

**VILLAGE OF BLANCHARDVILLE ORDINANCE RO2024 – 001**

**AN ORDINANCE TO REPEAL AND RECREAT CHAPTER 520 ZONING OF THE VILLAGE CODE OF THE VILLAGE OF BLANCHARDVILLE**

The Village Board of the Village of Blanchardville, Lafayette and Iowa Counties, Wisconsin do ordain as follows:

Section 1: The authority of the Village Board of the Village of Blanchardville, Wisconsin to enact this ordinance are the powers conferred by Wisconsin State Statues.

Section 2: The Village Plan Commission recommended changes to the Village Board July 15, 2024, to Chapter 520 to clarify existing language, including best practices such as zero-lot line development and to create two new zoning districts for R-2 Multi-family and Planned Unit Development (PUD).

Section 3: A public hearing regarding the proposed zoning changes was duly posted and held before the Village Board on Monday, August 5, 2024.

Section 4: Chapter 520 Zoning is hereby repealed in its entirety.

Section 5: Chapter 520 Zoning is hereby recreated as the following attachment.


Section 6: These changes shall take effect upon passage and the day after publication as provided by law.

Adopted by the Village Board of the Village of Blanchardville, WI, this 5<sup>th</sup> day of August 2024.

Village of Blanchardville

  
Nicholas J. Crooks, Village President

Attest:

  
Amy M. Barnes, WCMC  
Village Clerk – Treasurer

Date Adopted: 8/05/2024

Date Published: 08/08/2024

# Chapter 520. Zoning

## GENERAL REFERENCES

- Plan Commission See Ch. 16, § 16-2.  
Board of Zoning Appeals — See Ch. 16, § 16-3.  
Comprehensive Plan — See Ch. 465.  
Floodplain zoning — See Ch. 477.  
Land division — See Ch. 485.  
Official Map — See Ch. 492.  
Shoreland-wetland zoning — See Ch. 500.

### § 520-1. Authority.

This chapter is adopted under the authority granted by §§ 61.35 and 62.23, Wis. Stats.

### § 520-2. Purpose.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and the general welfare of the Village.

### § 520-3. Intent.

It is the general intent of this chapter to regulate and restrict the use of all structures, lands and water, regulate and restrict lot coverage, population distribution and density, 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 provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of the land and conservation of natural resources; and preserve and promote the beauty of the Village. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

### § 520-4. 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, ordinances, 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.

### § 520-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and 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.

### § 520-6. Title.

This chapter shall be known as, referred to or cited as the "Zoning Code, Village of Blanchardville, Wisconsin."

## Article II. General Provisions

### § 520-7. Jurisdiction.

The jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Blanchardville.

§ 520-8. Compliance.

No structure shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, covered or structurally altered without a zoning permit, and without full compliance with the provisions of this chapter and all other applicable Village, county and state regulations.

§ 520-9. Site restrictions.

- A. General restrictions. No land shall be used, or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the Village. The Zoning Administrator, in applying the provisions of this subsection, shall, in writing, recite the particular facts upon which he bases his conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to appeal a finding of such unsuitability to the Board of Zoning Appeals if he so desires. Thereafter, the Zoning Administrator may affirm, modify, or withdraw his determination of unsuitability.
- B. Minimum frontage. All lots shall abut upon a street and each lot shall have a minimum frontage of 48 feet (if zero lot line).
- C. Principal structure. All principal structures shall be located on a lot and only one principal structure shall be located, erected, or moved onto a lot.
- D. Street access. No zoning permit shall be issued for a lot which abuts a public street, dedicated only to a portion or its proposed width, and located on that side thereof from which the required dedication has not been secured.

§ 520-10. Use restrictions.

- A. Principal uses. The following use restriction and regulations shall apply. Only those principal uses specified for a district, their essential services, and those uses enumerated below shall be permitted in a designated district.
- B. Accessory uses. Accessory uses and structures are permitted in any district, but not until the principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business trade or industry, except as specifically provided in this chapter. Residential accessory uses include incidental repairs, storage, parking facilities, gardening, servant's quarters not to rent, private swimming pools, and private emergency shelter. There shall be no more than two accessory uses per lot without the consent of the Plan Commission. Accessory structures cannot be any longer or wider than the principal structure. Other specifications are included in each district.
- C. Conditional uses. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the Village Board in accordance with Article VII of this chapter.
- D. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by the Village Board, provided that such uses are similar in character to the principal uses permitted in the district.
- E. Temporary uses. Temporary uses such as real estate field offices or shelters for materials and equipment being used for construction of a permanent structure may be granted by the Plan Commission

§ 520-11. 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. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

### Article III. Zoning Permit

#### § 520-12. Application.

Application for zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and may include the following, where applicable. In case of simple extensions, alterations, repairs or restorations, the Zoning Administrator may waive any or all of the requirements hereunder and accept, in lieu thereof, a simple sketch by the applicant with explanatory data found sufficient by the Zoning Administrator to adequately identify and explain the proposed construction and use.

- A. Names and address of the applicant or owner of the site and the architect, professional engineer or contractor.
  - B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject lies.
  - C. Plat of survey showing the location, boundaries, dimensions, elevations, uses and size of the following:
    - (1) Subject site.
    - (2) Existing and proposed structures.
    - (3) Existing and proposed easements.
    - (4) Streets and other public ways.
    - (5) Off-street parking, loading and driveways.
    - (6) Existing highway access restrictions.
    - (7) Existing and proposed street, side and rear yards.
  - D. When required, the application for a zoning permit shall also contain copies of approved plans by the Wisconsin Department of Safety and Professional Services (DSPS).
  - E. A fee per schedule as part of Village contract with Zoning Administrator shall be paid to the Clerk-Treasurer.<sup>[1]</sup>
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- F. Additional information may be required by the Plan Commission, the Village Board or the Zoning Administrator.

#### § 520-13. Other requirements.

- A. All new residential structures shall be served by the public sewer system, if available.
- B. All new residential structures shall be served by the public water supply system, if available.
- C. A basement may be used by itself as a residence, if the space possesses its own separate entry to outside and ingress/egress meets code requirements. See also "Uniform Dwelling Code" in

#### § 520-14. Grant or denial.

The zoning permit applied for shall be granted or denied in writing by the Zoning Administrator within 30 days. The permit shall expire within six months unless substantial work has commenced. The construction shall be completed within one year or per schedule of contract with Zoning Administrator. Any permit issued in conflict with the provisions of this chapter shall be null and void.

### Article IV. Terminology

## § 520-15. Definitions.

For the purposes of this chapter, the following definitions shall be used:

### **Accessory Dwelling Unit (ADU)**

One (1) secondary dwelling unit on a residentially zoned parcel which shall be smaller than the primary structure or dwelling on the residentially zoned lot. The ADU shall be: less than or equal to 900 square feet, contain two (2) or fewer bedrooms, and possess its own entrance, complete kitchen, plus bath and toilet facilities. The ADU could be within the existing structure (basement or attic), an addition to an existing structure, or a detached structure. The owner shall live on the lot where the ADU is located; utilities could be separately provisioned from primary dwelling. The Village will check to ensure adequate utilities are A) available and B) provisioned before the unit may be inhabited space.

### **ACCESSORY USE OR STRUCTURE**

A subordinate structure located on the lot, the use of which is clearly incidental to and associated with the principal structure. Where an accessory structure is attached to the principal structure, in a substantial manner, as by a roof, such accessory structure shall be considered as a part of the principal structure. Examples of accessory structures are detached garages, carports, playhouses, sheds, private greenhouses, gazebos, storage buildings, wind-generating devices, swimming pools, and radio- and television-receiving antenna towers and dishes, etc. (See each district for specifications, as well as Article II.)

### **ALLEY**

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

### **APARTMENT**

A portion of a residential or commercial building used as a separate housing unit.

### **APARTMENT HOUSE**

See "dwelling, multiple."

### **AREA VARIANCE**

A modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Appeals under this Code.  
[Added 8-6-2018 by Ord. No. 520-15]

### **ARTERIAL STREET**

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

### **BASEMENT**

That portion of any structure located partly below the average adjoining lot grade.

### **BOARDINGHOUSE**

A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons, animals, equipment, machinery or materials.

### **BUILDING ALTERATIONS**

Any change or rearrangement of the supporting members such as bearing walls, beams, columns or

girders of a building, an addition to a building, or movement of a building from one location to another.

**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 ridge of gable, gambrel, hip, and pitch roofs; or to the deck line of any mansard roofs.

**BUSINESS**

Includes the commercial, limited industrial and general industrial uses and districts as herein defined.

**CARPORT**

See "garage."

**CONDITIONAL USE**

A use allowed under a conditional use permit, special exception, or other special zoning permission issued by the Village, but does not include a variance.

[Amended 8-6-2018 by Ord. No. 520-15]

**CONFORMING USE**

Any lawful use of a building or lot, which complies with the provisions of this chapter.

**CORNER LOT**

A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.

**DWELLING**

A detached building designed or used exclusively for human habitation, including single-family, two-family and multifamily dwellings, but not including hotels, motels or lodging houses.

**DWELLING, MULTIPLE**

A building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.

**DWELLING, ONE-FAMILY**

An attached or detached building designed, arranged or used for and occupied exclusively by one family, and shall include a manufactured home and an earth home.

**DWELLING, TWO-FAMILY**

A building designed, arranged or used for, or occupied exclusively by two families living independently of each other.

**DWELLING UNIT**

A building or portion thereof used exclusively for human habitation, including single-family, two-family and multifamily dwellings, but not including hotels, motels or lodging houses.

**EFFICIENCY**

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

**EMERGENCY SHELTER**

Public or private enclosures designed to protect persons from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; and invasions.

**ESSENTIAL SERVICES**

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

**FARM**

Land consisting of 10 acres or more on which produce, crops, livestock or flowers are grown primarily for off-premises consumption, use or sale.

**FIRE-RATED or FIRE RESISTANCE**

A system which has been tested in accordance with the appropriate American Society of Testing Materials (ASTM) test standard and has met the mechanical and endurance requirements of that standard. The property of a material or assembly to withstand fire or give protection from it. As applied to elements of buildings, it is characterized by the ability to confine a fire or to continue to perform a given structural function, or both. Such testing is conducted by a nationally recognized laboratory which rates the system for one, two, three, or four hours, based on the results of the fire test.

**FLOOR AREA**

The floor area of a building is the sum of the gross horizontal area of the several floors of the building measured from the exterior face of the exterior walls, or from the center line of the walls, separating the building, but not including the basement, utility rooms, garages, porches, breezeways and unfinished attics.

**FRONTAGE**

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

**GARAGE**

A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.

**GARAGE, ATTACHED**

A structure for the primary purpose of storing motor vehicles, which is connected to the principal structure by a common wall.

**GARAGE, DETACHED**

A structure for the primary purpose of storing motor vehicles, and which is freestanding from the principal building.

**GIFT STORES**

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

**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 20% of the area of any floor, uses only household equipment, and no stock-in-trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, gift stores, real estate brokerage or photographic studios. Door-to-door salespersons may temporarily store stock-in-trade on the premises provided that no stock-in-trade is

displayed or sold on the premises and no customer pickups are made.

[1]

### **HOUSEHOLD**

Any number of blood-related or adopted persons living together in one dwelling as a single housekeeping entity. No more than five (5) unrelated persons may live together in one dwelling unit (maximum two people per bedroom).

### **LOADING AREA**

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

### **LOT**

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

### **LOT, INTERIOR**

Any lot other than a corner lot, including a through lot.

### **LOT LINE**

A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed the street or alley line.

### **LOT LINE, FRONT**

Starts at the street and is any boundary of any lot which is along an existing or dedicated street. Building street address is based on street front lot.

