing at the time of the adoption or amendment of this Section may be continued although its size or location does not conform with the lot width, lot area, yard, height, setback, parking and loading, and access provisions of this Section.

(b) Additions and enlargements to existing nonconforming structures are permitted and shall conform with the required building setback lines along streets, water, and highways, and the yard, height, parking, loading and access provisions of this Section. Existing nonconforming structures may be moved or may be reconstructed if damaged or destroyed by fire, explosion, flood or other calamity; and shall conform with the required building setback lines along streets and highways, and the yard, height, parking, loading and access provisions of this section with this Section. The provisions of this section with respect to additions or enlargements, reconstruction, and moving are applicable only if the lot or parcel conforms with the existing sanitary code requirements or is serviced by public sanitary sewer.

(4) **CHANGES.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure.

(5) **SUBSTANDARD LOTS.** A lot which does not contain sufficient area to conform to the dimensional requirements of this Section may be used as a building site for a single family dwelling upon issuance of a building permit subject to the following conditions:

(a) Such use is permitted in the Zoning District.

(b) The lot is on record in the County Register of Deeds Office prior to the effective date of this Section.



(c) The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Section.

(d) All the dimensional requirements of this Section be complied with insofar as practical.

(e) The sanitary provisions of the County Sanitary Chapter shall apply to those lots not served by public sewer.

*Note: Sec. 18.17 is amended, recreated and renumbered from Village ordinance Chapter 18.17 §§18.17.010 through 18.17.050.*

**18.18 BOARD OF ZONING APPEALS. (1) ESTABLISHMENT.** There is hereby established a Board of Zoning Appeals for the Village of Brownsville. The Board of Zoning Appeals shall consist of 5 members appointed by the Village President and confirmed by the Village Board.

(a) **Terms:** Terms shall be for three (3) years, except that of those fast appointed, one (1) shall serve one (1) year, two (2) for two (2) years and two (2) for three (3) years.

(b) **Chairman:** Chairman shall be designated by the Village President.

(c) **Alternate:** An alternate member 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 interest.

(d) **Secretary :** Secretary shall be as designated by the Village Board.

(e) **Vacancies:** Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term.

(2) **ORGANIZATION.** The Board of Zoning Appeals shall organize and adopt rules of procedure in conformance to §62.23(7)(e)l. Through 15., Wis. Stats.

(3) **POWERS.** The Board of Zoning Appeals shall have the powers as expressed in §62.23(7)(e)1. Through 15., Wis. Stats., except that conditional uses (special exceptions ) shall be acted upon by the Plan Commission. Use variances shall not be granted.



(4) **APPEALS AND APPLICATIONS.** Appeals from the decision of the Building Inspector concerning the literal enforcement of this Section may be made by any person aggrieved or by any officer, department, board, or bureau of the Village. Such appeals shall be filed with the secretary within thirty (30) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:

(a) **Name and Address.** Name and address of the appellant or applicant and all abutting and opposite property owners of record.

(b) **Information.** All information required for a building permit.

(c) **Additional Information.** Additional information required by the Plan Commission, Board of Zoning Appeals or Building Inspector.

(d) **Fee Receipt.** Fee receipt in the amount of \$75.00.

Note: The Zoning provisions as printed omitted provisions specific to "Appeals and Applications." Recodification corrects this by including such provisions.

(5) **HEARINGS.** The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least 10 days prior and shall give due notice to the parties in interest, the Building Inspector and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney.

(6) **FINDINGS.** No variance to the provisions of this Chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicate in the minutes of its proceedings:

(a) **Exceptional circumstances:** There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Section should be changed.

(b) **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.



(c) **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 Section on the public interest.

*Note: Subsections (5) and (6) are included here as a correction to Ch. 18.18 as printed. Although the Ch. 18.18 index includes titles for sections ".050 Hearings" and ".060 Findings" the language for these provisions was omitted from the printed version submitted for recodification.*

(7) **DECISION.** The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and Plan Commission.

(a) **Conditions:** Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(b) **Variances:** Variances or permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

(8) **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by any decision of the Board of Zoning 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 thirty (30) days after the filing of the decision in the office of the Board of Zoning Appeals.

*Note: Sec. 18.18 is amended, recreated and renumbered from Village ordinance Chapter 18.18 §§18.18.010 through 18.04.080, with language for §§18.18.050 and 18.18.060 having been omitted from the printed copy used for recodification.*

**18.19 CHANGES AND AMENDMENTS.** (1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the village Board may, by Chapter, change the district boundaries or amend, change or supplement the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission.

(2) **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.

(3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises



to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) **Plot Plan:** Plot plan drawn to a scale of one (1) inch equals one hundred (100) feet, or other scale approved by the Building inspector, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.

(b) **Owners:** Owner's names and addresses of all property lying within two hundred (200) feet of the area proposed to be rezoned.

(c) **Additional Information:** Additional information required by the Village Plan Commission or Village Board.

(d) **Fee Receipt:** Fee receipt in the amount of ten dollars (\$10.00).

(4) **RECOMMENDATIONS.** (a) The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied.

(b) The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board.

(5) **HEARINGS.** The Village Board shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice of the time, place, and the changes or amendments proposed. The Village Board shall also give at least ten (10) days written notice to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment

(6) **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.

(7) **PROTEST.** In the event of a protest against such district change or amendment to the regulation of this Chapter, duly signed and acknowledged by the owners of twenty (20) percent or more either of the areas of the land included in such proposed change, or by the owners of twenty (20) percent or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty (20) percent or more of the land directly opposite thereto extending one hundred



(100) feet from the street frontage or such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4's) of the full Village Board membership.

**18.20 ANNEXATIONS.** (Created during recodification, 2001-LGRS) (1) **AUTHORITY.** Subject to §66.023(7), Wis. Stats., territory contiguous to the Village may be annexed thereto in accordance with §66.021, Wis. Stats.

(2) **PLAN CONVISSION.** Before completion of annexation procedures, the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board. The Village Board shall designate permanent district classifications upon annexation.

(3) **ANNEXATION ORDINANCE(S) INCORPORATED BY REFERENCE.** Any annexation ordinance enacted by the Village Board shall be placed permanently on file in the office of the Village Clerk/Treasurer, and shall be incorporated by reference with the same force and effect as if fully set forth herein.

**Note:** Section 18.20 incorporates annexation ordinances enacted by the Village Board to be placed on file with the Village Clerk treasurer. This language also incorporates each annexation enacted by the Village Board in to the Zoning code by reference.