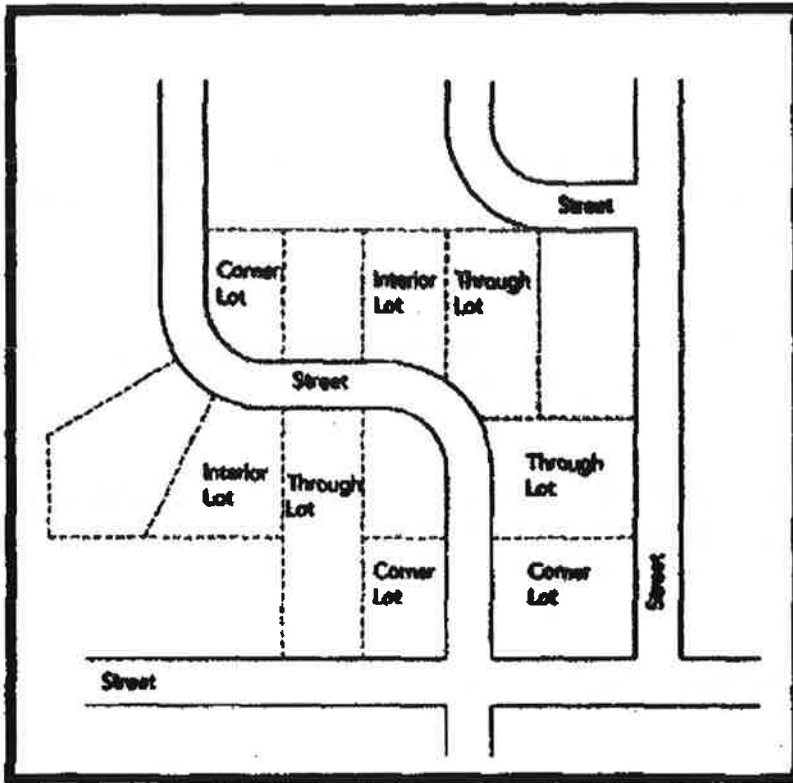
### **LOT LINE, REAR**

That boundary of a lot which is most distant from and is parallel, or approximately parallel, to the front lot line. If the rear lot line is less than two feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line. On corner lots, the rear lot line shall be the boundary line opposite one of the street lot lines and established as the rear lot line at the time of application for the building permit.

### **LOT LINES AND AREA**

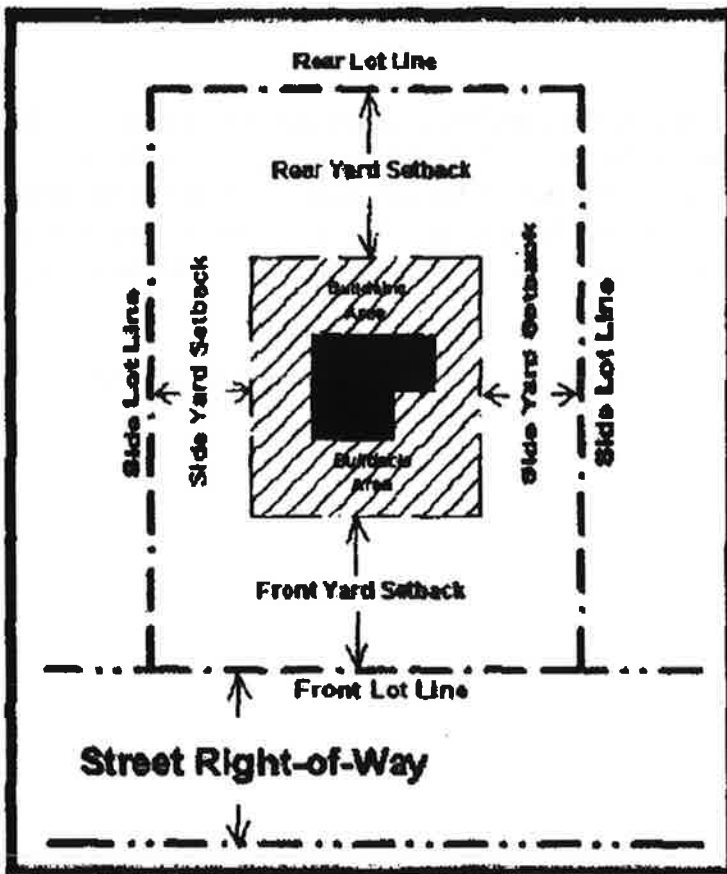
The peripheral boundaries of a parcel of land and the total area lying within such boundaries.





**LOT LINE, SIDE**

Any boundary of a lot that is not a front or rear lot line.



**LOT, THROUGH**

A noncorner lot that abuts two streets; a lot having its front and rear yards each abutting a street.

**LOT WIDTH**

The horizontal distance between the side lot lines.

**MACHINE SHOPS**

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

**MANUFACTURED HOME**

A structure certified and labeled as a manufactured home under 42 U.S.C. §§ 5401 to 5426, which, when placed on a site:

- A. Is set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Ch. COMM 21, Subchs. III, IV and V, Wis. Adm. Code.
- B. Is installed in accordance with the manufacturer's instructions.
- C. Is properly connected to utilities on the owner's property.[2]

**MOTEL**

A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

**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 use.

**PARKING LOT**

A structure or premises containing 10 or more parking spaces open to the public.

**PARKING SPACE**

A graded and surfaced area not less than nine feet wide and 20 feet long, either enclosed or open, for the parking of a motor vehicle and having adequate ingress and egress to a public street or alley.

**PARTIES IN INTEREST**

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

**PROFESSIONAL HOME OFFICES**

Residences of doctors of medicine, practitioners, dentist, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed 1/2 of the area of only one floor of the residence and only one nonresident person is employed.

**REAR YARD**

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

**Right-of-Way (ROW)**

An area not less than 50 feet wide providing access to abutting properties, usually containing a road or street facility.

**SIDE YARD**

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

**SIGN**

See the definition of "sign" in § 520-47.[3]

**STREET**

A public way for vehicular or pedestrian and vehicular traffic.

**STREET YARD**

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

**STRUCTURE**

Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.[4]

**SUBSTANTIAL EVIDENCE**

Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

[Added 8-6-2018 by Ord. No. 520-15]

**USE VARIANCE**

An authorization by the Board of Appeals under this Code for use of land for a purpose that is otherwise not allowed or is prohibited by this Zoning Code.

[Added 8-6-2018 by Ord. No. 520-15]

**UTILITIES**

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

**YARD**

A required open, unoccupied space on a lot, unobstructed from the ground to the sky, with the exception of vegetation.

**YARD, FRONT**

A yard extending from the front lot line to the front setback line. On corner lots and through lots, both street lot lines are considered front lot lines without regard to location of the main entrance of the principal building, identified by street address: for example, 1234 Main Street.

**YARD, REAR**

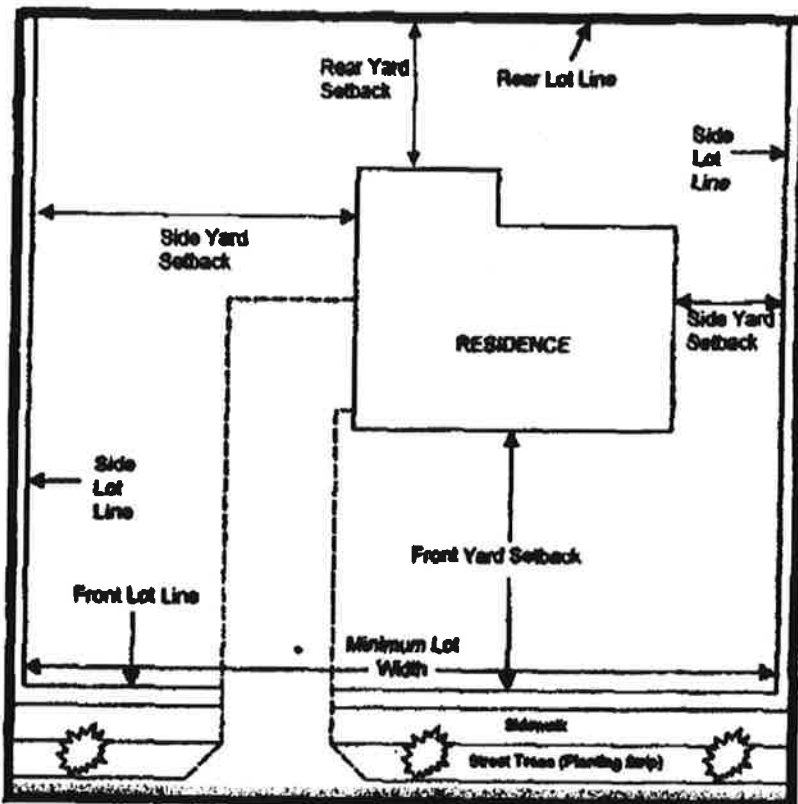
A yard extending from the rear setback line to the rear lot line.

### YARD, SIDE

A yard extending along the side lot line to the side setback line and located between the front and rear yards.

### ZERO LOT LINE

The concept whereby two respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.



- [1] *Editor's Note: The original definitions of "junkyards" and "living rooms," which immediately followed this definition, were repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- [2] *Editor's Note: The original definitions of "mobile home" and "mobile home park," which immediately followed this definition, were repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- [3] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- [4] *Editor's Note: The original definition of "structural alterations," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

## Article V. Community Living Arrangements: Family Day-Care Homes

### § 520-16. Adoption of statutes by reference.

The provisions of §§ 62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

### § 520-17. Permitted uses; restrictions.

**Community Living Arrangement (CLA):**

<b>Family Day-Care Home</b>	<b>Districts Permitted</b>	<b>Statutory Restrictions</b>
Foster family home (domicile licensed under §48.62 Wis. Stats. Up to 4 children)	All residential districts	None
Other foster homes	All residential districts	§ 62.23(7)(i)1 and 2 Wis. Stats.
CLA, up to 8 persons	All residential districts	§ 62.23(7)(i)1, 2 and 9 Wis. Stats.
CLA, 9 to 15 persons	Multifamily districts	§ 62.23(7)(i)1, 2 and 9 Wis. Stats.
Family day-care home licensed under §48.65, Wis. Stats., up to 8 children	All 1 and 2 family districts and planned residential development districts	§ 66.1017 Wis. Stats.

§ 520-18. Conditional uses.

All community living arrangements and family day-care homes not permitted in § 520-17 above shall be conditional uses. See Article VII, Conditional Uses, of this chapter.

**Article VI. Zoning Districts**

§ 520-19. Zoning Districts and Map.

- A. Established. For the purposes of this chapter, the Village is hereby divided into the following zoning districts:
  - (1)R-1 Single-Family Residential District.
  - (2)C-1 General Commercial District.
  - (3)M-1 Limited Industrial District.
  - (4)A Agricultural District.
  - (5)CON Conservancy District.
  - (6)Floodplain Districts.
  - (7)R-2 Multifamily Residential District
  - (8)Planned Unit Development (PUD) District
- B. Incorporation of Zoning Map. The locations and boundaries of the districts are shown on the Village Zoning Map, dated May 1, 2023, and referred to by reference as the "Official Zoning Map, Village of Blanchardville, Wisconsin." Such map, together with all explanatory matter and regulations thereon, is an integral part of this chapter and all amendments thereto. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Clerk-Treasurer and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the map.
- C. District boundary and map amendments: refer to Chapter 492, Official Map.<sup>[1]</sup>
  - [1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- D. Boundaries of districts. When uncertainly exists with respect to the boundaries of the various districts as shown on the map, the following rules shall apply:

- (1) When width or lengths of boundaries are not clear, the scale of the map shall determine the approximate dimensions.
- (2) When the regulations of Chapter 477, Floodplain Zoning, and this chapter conflict with one another, the most restrictive combination of such regulations shall control.
- (3) District boundaries are normally lot lines and center lines of streets, highways, railroads, or alleys.

§ 520-20. R-1 Residential District.

[Amended 6-7-2010 by Ord. No. 2010-01; 4-10-2023 by Ord. No. 2023-002]

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family, and two-family dwellings protected from traffic hazards and intrusion. Further, it is intended that multifamily dwellings may be dispersed throughout the district on a conditional-use basis.

A. Permitted uses.

- (1) Single-family dwellings.
- (2) Attached or detached garage, 900 square feet and 15 feet in height maximum. Residential garages must be constructed using a type of building material to be consistent with the appearance of the principal structure.
- (3) Garden and yard equipment shed, 200 square feet maximum.
- (4) Boardinghouses, up to four paying guests or boarders, including bed-and-breakfast establishments.
- (5) One (1) Accessory Dwelling Unit (ADU) may be built per one (1) R-1-zoned parcel.
- (6) Two-family dwellings.

B. Conditional uses. See also Article VII, Conditional Uses, of this chapter.

- (1) Two-family dwellings.
- (2) Multifamily dwellings.
- (3) Funeral homes.
- (4) Public hospitals and rest homes.
- (5) Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business.
- (7) Municipal buildings, except sewerage disposal plants, garbage incinerators, public warehouses, public garages, public shops, storage yards, penal or correctional institutions, and asylums.
- (8) Utility offices provided there is no service garage or storage yard.
- (9) Home occupations and professional offices.

C. Lot, yard, and buildings requirements.

- (1) See § 520-21.3.

§ 520-21. C-1 General Commercial District.

The C-1 District is intended to provide an area for the business and commercial needs of the Village.

A. Permitted uses.

1. Post offices.
2. General business and commercial uses which do not generate noise, smoke, or odors that would create a public or private nuisance. These uses generally include the following:
  - (a) Appliance shops.
  - (b) Art and school supply stores.
  - (c) Automotive parts sales stores.
  - (d) Automobile sales lots and showrooms and lots, including incidental servicing and repair;

provided, however, that all vehicles be in operative condition.

- (e) Automotive servicing and repairs.
- (f) Banks and other financial institutions, including loan and finance companies.
- (g) Barbershops and beauty parlors.
- (h) Business offices.
- (i) Candy and ice cream stores.
- (j) Clinics.
- (k) Clothing repair shops.
- (l) Clubs.
- (m) Cocktail lounges.
- (n) Department stores.
- (o) Drugstores.
- (p) Electrical supply.
- (q) Food lockers.
- (r) Furniture stores.
- (s) Gasoline stations.
- (t) Grocery stores.
- (u) Hardware stores.
- (v) Hotels.
- (w) Insurance agencies.
- (x) Jewelry stores.
- (y) Liquor stores.
- (z) Lumberyards.
- (aa) Medical clinics.
- (bb) Opticians and optical stores.
- (cc) Parking facilities.
- (dd) Photographic studios.
- (ee) Professional offices.
- (ff) Publishers.
- (gg) Residences, existing only.
- (hh) Restaurants.
- (ii) Taverns.
- (jj) Undertaking establishments.
- (kk) Variety stores.

**B. Conditional uses.**

- (1) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
- (2) Apartments. (See Subsection C below.)

**C. Additional restrictions.**

- (1) Except for existing residences as of May 1999, dwelling units are not permitted below the second floor
- (2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (3) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

**D. Lot, yard, and building requirements and exceptions.**

- (1) See § 520-21.3.

**E. Site plan and architectural review guidelines of commercial properties. [Added 9-7-2010 by Ord. No.**

2010-03]

(1) Establishment and purpose. The Village of Blanchardville hereby establishes site plan and architectural review standards to promote stability of property values; to promote compatible development; to protect certain public investments in the area; to foster the attractiveness and functional utility of the community as a place to live and work; to preserve the character and quality of the built environment by maintaining the integrity of those areas which have a discernible character or are of a special historic significance; to raise the level of community expectations for the quality of its environment; and to uphold the goals, strategies and guidelines of this chapter and the Village Comprehensive Plan.

(2) Compliance. No use, development, structure, or sign shall hereafter be erected, moved, reconstructed, extended, enlarged, altered, or changed until the Plan Commission has reviewed and approved site plans and architectural plans for the site, structures, or signs for all commercial uses. The Plan Commission shall not approve any plans unless they find after viewing and study of the application that the use, site, structure, improvements, or sign, as planned will not violate the intent and purposes of this Subsection E. Only after the Plan Commission Chairperson has signed the approved plan(s), signifying support of the Plan Commission, may appropriate permits be granted.<sup>[1]</sup>

<sup>[1]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(3) Site plan review principles and standards. To implement the purposes set forth in Subsection D, the Plan Commission and staff shall review the site, existing and proposed structures, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading (in the case of commercial and industrial uses), highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. The Plan Commission will approve said site plans only after determining that:

- (a) The proposed use(s) conforms to the uses permitted in that zoning district.
- (b) No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, or low bearing strength of underlying soil, erosion susceptibility of underlying soil, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community.
- (c) All lots shall abut a fully dedicated and improved public street that has the full required width as required by that zoning district; no building permit shall be issued for a lot which does not abut a fully dedicated and improved public street.
- (d) The dimensional arrangement of buildings and structures shall conform to the required area, yard, setback, and height restrictions of this chapter.
- (e) The proposed use conforms to all use and design provisions and requirements (if any) as found in this Subsection E or any other codes or laws for the specified uses.
- (f) There is a proper relationship between the existing and proposed on-site buildings within the vicinity of the project in order to assure the safety and convenience of pedestrian and vehicular traffic.
- (g) The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress, interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking as specified by this chapter or any other codes or laws.
- (h) Natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- (i) The site plan must adhere to the Village's requirements for grading, drainage, and landscaping.
- (j) Adverse effects of the proposed development and activities upon adjoining residents or



owners are minimized by appropriate screening, fencing, or landscaping as provided or required in this chapter.

- (k) Dumpsters and other trash receptacles are screened from view from street rights-of-way and adjacent residential uses.
  - (l) Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.
  - (m) The site plan is consistent with the intent and purposes of this Subsection E, which is to promote the public health, safety, and general welfare, to encourage the use of lands in accordance with their character and adaptability, to avoid the overcrowding of population, to lessen congestion on the public roads and streets, to reduce hazards of life and property, and to facilitate existing community development plans.
  - (n) The site plan is consistent with the public goals, objectives, principles, standards, policies, and urban design criteria set forth in the Village-adopted Comprehensive Plan or components thereof.
  - (o) When a site plan modification or addition is reviewed, all existing nonconformities and outstanding code violations shall be identified, resolved, and remedied.
  - (p) All uses shall provide adequate off-street parking and loading areas.
  - (q) All hazards identified in the site plan review process shall be resolved or mitigated as determined by the Plan Commission.
- (4) Architectural review principles and standards. To implement the purposes set forth in Subsection D, the following architectural review principles, criteria, and review guidelines are established:
- (a) Appearance. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal appearance in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
  - (b) Building facades in Village Commercial and Business Districts. All building exteriors shall be brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved by the Plan Commission. (In Village industrial districts, all building exteriors facing a street shall be brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of 20 feet along the sides of the structure.) Multifamily structures shall be designed to coincide with the general residential character of the Village. Multifamily structures shall be built with varying facades such as brick, aluminum siding, glass and wood, or any other material required by the Plan Commission.
  - (c) Building location. No building shall be permitted to be sited in a manner which would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures or signs on adjoining properties.
  - (d) Building rooflines and roof shapes. The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development or redevelopment.
  - (e) Building scale and mass. The relative proportion of a building to its neighboring existing buildings, to pedestrians or observers, or to other existing buildings shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
  - (f) Colors. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the existing neighborhood buildings.
  - (g) Heating, air conditioning, and ventilating equipment. All shall be located in a manner to be unobtrusive and screened from view. Such equipment existing within a design sensitivity area must be enclosed by brick, decorative masonry or other appropriate screening as approved by the Plan Commission.
  - (h) Landscaping. All properties shall be landscaped according to a Plan-Commission- approved

landscape plan.

- (i) Light pollution. No lighting on the site shall be so bright and/or so obtrusive that it, in the opinion of the Plan Commission, deters from the quality of life for neighboring property owners. No lighting on the site shall be so unorthodox that it detracts from the appearance of the general area. Applicant(s) shall provide cutsheets and/or information on the lighting fixtures intended for the site.
  - (j) Materials. Unless otherwise specified by the Plan Commission, material selection for architectural design and the texture of buildings shall be based upon the prevailing material and texture already used on existing buildings in the area. Materials and textures already used on existing buildings that are aesthetically incompatible with other building facades in the area, and which present an unattractive appearance to the public and surrounding properties, shall be prohibited. The Plan Commission shall refer to the Community Master Plan as a guide for undeveloped areas.
  - (k) Monotony. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
  - (l) Overhead/dock doors. No overhead and/or dock door on any business or industrial building shall face a public street. The Plan Commission may permit overhead doors (not including docks) to face a public street when it has made a finding that there is no feasible alternative location for such doors.
  - (m) Signage. All signs will conform to Article XII of this chapter.
  - (n) Other standards. Any other architectural standards deemed appropriate by the Plan Commission in the Village of Blanchardville or in the vicinity of the project that may be imposed by the Plan Commission.
- (5) Penalty for unauthorized modification. After the Plan Commission has approved both site and architectural plans, no development, building, sign or structure may be moved, reconstructed, extended, enlarged, altered or changed until the Plan Commission has reviewed and approved such alterations. Any such violation of the provisions of this Subsection E by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, be subject to the penalty in § 520-82 of this chapter.<sup>[2]</sup>

<sup>[2]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

- (6) Applications for site plan and/or architectural review. All applications shall be submitted to the Village Zoning Administrator or Village Building Inspector. Following review by the Zoning Administrator/Building Inspector, a recommendation will be made to the Village Plan Commission upon which the application will be approved as is, modified or denied. All submitted applications shall contain the following:
- (a) Name and address of the applicant, owner of the site, architect, professional engineer, and contractor.
  - (b) Description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - (c) Plat of survey prepared by a registered land surveyor, or a temporary and readable sketch drawn to scale showing the subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey or sketch shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
  - (d) All existing (original) and finished grade levels.
  - (e) All buildings and other structures, showing the required setbacks.
  - (f) Sidewalks and driveways (including types of materials).

- (g) Parking areas (including types of materials).
- (h) Loading areas (including types of materials).
- (i) Utility and storage areas (including types of materials).
- (j) Lawns and landscaped areas (including types of materials).
- (k) Water impoundments, wherever located.
- (l) Fences (including types of materials).
- (m) All exterior lighting (including types).
- (n) Areas of fill or cut.
- (o) Stormwater drainage plans and facilities, including appropriate on/off-site stormwater detention facilities.
- (p) Location and type of refuse collection or storage facilities.
- (q) All exterior signs and all other signs visible from the exterior of buildings and structures (including types of materials).
- (r) Building exterior facade designs and colored architectural renderings.
- (s) A color plan and texture plan (including types of materials).<sup>[3]</sup>

[3] *Editor's Note: Original Section 17.15(5)(f)(20) of the 2003 Municipal Code, regarding plans of operations, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

- (t) One physical copy of the entire application for Zoning Administrator/Building Inspector review and electronic copies for Plan Commission review.
- (u) One official copy of the application to be signed by the Plan Commission.
- (v) All additional information required by the Village of Blanchardville Plan Commission, Zoning Administrator, Building Inspection Department and/or other departments as required.

(7) Appeals. Any person or persons aggrieved by any decisions of the Plan Commission regarding use approval, site plan review, or architectural review may appeal the decision to the Board of Zoning Appeals. The written appeal shall be filed with the Village Clerk within 15 days following the decision of the Plan Commission.

#### § 520-21.1. R-2 Multifamily Residential District

The R-2 Multifamily Residential District is intended to provide for varied building types that permit two (2) dwelling units up to and including twenty (20) dwelling units to be on one (1) parcel.

- A. Permitted uses.
  - (1) Two-Family Dwellings
  - (2) Triplexes
  - (3) Fourplexes
  - (4) Multifamily unit buildings (as apartments or condominiums) up to and including twenty (20) units per parcel.
  - (5) One (1) Accessory Dwelling Unit (ADU) may be built per one (1) R-2-zoned parcel.
- B. Conditional Uses
  - (1) Multifamily unit buildings (as apartments or condominiums) exceeding twenty (20) units.
  - (2) Churches, synagogues, and similar places of worship and instruction, including parsonages.
  - (3) Public, parochial, and private elementary and secondary schools.
  - (4) Public park, recreation areas, playgrounds and community centers.
  - (5) Home occupations and professional offices.
- C. Lot, yard, and buildings requirements.
  - (1) See § 520-21.3.

#### § 520-21.2. Planned Unit Development (PUD) District

The Planned Unit Development (PUD) District is intended to forward both the aesthetic and economic

development objectives of the Village by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.

In order to prevent undesirable impacts, PUDs are required to meet certain procedural requirements applicable only to planned unit developments, in addition to the general requirements of this chapter. A public hearing process is required to review a request for a planned development.

- A. Provision of flexible development standards for Planned Unit Developments (PUDs)
  - (1) *Permitted location.* Planned developments shall be permitted with the approval of a Planned Development Zoning District.
  - (2) *Flexible development standards.* The following exemptions to the development standards of the most comparable zoning district may be provided with the approval of a planned development:
    - (a) *Land use requirements.* All land uses may be permitted within a PUD.
    - (b) *Density and intensity requirements.* All requirements for residential density and nonresidential intensity may be waived within a PUD in exchange for flexible density standards within the PUD.
    - (c) *Landscaping requirements.* All requirements may be waived within a PUD in exchange for flexible landscaping provisioning demonstrated with a landscape plan.
    - (d) *Parking and loading requirements.* All requirements may be waived within a PUD in exchange for Applicant(s) explaining alternate standard for PUD.
  - (3) *Requirements to depict all aspects of development.* Only development which is explicitly depicted on the required site plan approved by the Village Board as part of the approved planned unit development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted. Requested exemptions from these standards shall be made explicit by the applicant in the application and shall be recommended by the plan commission and approved explicitly by the Village Board. If not so requested and approved, such exemptions shall not be permitted.
- B. *Initiation of request for approval of a PUD.* Proceedings for approval of a Planned Development shall be initiated by:
  - (1) An application of the owner(s) of the subject property;
  - (2) A recommendation of the plan commission; or
  - (3) By action of the Village Board.
- C. *Application requirements.* All applications for proposed planned developments, regardless of the party of their initiation per subsection (B) above, shall be approved as complete by the zoning administrator a minimum of two weeks prior to the initiation of this procedure. The zoning administrator shall forward copies of said complete application to the office of the village clerk. Said application shall apply to each of the process steps in subsections (D) through (G) below.
- D. PUD Process Step 1: Pre-application conference.
  - (1) The applicant shall contact the zoning administrator to place an informal discussion item for the PUD on the plan commission agenda.
  - (2) No details beyond the name of the applicant and the identification of the discussion item as a PUD is required to be given in the agenda.
  - (3) At the plan commission meeting, the applicant shall engage in an informal discussion with the plan commission regarding the potential PUD. Appropriate topics for discussion may include the location of the PD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the comprehensive plan.
  - (4) Points of discussion and conclusions reached in this stage of the process shall be in no way be

binding upon the applicant or the village, but should be considered as the informal, non-binding basis for proceeding to the next step.

**E. PUD Process Step 2: Concept plan.**

- (1) The Applicant(s) shall provide the zoning administrator with a draft PUD concept plan submittal packet for a determination of completeness prior to placing the proposed PD on the plan commission agenda for concept plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for concept plan review:
  - (a) A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the Village Future Land Use Map;
  - (b) A general written description of proposed PUD including:
    - General project themes and images;
    - The general mix of dwelling unit types and/or land uses;
    - Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio
    - The general treatment of natural features;
    - The general relationship to nearby properties and public streets;
    - The general relationship of the project to the comprehensive plan;
    - To provide the plan commission with information necessary to determine the relative merits of the project regarding private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility, Applicant(s) shall prepare:
      - An initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and,
      - A complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply, as compared to the most comparable zoning district(s).
  - (c) A written description of potentially requested exemption from the requirements of the most comparable zoning district, in the following order:
    - Land use exemptions;
    - Density and intensity exemptions;
    - Bulk standards exemptions;
    - Landscaping exceptions;
    - Parking and loading requirements exceptions;
  - (d) A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets and/or private drives. The applicant may submit copies of a larger version of this plan in addition to the 11 inches by 17 inches version.
  - (e) Within ten working days of receiving the draft PUD concept plan submittal packet, the zoning administrator shall determine whether the submittal is complete. Once the zoning administrator has received a complete packet, the proposed PUD concept plan shall be placed on the plan commission agenda.
  - (f) At the plan commission meeting, the applicant shall engage in an informal discussion with the plan commission regarding the conceptual PUD. Appropriate topics for discussion may include the any of the information provided in the PUD concept plan submittal packet, or other items as determined by the plan commission.
  - (g) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the applicant or the village, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of plan commission review of the concept plan to occur prior to introduction of the formal petition for rezoning which accompanies the GDP application.

**F. PUD Process Step 3: General development plan (GDP)**

- (1) The applicant shall provide the zoning administrator with a draft GDP plan submittal packet for a

determination of completeness prior to placing the proposed GDP on the plan commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for GDP review:

- (a) A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the Village Future Land Use Map;
- (b) A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Iowa or Lafayette Counties (as provided by the Village). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier. The scale shall be between one inch:100ft or one inch: 500 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (c) A general written description of proposed PUD including:
  - General project themes and images;
  - The general mix of dwelling unit types and/or land uses;
  - Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
  - The general treatment of natural features;
  - The general relationship to nearby properties and public streets;
  - The general relationship of the project to the comprehensive plan;
  - A statement of rationale as to why PUD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of the most comparable zoning district(s) and opportunities for community betterment the applicant suggests are available through the proposed PD zoning;
  - To provide the plan commission with information necessary to determine the relative merits of the project regarding private benefit versus public benefit, and regarding the mitigation of potential adverse impacts created by design flexibility, Applicant(s) shall prepare:
    - A complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply, and
    - A complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply shall be identified, as compared with the most comparable zoning district(s).
    - A written description of potentially requested exemption from the requirements of the most comparable zoning district, in the following order:
      - Land use exemptions;
        - Density and intensity exemptions;
        - Bulk exemptions;
        - Landscaping exceptions;
        - Parking and loading requirements exceptions.
- (d) A general development plan drawing at a minimum scale of one inch equals 100 feet (11- inch by 17-inch reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
  - A conceptual plan drawing (at 11 inches by 17 inches) of the general land use layout and the general location of major public streets and/or private drives. The applicant may submit copies of a larger version of the "bubble plan" in addition to the 11-inch by 17-inch reduction;
  - Location of recreational and open space areas and facilities and specifically describing

those that are to be reserved or dedicated for public acquisition and use;

- Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or Village Board; and
- Notations relating the written information provided in subsections 520- 21.2(F)(1)(c), above to specific areas on the GDP drawing.

- (e) A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this chapter (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.
- (f) A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Village standards or common practices.
- (g) Written justification for the proposed planned unit development.
- (h) The process for review and approval of the GDP shall be identical to that for XXX
- (i) All portions of an approved PD/GDP not fully developed within five years of final Village Board approval shall expire, and no additional PUD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing. Completed portions of the PUD/GDP shall retain the PUD/GDP status.

**G. PUD Process Step 4: Specific Implementation Plan (SIP).**

- (1) After the effective date of the rezoning to PUD/GDP, the applicant may file an application for a proposed specific implementation plan (SIP) with the plan commission. This submittal packet shall contain all of the following items, prior to its acceptance by the zoning administrator and placement of the item on a plan commission agenda for PUD review:
  - (a) A location map of the subject property and its vicinity at 11 inches by 17 inches, as depicted on a copy of the Village Future Land Use Map;
  - (b) A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Iowa and/or Lafayette Counties (as provided by the Village). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier. The scale shall be between one inch:100ft or one inch: 500 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
  - (c) A general written description of proposed SIP including:
    - Specific project themes and images;
    - The specific mix of dwelling unit types and/or land uses;
    - Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
    - The specific treatment of natural features;
    - The specific relationship to nearby properties and public streets.
    - A statement of rationale as to why PUD zoning is proposed. This shall identify barriers that the applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the applicant suggests are available through the proposed PUD zoning.
    - To provide the plan commission with information necessary to determine the relative merits of the project regarding private benefit versus public benefit, and regarding the mitigation of potential adverse impacts created by design flexibility, Applicant(s) shall

prepare:

- A complete list of zoning standards which will not be met by the proposed PUD and the location(s) in which they apply, and
  - A complete list of zoning standards which will be more than met by the proposed PUD and the location(s) in which they apply shall be identified, as compared with the most comparable zoning district(s).
- (d) A specific implementation plan drawing at a minimum scale of one inch equals 100 feet (11-inch by 17-inch reduction shall also be provided by applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
- A SIP site plan conforming to all the requirements of subsection 520- 21.2(g)(1)(c). A proposed preliminary/conceptual plat or CSM may be required by the zoning administrator in addition to the required site plan.
  - Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
  - Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the plan commission or Village Board; and
  - Notations relating the written information provided in subsections 520- 21.2(g)(1)(c), above to specific areas on the SIP drawing.
- (e) A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- (f) A series of building elevations for the entire exterior of all buildings in the proposed SIP, including detailed notes as to the materials and colors proposed.
- (g) A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles).
- (h) A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
- (i) A written description which demonstrates the full consistency of the proposed SIP with the approved GDP.
- (j) All variations between the requirements of the approved PUD/GDP zoning district and the proposed SIP development; and
- (k) The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
- (l) The area included in a specific implementation plan may be only a portion of the area included in a previously approved General Development Plan.
- (m) The specific implementation plan (SIP) submission may include site plan and design information, allowing the plan commission to combine design review and review of the SIP. Design review may, at the choice of the applicant, be deferred until a later time when specific site and building developments will be brought forth.
- (n) The plan commission or Village Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the SIP, as such may be relevant to review.
- (2) The process for review and approval of the PUD shall be identical to that for site plans XXX of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code.
- (3) All portions of an approved PUD/SIP not fully developed within five years of final Village Board



approval shall expire, and no additional PUD-based development shall be permitted. The Village Board may extend this five years period by up to five additional years via a majority vote following a public hearing. Completed portions of the PUD/GDP shall retain the PUD/GDP status.

§ 520-21.3. Bulk Standards – Lot, yard, and building requirements  
**SEE CHART**

§ 520-21.4. (Reserved)

§ 520-21.5. MU - Mixed use zoning.

The MU - Mixed use zoning district is intended to provide a designation for mixed commercial and residential opportunities on the same parcel in the Village.

A. Permitted Uses:

- (1) Permitted uses identified in the C-1 Commercial Zoning District.
- (2) Residential units above ground floor commercial spaces. (Residential units' sizes are determined per § 520-21.3).

B. Conditional Uses

- (1) Buildings exceeding 5,000 square feet of floor area but not more than 7,500 square feet may be allowed with conditional use

C. Lot, yard, and buildings requirements.

- (1) See § 520-21.3.

D. Site standards:

- (1) Maximum size: Buildings will not exceed 5,000 square feet of floor area. Buildings exceeding 5,000 square feet of floor area but not more than 12,750 square feet may be allowed with conditional use.
- (2) Single-family or two-family (duplex) detached dwellings shall be constructed on a frost wall or full basement and served by public sewer, excluding all mobile homes; for purposes of this chapter, manufactured homes are included in the definition of single-family dwelling.
- (3) The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Blanchardville.
- (4) The home shall be covered by a roof pitched at a minimum of three inches in 12 inches, which is permanently covered with a non-reflective material. Metal roofs are permitted, but not those made from corrugated tin.
- (5) All telephone/internet/cable and electric pedestals shall be located between single- and two- family homes. Landscape will surround the pedestals.
- (6) Sidewalks shall be provided.
- (7) Utilities such as electricity, gas, and water connections shall have accessible shutoff valves for each dwelling unit, either within the unit, or a common area. Utility connections must be located on the back of all buildings.
  - (a) Gas and electric connections must be located on the back of all buildings.
  - (b) All telephone, cable and internet connections must be inside a locked and temperature- controlled room.
- (8) All commercial and business signage shall be approved by the Village and follow the signage ordinance.
- (9) All site plans for any building will be brought to the Planning Commission and voted on to the Village Board for final approval.
- (10) Any changes to the site plan after approval will go through staff review. Change(s) resulting in

Standards	Zoning Districts						MID COM	Residential
	R-1 (Two-Family Structures)	R-2	MM - Mixed-Use District	C-1 Commercial District	R-1 Residential District	A - Agricultural District		
Lot coverage of setbacks (min. 8)	65% (8 ft for rear lot line (711); 60%)	50%	45% (25% if fire-resistant construction)	45% (25% if fire-resistant construction)	100%	50%	-	
Lot area (min. 35)	8,500 SF (10,000 SF)	15,000 SF	15,000 SF	15,000 SF	43,540 SF (1.0 AC)	10.0 AC	-	
Lot area (min. 35) per dwelling unit	8,500 SF (\$250 SF for 711 or two-family)	750 SF	750 SF	750 SF	-	-	-	
Lot coverage MAX % (residential & accessory structures)	35%	50%	75%	75%	-	-	-	
Minimum Building Height/ # of building stories	25 ft (two stories)	35 ft (three stories)	25 ft (three stories)	25 ft (three stories)	45 ft	Max. 50 ft for Farm Buildings	-	
Minimum Front Yard Setback (ft)	25 ft	25 ft	25 ft (if adjacent lot setbacks is 0 ft, then 0 ft)	Name <sup>m</sup>	20 ft	-	-	
Minimum Side Yard Setback (ft)	5 ft	10 ft	10 ft; 15 ft street side yard	0 ft	20 ft	Min. 50 ft for Farm Buildings	-	
Minimum Rear Yard Setback (ft)	25 ft	30 ft	25 ft	0 ft if fire-resistant construction; otherwise 11 ft	40 ft	-	-	
Floor Area (min. 35)	950 SF (500 SF if studio in two-family)	Studio/ One BR: MIN 500 SF; Two BR: MIN 700 SF; Three BR: MIN 900 SF	Studio/ One BR: MIN 500 SF; Two BR: MIN 700 SF; Three BR: MIN 900 SF	-	-	-	-	
Accessory Buildings								
Minimum Building Height/ # of building stories	15 ft, one story	15 ft, one story	15 ft, one story	-	-	-	-	
Minimum Front Yard Setback (ft)	25 ft	25 ft	25 ft	-	30	-	-	
Minimum Side Yard Setback (ft)	5 ft (10 ft)	10 ft	10 ft	-	10	-	-	
Minimum Rear Yard Setback (ft)	5 ft (10 ft)	10 ft	10 ft	-	-	-	-	
Off-Street Parking (Garage, driveway, etc. combined)		See Article III			See Article IX			

<sup>m</sup> More restrictive requirements may be applicable where lots abut streets or county highways

<sup>n</sup> Setback for new commercial development. All new commercial development on Blake Street (S.J.H. 78) from Lien Court to School Street, and Oak Street (S.J.H. 78) from Wilson Street to the Village limits, will have setbacks to conform to existing setbacks with a minimum of 25 feet

<sup>o</sup> Off-street parking for new commercial development. All new commercial development on Blake Street (S.J.H. 78) from Lien Court to School Street, and Oak Street (S.J.H. 78) from Wilson Street to the Village limits, will provide for off-street parking

<sup>p</sup> If Residence, same standards as R-1  
<sup>q</sup> Truck unloading area: sufficient space so that no setbacks or alleys need be blocked.

requested variance(s) must go through the Planning Commission and passed onto the Village Board for final approval.

- (11) Any gas stations, grocery, commercial stores will have to submit a plan if wanting more space for development and all plans will go the route of Planning Commission, to be then passed onto the Village Board for final approval.
- (12) Any gas station shall work with the Village to protect the environment and follow Village ordinances.
- (13) Parking requirements are in **Article IX**.

E. Streets and utilities.

- (1) All streets will have parking accommodations on both sides. Alternate side parking will be enforced during the winter months.
- (2) Hydrants will be placed based upon the Village ordinance.
- (3) Gas, water and sewage will be placed underground, under the streets.
- (4) Telephone, cable and electricity shall be underground, preferably in front of residential housing and behind apartment and businesses.
- (5) No cul-de-sacs.
- (6) North Main Street will be extended through into the new development and will have the same ordinances as South Main Street in the new development.
- (7) Curb, gutter and water management will be covered under the current Village ordinances.

§ 520-22. M-1 Limited Industrial District.

The M-1 District is intended to provide for manufacturing or industrial operation which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Village as a whole by reason of noise, dirt, dust, smoke, odor, traffic, physical appearance or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect. Outdoor storage of raw materials or finished products is not allowed.

A. Permitted uses.

- (1) Automotive repair, service and storage of automobile accessories, except the wrecking of motor vehicles.
- (2) Blacksmithing, tinsmithing and sheet metal work.
- (3) Bottling plants.
- (4) Enameling and painting.
- (5) Knitting mills and the manufacture of products from finished fabrics.
- (6) Manufacture, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper-only pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp).
- (7) Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food, except meat and meat products, fish and fish products, cabbage products or the vining of peas.
- (8) Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, tobacco products, and toiletries.
- (9) Laboratories.
- (10) Warehousing.
- (11) Welding shops.
- (12) Wholesaling.

B. Lot, yard and building requirements.

See § 520-21.3.

C. Off-street parking and loading requirements. See Article IX of this chapter.

§ 520-23. A - Agricultural District.

The A-Agricultural District provides exclusively for agricultural uses. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development, which results in excessive costs to the community for premature provision of essential public improvements and services.

A. Permitted uses.

- (1) General farming and dairying.
- (2) In-season roadside stands for the sale of farm products produced on the premises.
- (3) Water storage; and sewage disposal plants and power stations, when surrounded by an eight-foot or more woven fence.
- (4) Nurseries, greenhouses and other agricultural uses.
- (5) Uses customarily incident to any of the above uses, including residential uses incident to any of the above uses.

B. Conditional uses. See also Article VII, Conditional Uses, of this chapter.

- (1) Single-family residences on parcels of not less than 15,000 square feet.
- (2) Mineral extraction.
- (3) Cheese factories and other food processing plants.

C. Lot, yard, and building requirements.

- (1) See § 520-21.3.

§ 520-24. CON - Conservancy District.

The CON Conservancy District is intended to preserve scenic and natural area in the Village and to prevent uncontrolled, uneconomical spread of residential development, and to help discourage intensive development of marginal lands so as to prevent potential hazards of public and private property.

A. Permitted uses:

- (1) Public parks and playgrounds.
- (2) Management of forestry, wildlife and fish.
- (3) Harvesting of wild crops such as March hay, ferns, moss, berries, tree fruits, and tree seeds.
- (4) Hunting, fishing, and trapping.
- (5) Dams, power stations and transmission lines.
- (6) Gravel or sand pits and quarries, including the washing and grading of products.
- (7) Upon written permission from the Village Board, based on the purposes of this chapter and on the recommendation of the Plan Commission following a public hearing, sewage disposal plants and water pumping or storage facilities, amusement parks, golf courses and driving ranges, and public camping grounds.
- (8) Uses customarily incident to any of the above uses.

B. Lot, yard, and building requirements: None applicable.

§ 520-25. Floodplain Districts.

See Chapter 477, Floodplain Zoning, of this Code.

## Article VII. Conditional Uses

§ 520-26. General uses applicable to one or more districts.

The following uses shall be conditional uses and may be permitted as specified:

- A. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums and historical landmarks or restorations may be permitted in all residential and commercial districts.
- B. Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any residential lot line.

- C. Incinerators, sewerage disposal plants and earth or sanitary landfill operations may be permitted in A Agricultural and M-1 Districts.  
[Amended 5-6-2013 by Ord. No. 2013-01]
- D. Golf courses may be permitted in any residential or agricultural district.
- E. Cemeteries may be permitted in any residential or commercial districts.
- F. Skating rinks, sports fields, swimming pools and tennis courts may be permitted in any district.

§ 520-27. Permit application.

Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Administrator and shall include the following:

- 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 the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure of site; number of employees, if any; and the zoning district within which the subject site lies.
- C. Site plan showing the locations of any buildings and all proposed provisions for off-street parking and loading.
- D. Additional information, as may be required by the Zoning Administrator, the Plan Commission and the Village Board.
- E. The fee shall be set by the Village Board and shall accompany each application. [Amended 5-6-2013 by Ord. No. 2013-01]

§ 520-28. Notice.

[Amended 8-6-2018 by Ord. No. 520-28-30]

Notice of such application and the subsequent hearing thereon before the Village Board shall be published as a Class II notice.

§ 520-29. Appearances at hearings.

Either the applicant or his agent or attorney shall attend the public hearing of the Village Board at which such application is to be considered unless such attendance has been excused by the Village Board.

§ 520-30. Review and approval.

[Amended 8-6-2018 by Ord. No. 520-28-30]

- A. The Village Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.
- B. No application for a conditional use shall be granted by the Village Board or recommended by the Plan Commission unless the Village Board and Plan Commission shall find all of the following conditions are present, based upon substantial evidence as that term is defined in this Chapter **520**:
  - (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use, and the proposed use is compatible with the use of adjacent land.
  - (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
  - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
  - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to

minimize traffic congestion in the public streets.

(6) That use does not violate floodplain regulations governing the site.

(7) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.

#### § 520-31. Issuance of permit; conditions.

If such permit is issued, the Village Board may attach conditions thereto such as, but not limited to, landscaping, architectural design, type of constructions, construction commencement and completion dates, hours of operation, traffic circulation or parking requirements, highway access restrictions, or increased yards.

### Article VIII. Mineral Extraction

#### § 520-32. Conditions for extraction.

Mineral extraction operations, including washing, crushing or other processing, are conditional uses and may be permitted in the Agricultural District provided:

- A. Application. The application for the conditional use permit shall include an adequate description of the operations; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, proposed and existing access of roads, the depth of all existing and proposed excavations; and a restoration plan.
- B. Restoration plan. The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement, and completion dates. The applicant shall furnish the necessary fees to provide for the Village's inspection and administrative costs and the necessary sureties, which will enable the Village to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Village Engineer and the form and type of such sureties shall be approved by the Village Attorney.
- C. Permit conditions. The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.
- D. Village Board considerations. The Village Board shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the practicality of the proposed restoration of the site.

### Article IX. Traffic, Parking and Access

#### § 520-33. Traffic visibility.

No obstructions such as structures, fences, parking or vegetation shall be permitted in any district between the heights of 2 1/2 feet and 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 15 feet from their intersection. Where arterial streets intersect with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

#### § 520-34. 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.

§ 520-35. Parking requirements.

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

- A. Access. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and two-family dwellings and up to 24 feet for all other uses.
- B. Size. The size of each parking space shall be not less than 9 feet by 20 feet, exclusive of the space required for ingress and egress.
- C. Locations. The location shall be on the same lot as the principal use, or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district, and no residential driveway shall be closer than eight feet from any lot line except on culs-de-sacs.
- D. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for five or more vehicles shall be paved with a bituminous surface or equivalent and have spaces and aisles clearly marked.
- E. Curbs or barriers. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- F. Parking stalls required\*.

<b>Use</b>	<b>Number of Parking Stalls Required</b>
Single-family dwellings	Minimum 1.0 stalls per dwelling unit
Two-family dwellings	Use Multifamily standard below
Multifamily dwellings	Studio/1 BR: MAX 1.0 stall per dwelling unit; 2 BR: MAX 1.5 stalls per dwelling unit; 3 BR+: MAX 2 stalls per dwelling unit
Hotels and motels	1 stall per guest room plus 1 stall per 3 employees
Hospitals, clubs, lodges, lodging and boardinghouses	1 stall per 2 beds plus 1 stall per 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall per 5 beds plus 1 stall per 3 employees
Medical and dental clinics	3 stalls per doctor
Churches, theaters, auditoriums, community centers, vocational and night schools and other places of public assembly	1 stall per 5 seats
Secondary and elementary schools	1 stall per 2 employees plus 1 stall per student auto permitted

Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall per 100 square feet of floor area
Manufacturing and processing plants, laboratories and warehouses	1 stall per 3 employees
Financial institutions and business, governmental and professional offices	1 stall per 200 square feet of floor area plus 1 stall per 2 employees
Funeral homes	1 stall per 4 seats plus 1 stall per vehicle used in the business
Bowling alleys	5 stalls per alley

\*Applicant(s) may show comparable project(s) to demonstrate parking need based upon the size and use of the building.

#### § 520-36. Driveways.

All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:

- A. Islands. Islands between driveway openings in business and industrial areas shall be provided with a minimum of 12 feet between all driveways and six feet at all lot lines.
- B.** Ingress and egress openings. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
- C.** Entrances and exits. Vehicular entrances and exists to drive-in theaters; banks; restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from the pedestrian entrance or exit to a school, church, hospital, park, playground, library, public emergency shelter or other place of public assembly.

[1]

*Editor's Note: See also Ch. 172, Driveways.*

#### § 520-37. Highway access.

- A. Private access restricted. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- B. Public or private access restricted. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
  - (1) Freeway, interstate highways and their interchanges or turning lanes, nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
  - (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
  - (3) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- C. Public access barriers. Access barriers such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- D. Temporary access. Temporary access to the above rights-of-way may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be used for a period not to exceed 12 months.

### Article X. Nonconforming Uses, Structures and Lots

#### § 520-38. Existing nonconforming uses.



- A. Continuation. The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; provided, however:
- (1) Only that portion of the land or water 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 chapter.
  - (2) The total lifetime structural repairs or alterations shall not exceed 50% of the assessed values of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.
  - (3) Substitution of new equipment may be permitted by the Village Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- B. Abolishment or replacement of existing nonconforming use. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter a current file of all nonconforming uses shall be maintained by the Clerk-Treasurer, listing the following:
- (1) Owner's name and address.
  - (2) Use of the structure, land or water.
  - (3) Assessed value at the time of its becoming a nonconforming use.

§ 520-39. Existing nonconforming structures.

Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.

§ 520-40. Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Village Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board.

§ 520-41. Substandard lots.

In any residential district, structures may be erected on any legal lot of record prior to the effective date of this Code provided that the area, the width and the depth of such existing lot shall be no less than 80% of the required minimum set forth in §§ 520-20 through 520-25 of this chapter.

§ 520-42. Restoration of certain nonconforming structures.

Pursuant to § 62.23(7)(hc), Wis. Stats., a nonconforming structure damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation after March 2, 2006, may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits may be imposed on the costs of the repair, reconstruction, or improvement of said structure. The size of the restored structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

[1] *Editor's Note: Added at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

## Article XI. Modifications

### § 520-43. Height.

The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accordance 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 structure height limitations. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks are exempt from the height limitations of this chapter.
- C. Essential services height limitations. Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
- D. Communications structures height restrictions. Communications structures such as radio and television transmission and relay towers, aerials and observation towers shall not exceed in height three times their distance from the nearest lot line.
- E. Agricultural structures height restrictions. Agricultural structures such as barns, silos, and windmills shall not exceed in height twice their distance from the nearest lot line.
- F. Public facilities height restrictions. Public or semipublic facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

### § 520-44. Yards.

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

- A. Uncovered stair restrictions. Uncovered stairs, landings, and fire escapes may project into any yard, but not to exceed six feet and not closer than three feet to any lot line, and must be eight feet or more above ground.
- B. Architectural projection restrictions. 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 feet.
- C. Cul-de-sac and curve restrictions. Residential lot frontage on culs-de-sac and curves may be less than 80 feet provided the width at the building setback line is at least 80 feet and the street frontage is not less than 45 feet.
- D. Residential fence restrictions. Residential fences are permitted on the property lines in residential districts, but shall not, in any case, exceed a height of six feet, and shall not exceed a height of four feet in any street yard. Electric and barbed wire fences are prohibited.
- E. Security fence restrictions. Security fences are permitted on the property lines in all districts, but shall not exceed 10 feet and shall be an open type similar to woven wire or wrought iron fencing.
- F. Accessory uses and structures restrictions. Accessory uses and attached accessory structures are permitted in the rear yard only, shall not be closer than 10 feet to the principal structure, and shall comply with district setback, yard, and height requirements.
- G. Essential services exemptions. Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this chapter.
- H. Street yard restrictions. The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than 15 feet in any residential district and five feet in any business district.

### § 520-45. Noises exempted.

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this chapter.

## Article XII. Signs, Canopies, Awnings and Billboards

[Amended 6-7-2010 by Ord. No. 2010-01]

### § 520-46. Purpose.

The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every tenant and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Blanchardville; painting, posting and general maintenance are excepted.

### § 520-47. Definitions.

The following definitions are used in this article. (NOTE: Not all types of signs defined herein are permitted under this article):

#### **ABANDONED SIGN**

A sign which no longer correctly advertises a bona fide owner, landlord/tenant, product or activity conducted, or product available on the premises where the sign is displayed or elsewhere.

#### **ANIMATED SIGN**

Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of physical position.

#### **AREA OF COPY**

The entire area within a single continuous perimeter composed of squares or rectangles which encloses the extreme limits of an advertising message, announcement, or decoration.

#### **AREA OF SIGN**

The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface.

#### **AWNING**

A movable hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure. For purposes of this article, an "awning sign" is any awning. Decorative awnings without lettering or imagery are not considered signs.

#### **BANNER**

A banner sign is generally constructed of a flexible nonrigid material (i.e., canvas, cloth, plastic, etc.) upon which goods, events or advertising has been placed, mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

#### **BILLBOARD**

A flat surface, as of a panel, wall or fence on which signs are posted advertising goods, products,

facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.

### **BLANKETING**

The unreasonable obstruction of view of a sign caused by the placement of another sign.

### **BUILDING FRONT**

The horizontal, linear dimension of that side of a building which faces a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts, a building side with an entrance open to industrial employees also shall qualify as a building front.)

### **BULLETIN BOARD**

A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

### **CANOPY**

Any structure of canvas, other fabric, plastic, metal or wood or other material, which is permanently attached to any exterior building wall in any manner, intended to shield any wall, window, door, sidewalk or roadway from sun, rain or any other element, and which is not retractable such as an awning.

### **CANOPY SIGN**

Any sign attached to or constructed in, on or under a canopy. For the purposes of this article, canopy signs shall be controlled by the rules governing projecting signs.

### **CHANGEABLE MESSAGE SIGN**

A sign such as a manual, electronic or electric controlled time and temperature sign message center, or reader board, whether electronic or manual, where copy changes. Any sign may be, or include as part of it, a changeable message sign.

### **COPY AREA**

The geometric area in square feet that encloses the actual copy message of the sign.

### **DIRECTIONAL SIGN**

Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot and does not contain any advertising copy.

### **DIRECTLY ILLUMINATED SIGN**

Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

### **DIRECTORY SIGN**

Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.

### **DISPLAY SURFACE OR FACE**

The area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.

### **DISTANCE OF SIGN PROJECTION**

The distance from the exterior wall surface of the building to the outer extremity of a sign attached to

a building.

### **ELECTRIC SIGN**

Any sign containing internal electrical wiring which is attached, or intended to be attached, to an electrical energy source.

### **ELECTRONIC MESSAGE UNIT SIGN**

Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic or charitable events or the advertising of products, or services for sale on the premises. This also includes traveling or segmented message displays.[1]

### **FLASHING SIGN**

Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.

### **FLAT SIGN/FLUSH-MOUNTED**

See definition for "wall sign."

### **FREESTANDING (GROUND AND/OR PYLON) SIGN**

Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

### **GRADE**

The elevation or level of the sidewalk closest to the sign to which reference is made. If no sidewalk is present, then grade shall be defined as the elevation or level of the street at the same point, measured at the street's center line.

### **GROSS AREA**

The area of a sign determined by using the outside perimeter dimensions of the sign. If the sign consists of more than one module or section, their areas will be totaled. If the modules are formed in the shape of letters or symbols, the rules for "area of copy" apply.

### **GROUND SIGN**

A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building. Also known as a "freestanding sign."

### **HEIGHT OF SIGN**

The vertical distance measured from the mean center line street grade to the highest point of the sign. If sign and sidewalk are not in essentially parallel planes, then measured vertically at the horizontal midpoint of the sign.

### **IDENTIFICATION SIGN**

Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

### **ILLUMINATED AWNING**

An internally illuminated awning fabricated from a translucent material, or one which is backlighted as to appear to illuminate the awning sign. An illuminated awning may be used for an awning sign when other requirements are met.

**ILLUMINATED CANOPY**

An internally illuminated canopy, or one which is backlighted as to appear to illuminate the canopy sign.

**ILLUMINATED SIGN**

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

**INDIRECTLY ILLUMINATED SIGN**

A sign that is illuminated from a source outside of the actual sign.

**JOINT IDENTIFICATION SIGN**

A sign which serves a common or collective identification for two or more businesses or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof.

**LEGAL NONCONFORMING SIGN**

Any sign which was already in existence and displayed on the effective date of this article, which met code requirements when originally installed, but not meeting the requirements and limitations of this article.

**MARQUEE**

A permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.

**MARQUEE SIGN**

Any sign attached to or constructed in a marquee.

**NONCONFORMING SIGN**

Any sign which does not conform to the regulations of this article.

**OFF-PREMISES THIRD-PARTY SIGN**

Any sign, device or display which advertises goods other than those commonly available or services other than that commonly performed on the premises on which the sign is located.

**ON-PREMISES SIGN**

A sign identifying or advertising a business, person, activity, goods, products or services located on a premises where the sign is installed and maintained.

**PAINTED WALL SIGNS**

Signs painted directly onto a building wall.

**POLITICAL SIGN**

Any sign displaying a candidate for an election, or a current referendum's or election's subject matter.

**PORTABLE SIGN/MESSAGE BOARDS**

Any sign not permanently attached to the ground or a building which is designed to be easily moved from one location to another.

**PROJECTING SIGN**

A sign other than a wall sign which projects from a wall or roof and is supported by a wall or roof of a building. (See "wall sign.")

**PYLON SIGN**

Any freestanding sign mounted on a pole or other pylon.

**REAL ESTATE SIGN**

Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.

**ROOF LINE**

The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.

**ROOF SIGN**

A sign erected upon or above the roof line or parapet of the building or structure.

**SANDWICH SIGN**

A hinged or unhinged A-frame portable sign which is generally temporary in nature and placed near the roadway.

**SIGN**

Any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

**SIGN CONTRACTOR**

Any person, partnership or corporation engaged in whole or in part, in the business of erection or maintenance of signs, excluding the business which the sign advertises.

**SIGN INSPECTOR**

That person charged with the responsibility to see that signage in the community is installed and maintained in compliance with this article.

**SIGN PERMIT**

A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to this article and the Building Code of the Village of Blanchardville.

**SIGN STRUCTURE**

Any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.

**SUBDIVISION IDENTIFICATION SIGN**

A sign identifying a subdivision wherein only the name of the subdivision is specified.

**SWINGING SIGN**

A sign installed on an arm or mast or spar that is not, in addition, permanently fastened to an adjacent wall or upright pole to limit or prevent free swinging.

**TEMPORARY SIGN**

Any sign which is erected or displayed for a limited period of time not to exceed 30 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed 32 square feet in area. Examples of temporary signs include banners

and decorative-type displays. For purposes of this article, a portable sign is not a temporary sign.

### **TIME-AND-TEMPERATURE SIGN**

An electrically controlled sign displaying time and temperature for public service information and may be incorporated into a business identification sign.

### **THIRD-PARTY SIGN**

Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.

### **WALL SIGN**

Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than 16 inches from such wall.

### **WINDOW SIGN**

Any sign located completely within an enclosed building and visible from a public way. For purposes of this article, a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

## **§ 520-48. Required permits for signs.**

### **A. Permit required.**

- (1) Except those specified in § 520-48, no sign, billboard, awning or canopy, as defined in this article, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, convened or structurally altered without a sign permit and without being in conformity with the provisions of this article.
- (2) Signs also shall meet all other structural requirements of other applicable codes and ordinances of the Village of Blanchardville.
- (3) Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.
- (4) The required sign permit fee shall accompany each sign application and shall be required for all new signs and any modifications of any existing sign face or sign structure.
- (5) Any sign permit granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.

### **B. Application for a permit. Any person, firm, corporation or organization desiring to place, erect, alter or relocate a sign, as herein defined, except an exempt sign, shall make application to the Zoning Administrator and shall provide in writing the following information:**

- (1) The name, address and telephone number of the applicant.
- (2) The name and address of the owner or owners of the premises upon which the sign is to be attached or erected, including written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.
- (3) The street number and street name or tax parcel number of the land upon which the sign is to be attached or erected.
- (4) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.
- (5) The basic materials to be used in the construction of the sign.
- (6) The name, address and telephone number of the owner of the sign if he or she is neither the applicant nor the owner of the premises on which the sign is to be attached or erected.
- (7) A description of all electrical equipment if the sign is to be lighted or illuminated.
- (8) Proof of payment of the appropriate sign permit fee, when required.



- (9) Any other item of information that may be reasonably required by the Zoning Administrator or other Village officials for the purpose of application evaluation.
- c. Plan Commission application review. If the application is complete and the sign conforms to the basic requirements of this article, the following actions shall be taken:
- (1) If the sign is less than six square feet in area, the Zoning Administrator may issue a permit.
  - (2) If the sign is larger than six square feet, the sign shall be reviewed by the Plan Commission, except those signs designated in § 520-51.
  - (3) The Plan Commission shall review all applications within 30 days of submittal. The Plan Commission shall review the applications and apply the established sign design review guidelines prescribed in Subsections D and E. If the Plan Commission cannot act to approve, deny or to agree with the applicant to extend the time within the 30 day review period, the Zoning Administrator shall be authorized to act on the application using the established sign design review guidelines.
- d. Basis for granting. In reviewing a sign permit application, the Zoning Administrator and/or Plan Commission may consider the following factors in deciding whether or not to grant the issuance of a sign permit (see also Subsection E below):
- (1) Whether the sign is designed, installed, and maintained to promote the surrounding environment desired by the general public, pursuant to the objectives of proper design and zoning criteria.
  - (2) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
  - (3) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
  - (4) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
  - (5) Whether the sign is in compliance with the provisions of this article.
  - (6) Whether the sign is in compliance with the provisions of this Village Code relating to traffic safety, traffic visibility setbacks, historic preservation and zoning.
- e. Sign design review guidelines. In addition to the criteria established in Subsection D above, the following sign review guidelines shall be used by the Plan Commission in acting on sign permit applications and by the Zoning Board of Appeals in acting on appeals or variance requests:
- (1) Any signage affixed to a building should be dimensioned and located in such a manner that it fits the building's architectural features and proportions.
  - (2) All signs should be designed to fit the zoning and status character of the surrounding area. Special consideration should be made where proposed signage is located on or adjacent to locally identified historic structures or publicly owned recreation and conservancy areas. Signage in special planning areas, such as the downtown or historic preservation areas, will be required to conform to the planned dominant architectural theme of the area. Signage in or abutting residential properties should be designed and located so as not to create a residential nuisance.
  - (3) As a general guidelines and where feasible, ground-mounted, freestanding signs larger than six square feet shall be located at least 100 feet apart.
  - (4) Signs illuminated by floodlight or spotlights must be positioned in such a manner that none of the light spills over onto an adjoining property or glares or shines into the eyes of motorists or pedestrians, and may not exceed three footcandles at the lot line.
  - (5) As a general guideline, the number of colors and materials should be kept to a minimum.
  - (6) Landscape features will be encouraged as part of all ground-mounted signs. Landscape plantings or other landscape materials will not be counted as part of the allowable signage area.
- f. Permit issuance/denial.
- (1) All sign permit applications shall be reviewed by the Zoning Administrator who shall deny or grant such applications or refer the application to the Plan Commission, within 10 business days of receipt of the complete application and payment of fee. If the sign meets the requirements of this article, all other ordinances of the Village and the approval of the Plan Commission as established herein, the Zoning Administrator shall issue a permit therefor.
  - (2) If the sign permit is denied by the Zoning Administrator or Plan Commission, within five days, a

written notice of the denial shall be provided to the applicant, together with a brief written statement of the reasons for the denial.

- (3) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign, nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
- G. Inspection. The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator, who may inspect the premises to inspect whether the sign complies with the regulations of this article.
- H. Appeal of denial of sign permit.
- (1) Any decision of the Plan Commission or Zoning Administrator under this article may be appealed to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within 30 days of the date of permit.
  - (2) A majority vote of the Board of Appeals is required to modify the earlier determination of the Zoning Administrator or Plan Commission.
- I. Permit revocation; appeal.
- (1) A sign permit may be revoked by the Zoning Administrator in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
  - (2) The holder of a revoked sign permit may appeal such revocation action to the Board of Appeals. A request for an appeals hearing shall be made in writing to the Zoning Administrator within 30 days of the date of the original permit revocation.
  - (3) Upon any permit revocation or failure to prevail before the Board of Appeals, the sign(s) subject to such revoked permits shall be removed by the licensee within 30 days of such revocation.
  - (4) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
- J. Standards for Board of Appeals in reviewing appeals. The Board of Appeals may authorize upon appeal, in specific cases, issuance of a sign permit when such decision will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this article will result in unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done. No Board of Appeals' appellate decision shall have the effect of allowing in any district uses prohibited in that district or permit standards significantly lower than those required by state law or this article.
- K. Stay of proceedings during appeals. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his/her opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.<sup>[1]</sup>
- [1] *Editor's Note: Original Section 17.25(2)(l) of the 2003 Municipal Code, regarding signs in historic districts, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- L. Permit validity. Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.

#### § 520-49. Signs not requiring a permit.

The following signs may be erected and maintained in all zoning districts, except where noted, without a permit and without being deducted from gross sign surface area permitted.

- A. Bulletin boards. One bulletin board per street frontage, and not over 32 square feet in area, for public,

- charitable or religious institutions located on site.
- B. Government signs. Government signs for control of traffic and other regulatory purposes, danger signs, railroad crossing signs, signs of public utilities indicating danger, and aids to service or safety which are erected by or on the order of a public officer in the performance of his/her public duty. Included within this definition are off-premises institutional signs.
  - C. Interior signs. Signs located within the interior of any building or structure which are not visible from the public right-of-way.
  - D. Memorial signs. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building.
  - E. Occupant signs. Signs limited in content to name of occupant, address of premises, and signs of danger. Occupant signs shall be a maximum of one per street front and no more than three square feet in sign area.
  - F. Governmental notices. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes or to identify streets or to warn of danger.
  - G. Temporary construction safety signs. Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.
  - H. Traffic and service signs on private premises. Traffic and parking signs and devices privately-owned and on private premises, and containing messages such as "exit only;" "restricted for \_\_\_\_;" and the like, the sole purpose of which is to direct and control traffic on the premises and which does not exceed 10 feet in height nor contain more than 12 square feet per face. Signs designating entrances, exits, service areas, parking areas, rest rooms and other such signs relating to functional operation of the building or premises shall be permitted without permit under this exception.
  - I. Signs required by law. Signs required by law, statute or ordinance, constructed and maintained according to the law, statute or ordinance under which the sign was erected.
  - J. Real estate signs. One sign per street frontage may be placed on the offered property and shall not be more than seven square feet in size for residential property and not more than 32 square feet in area for nonresidential property. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company, or individuals and their respective addresses and telephone numbers, posting the sign. Such signs shall be removed within 30 days after sale, rental or lease of the property.
  - K. Signs in display windows. Signs in the display window of a business which relate to services or products offered therein. This display sign exception is only permitted for properties in the following zoning districts: C-1 General Commercial District. The window sign must direct attention to a business or profession conducted on the premises or to a product, service or entertainment sold or offered on said premises. Window signs shall be placed only on the inside of commercial buildings and shall not exceed 35% of the glass area of the pane upon which the sign is displayed.
  - L. On-premises symbols or insignia. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.
  - M. On-premises temporary and portable signs in residential districts. Temporary or portable signs under 20 square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary, and for five days thereafter, but may not exceed a total period of 30 days per twelve-month period.
  - N. Civic event temporary signs. Temporary off-premises signs not exceeding four square feet in residential or public lands districts, or 32 square feet in the C-1 M-1, and A Districts, pertaining to drives or events of civic, philanthropic, educational, religious, or nonprofit organizations, provided such signs are posted not more than 30 days before said event and removed within seven days after the event.
  - O. Political signs. Political message, public election or referenda signs during an election campaign, as defined in § 12.04(1), Wis. Stats., limited to one per premises per candidate or referenda question. Political signs may be posted 60 days before an election and must be removed within seven days after said election. Said sign shall be a maximum of 16 square feet.

P. Rummage/garage sale signs. [1] Rummage or garage sale signs not to exceed eight square feet in area, but use of this type of sign shall be limited to 72 hours per sale. Rummage or garage sale signs may only be located on the day of the garage sale within street right-of-way lines between the private property line and the pavement edge with the permission of the adjoining private property owner or renter in a location which does not create a visibility or traffic hazard (as determined by the Zoning Administrator or a law enforcement officer).

[1] *Editor's Note: See also Ch. 213, Garage and Rummage Sales.*

Q. Open/closed signs. Illuminated and nonilluminated signs not exceeding 10 square feet in area announcing that a business is open or closed.

#### § 520-50. Residential signs.

In addition to those permitted signs not requiring a permit pursuant to § 520-48, the following nonflashing, nonilluminated signs (except as otherwise provided) are permitted under the conditions specified in all residential and agricultural districts, and planned unit developments (residential) established by this chapter.

- A. Temporary signs accessory to subdivision developments or other permitted improvements in residential districts, subject to the following:
- (1) Content. The signs shall be only for the purpose of identification of homes for sale or rent in the subdivision under construction, of lots for sale, or for the identification of other nonresidential uses under construction.
  - (2) Area, number and setback. Such signs shall not exceed two in number for each subdivision nor 50 square feet each in area. They shall observe the front yard requirement of the principal use and shall be located at least 50 feet from all other boundaries of the site.
  - (3) Height. No sign shall project higher than eight feet above curb level.
  - (4) Time limitations. The sign or signs shall be removed by the applicant or property owner within two years of the date of the issuance of a sign permit or when the parcels being advertised are sold, whichever occurs first.
- B. Permanent subdivision identification signs, subject to the following:
- (1) Content. The signs shall bear only the name of the subdivision or development.
  - (2) Area and number. There shall be not more than two signs located at each entrance to a subdivision. No sign shall exceed 32 square feet in area. Such identification signs shall only be erected after review and approval by the Zoning Administrator.
  - (3) Height. No sign shall project higher than 12 feet above curb level.
  - (4) Location. The location of any such sign shall be at the discretion of the Zoning Administrator based upon the character of the area, the type and purpose of the sign.
- C. Nonflashing, illuminated church bulletins, subject to the following:
- (1) Area and number. There shall be not more than one sign per lot, except that on a corner lot, two signs (one facing each street) shall be permitted. No sign shall exceed 32 square feet in area nor be closer than five feet to any lot line.
  - (2) Projection. No sign shall project beyond the property line into the public right-of-way.
  - (3) Height. No sign shall project higher than one story or 15 feet above the curb, level, whichever is lower.
- D. Bed-and-breakfast signs, subject to the following:
- (1) Content. The sign shall bear only the name, address and other pertinent information regarding the bed-and-breakfast establishment.
  - (2) Area and number. There shall not be more than one sign per lot street frontage. No sign shall exceed 16 square feet in area. Such sign shall have a ten-foot setback from a public right-of-way or lot line.
  - (3) Projection. No sign shall project beyond the property line into the public right-of-way.
  - (4) Height. No sign shall project higher than six feet above the street level.

- E. Home occupation/professional home office, subject to the following:
- (1) Content. The sign shall bear only the name, address, hours and other pertinent information regarding the on-site home occupation or professional home office maintained in compliance with this chapter.
  - (2) Area and number. There shall not be more than one sign per lot. No sign shall exceed six square feet in area. Such sign shall have a ten-foot setback from a public right-of-way or lot line.
  - (3) Projection. No sign shall project beyond the property line into the public right-of-way.
  - (4) Height. No sign shall project higher than six feet above the street level.

§ 520-51. Commercial and industrial signs.

- A. Permitted signs. The following signs shall require a permit to be issued by the Village of Blanchardville. Signs may be permitted in specific zoning categories, subject to the following restrictions.
- B. Height and setback requirements. In commercial or industrial zoning districts where setbacks are required for building construction, no part of any sign shall extend over the property line. In zoning districts where no front yard setbacks are required, a sign must be attached to the building and shall project no more than four feet over the abutting public sidewalk or established street grade.
- C. Number of signs permitted.
- (1) Total number. No more than two signs of any type shall be located at any business, except that premises occupied by a shopping center may, as an alternative, have one detached directory sign plus one wall sign for each place of business located in said shopping center, provided that the aggregate total area of all signs located on any premises so occupied shall not exceed the total area permitted for one detached sign and one flat sign as set forth in this article.
  - (2) Corner lots. Businesses with streets fronting both sides shall be allowed two types of signs for each street frontage; no street frontage buildings shall be allowed two of the same type of sign for that particular business.
- D. Types of signs, maximum size, number and location.
- (1) Directory signs. Directory signs advertising a business or activity conducted, an area of interest, or a service available at a specific location are permitted in the C-1, M-1 and A Districts when a part of a Village-sponsored directory sign program. Such signs shall be not more than 24 square feet in gross area. There shall not be more than two such signs relating to any one such use in the approaching direction along any one highway. Such signs may be placed at the right-of-way line of the highway. A larger number of signs may be permitted by the Plan Commission if the Plan Commission shall find it necessary for directing the traveling public. The Plan Commission shall designate a uniform sign design for such directory signs.
  - (2) Wall signs. Wall signs are permitted in the C-1, M-1 and A Districts. Wall signs placed against the exterior walls of buildings shall not extend more than 16 inches outside of a building's wall surface, nor extend above or beyond the wall itself. Total sign area (including multiple business/tenant signs on a single property) shall not exceed one square foot for each lineal foot of the building parallel with the main street frontage. Rear or side entrance signs are subject to the same size restrictions as that found at the principal (front/main) entrance to the building. Signs on other building facades (i.e., non-entrance-side facades) are limited to 1/2 square foot per linear foot of such facade. All signs attached or affixed to a building shall not exceed 20 feet in height above the mean center line street grade.
  - (3) Projecting signs. Projecting signs fastened to, suspended from, or supported by a building or structure shall not exceed in gross area, for any one premises, 40 square feet on each of two faces in the Commercial District. With the exception of existing marquee signs of historic interest, permits shall not be issued for new projecting signs in the C-1 General Commercial District. Such signs shall not extend into any public right-of-way; shall not exceed a height of 20 feet above the mean center line street grade; and shall not be less than 10 feet above a pedestrian walk nor less than 15 feet above an alley or driveway.<sup>[1]</sup>
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*
- (4) Ground signs. Ground signs and their supporting structure shall comply with all setback

requirements of the district in which they are located. Ground signs shall not exceed in gross area for any one premises: 40 square feet on each side in a C-1 General Commercial District or 160 square feet on each side in an M-1 Industrial District. Such signs shall not exceed at their highest point 20 feet in height above mean center line street grade. One ground sign is permitted on a street frontage provided there is no pylon sign on that side. Any ground sign in an M-1 Industrial District shall have a minimum landscaped area of 16 square feet around the base of the ground sign.<sup>[2]</sup>

<sup>[2]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(5) Pylon signs. Pylon signs shall not be placed in the C-1 General Commercial District.<sup>[3]</sup>

<sup>[3]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Additionally, original Section 17.25(5)(d)(6) of the 2003 Municipal Code, regarding off-premises third-party signs, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(6) Shopping center/industrial park directory signs. In a shopping center or industrial park, one freestanding identification/directory sign for each street upon which the development fronts may be permitted showing the name of said center or park and represented business or industries. Directory signs for shopping centers or industrial parks are permitted as an alternative to ground signs or projecting signs for individual stores in the shopping center or business in the industrial park. The top of a directory sign shall not exceed 32 feet in height above the mean center line street grade and the bottom of the sign shall not be less than 10 feet above the sidewalk and not more than 16 feet above a driveway or alley. Double supporting pylons shall not be greater than 10 feet apart. That portion of the directory sign which advertises the shopping center or industrial park name shall not exceed 100 square feet for one side and a total of 200 square feet for all sides. That portion of the directory sign which advertises the individual store/business name shall not exceed 16 square feet for one side and a total of 32 square feet for all sides. Directory signs shall meet all yard requirements for the zoning district in which they are located.

## § 520-52. Special sign requirements.

### A. Electronic message unit signs.

- (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
- (2) Segmented messages must be displayed for not less than 1/2 second and more than 10 seconds.
- (3) Traveling messages may travel no slower than 16 light columns per second and no faster than 32 columns per second.

B. Portable signs/message boards. Such signs shall be limited in use to seven days at a time following approval by the Zoning Administrator; provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than four times per calendar year at any one location, not more than seven days each time. The maximum size of a portable sign/message board shall be 10 square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-way and shall be securely fastened to prevent any hazardous condition.

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

D. Sandwich signs. In instances where the property owner or business tenant in a C-1 General Commercial District wishes to erect a sandwich board, there is a limit of one sandwich board per business tenant and such sign shall not exceed four feet in height and eight square feet per side display area. Sandwich signs may be placed only after issuance of a sign permit and shall be placed in a manner so as not to present a hazard.<sup>[1]</sup>

<sup>[1]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

E. On-site banner signs. On-site banner signs shall not be erected for more than 30 days.[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

F. Over-the-street banners. Over-the-street banners are not permitted, except for civic activities.

G. Neon signs. Exterior neon or gas illumination signs require a sign permit.

#### § 520-53. Awnings and canopies.

- A. Permitted awnings. No awnings shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located.
- (1) Support. Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
  - (2) Height. All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than eight feet above the level of the public sidewalk or public thoroughfare.
  - (3) Awning extension from curblines. No entrance awning shall extend beyond a point eight feet into the right-of-way.
  - (4) Advertising. No advertising shall be placed on any awning, except that the name and logo of the establishment within the building to which the awning is attached may be painted or otherwise permanently placed in a space not exceeding eight inches in height on the front and side edges.
- B. Permitted canopies. No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located.
- (1) Support. The structural support of all canopies shall be properly designed and be approved by the Zoning Administrator as in compliance with Ch. 125, Building Construction, of the Code of the Village of Blanchardville. All frames and supports shall be designed to withstand a wind pressure as provided in this article. All canopies and awnings shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and/or awning and the sidewalk or ground below.
  - (2) Height above sidewalk. All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight feet above the level of the sidewalk or public thoroughfare.
  - (3) Canopy extension from curblines. No entrance canopy shall extend beyond a point eight feet from the face of a wall or building.
  - (4) Advertising. No advertising shall be placed on any canopy, except that the name and logo of the establishment may be painted or placed in a space not exceeding 24 inches in average height on the front and side edges. Such name may be so painted or placed irrespective of any prohibition otherwise applicable hereunder; provided, however, that if such canopy shall contain more or other than the name of the establishment in letters more than eight inches high on the front and side edges, it shall be considered as a sign and be subject to all the provisions hereof.

#### § 520-54. Prohibited features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with freestanding signs are encouraged and shall not be counted as allowable sign area. The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.

#### § 520-55. Prohibited or restricted signs.

- A. Traffic interference. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire

- escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.
- B. Moving or flashing signs. No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, or utilizes a spot or beacon light to illuminate a sign, except those giving public service information such as time; date, temperature, weather or similar information. Public information display signs require approval by the Plan Commission. No signs, billboards or other advertising media which create a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
  - C. Signs on public rights-of-way. Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this article.
  - D. Billboards. No new billboards shall be permitted in the Village of Blanchardville after the original effective date of this article. Billboards located upon property annexed to the Village and existing as of the effective date of this article are permitted to remain unless the owner structurally alters such billboard in any manner. If damaged, or if structural alteration is made/required, such billboard shall be permanently removed. However, any billboards existing as of the effective date of this article must be removed permanently within three years following annexation, and with such removal being agreed to in writing by the owner/lessor/lessee thereof in writing prior to such annexation.
  - E. Painted wall and other prohibited signs. "Painted wall signs" are signs which are painted directly onto the surface of the building; painted wall signs are prohibited in the Village of Blanchardville. No person shall paste or otherwise fasten any paper or other material, paint, stencil or write any number, sign, name or any disfiguring mark within any street right-of-way, on any sidewalk, curb, gutter, street, post, fire hydrant, pole or tree, any other sign, building, fence or other structure, nor shall any of said objects be defaced in any manner. No signage shall be used except those types specifically permitted by this article.
  - F. Immoral sign subjects. Signs which bear or contain statements, words, pictures, or symbols of obscene, pornographic or immoral subjects are prohibited.
  - G. Roof signs. Roof signs are prohibited in the Village of Blanchardville.
  - H. Swinging signs. Swinging signs are prohibited.
  - I. Third-party signs. Third-party signs and billboards are prohibited, except as provided in § 520- 50D(6).
  - J. Advertising vehicle sign configuration. No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of which has attached thereto or located thereon any sign or advertising device for the basic purposes of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premises. Business vehicles containing typical business signage and which are actively used on a daily basis for business purposes are exempt from this prohibition.
  - K. Floodlighted and illuminated signs. Signs may be floodlighted or illuminated, subject to the following restrictions:
    - (1) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of a public right-of-way and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operations of a motor vehicle, are prohibited.
    - (2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any residential property, and which are of such intensity or brilliance as to cause a public nuisance, are prohibited.
    - (3) No sign shall be so floodlighted or illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.
    - (4) Spotlights and beacons are restricted under Subsection B above.

#### § 520-56. Nonconforming signs.

- A. Nonconforming signs.
  - (1) Nonconforming sign criteria. Signs existing as of the effective date of this article which do not conform to the provisions of this article are nonconforming signs and shall be subject to the



provisions of this section. Nonconforming signs may be maintained. No nonconforming on-premises sign shall be altered or moved to a new location without being brought into compliance with the requirements of this article. (Refer to Subsection **B** below.) Compliance is the responsibility of the property owner.

- (2) New signs not permitted. Business signs on the premises of a nonconforming use or building may be continued per this section, but new signs for such uses shall not be allowed, nor shall expand in number, area, height; or illumination. New signs, not to exceed the maximum allowable aggregate sign area, may be erected only upon the complete removal of all other signs existing at the time of adoption of this article.<sup>[1]</sup>

[1] *Editor's Note: Original Section 17.25(10)(3) of the 2003 Municipal Code, regarding the removal of nonconforming signs after an amortization period, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (3) Removal upon business termination. Nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use, or shall be removed per § 520-59 . Closing businesses must remove their signs within 30 days of closing.
  - (4) Change in sign user. Whenever there is a change in the sign user (excluding off-premises signs) or owner of the property on which the sign is located, the new sign user or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.
- B. Alteration of signs.**
- (1) Alteration defined. For the purpose of this article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premises advertising signs), symbols, color, material, height or location.
  - (2) Maintenance exception. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premises advertising sign.
- C. Loss of legal nonconforming status.**
- (1) In addition to the standards in Subsections **A** and **B** above, a sign may also lose its nonconforming status if one or more of the following occurs:
    - (a) If said sign is damaged by fire, flood, explosion, earthquake, vandalism, war, riot or act of God; or structurally altered in any way, except for normal maintenance and repair, the sign may be reconstructed and used as before if it is reconstructed within three months after such calamity, unless the damage to the sign is 50% or more of its replacement value, in which case the reconstructed sign shall comply with the provisions of this article.
    - (b) The sign is relocated.
    - (c) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
  - (2) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this article with a new permit secured therefor or shall be removed.
- D. Legal nonconforming sign maintenance and repair.** Nothing in this article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this article regarding safety, maintenance and repair of signs. However, legal nonconforming signs shall not be reinstalled or reconstructed or have their useful life extended.

#### § 520-57. Dangerous and abandoned signs.

- A. Removal of dangerous signs.** All signs shall be removed by the owner or tenant of the premises upon which the sign is located if, in the judgment of the Zoning Administrator, such sign is so old or dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or tenant fails to remove it, the Zoning Administrator may remove the sign at cost of the owner,

following adequate written notice. The owner may appeal the decision of the Zoning Administrator to the Board of Appeals.<sup>[1]</sup>

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. Abandoned signs. Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premises sign is located when the business it advertised is no longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner 60 days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any cost for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.
- C. Violations. All signs constructed or maintained in violation of any of the provisions of this article after the date of adoption are hereby declared public nuisances within the meaning of the Village of Blanchardville Code of Ordinances. In addition to the penalty provisions for violations of this article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes or Village ordinance.

#### § 520-58. Construction and maintenance of signs.

- A. Installation. All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Building Inspector or Zoning Administrator.
- B. General requirements.
  - (1) Construction standards. All signs, except flat signs and those signs weighing less than 10 pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than 30 pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
  - (2) Projection. Signs including supports shall not interfere with surrounding properties or traffic.
  - (3) Prohibited mounting. No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
  - (4) Maintenance. All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
  - (5) Annexed areas. All signs in newly annexed areas shall comply with this article within three years of annexation.

#### § 520-59. Variances or exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals following a recommendation from the Zoning Administrator, pursuant to the procedures of this chapter.

#### § 520-60. Violations and penalties.

- A. Construction without permit. Any person, firm or corporation who begins, erects, improperly alters or completes the erection or construction of any sign, awning or canopy controlled by this article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- B. Compliance notice.
  - (1) If the Zoning Administrator finds that any sign, awning or canopy regulated herein is unsafe or insecure or is a menace to the public, or has been improperly erected, altered or maintained, it shall

give written notice to the sign owner and to the property owner.

- (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this article, per § 66.0627, Wis. Stats.
- c. Violations; penalties. Any person who shall violate any of the provisions of this article shall be subject to a penalty which shall be as follows:
- (1) Any person found guilty of violating any part of this article who has previously been notified of being in violation, upon conviction thereof, be subject to a forfeiture as prescribed by § 520-82.
  - (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this article shall preclude the Village from also maintaining any appropriate action to prevent or remove a violation of any provision of this article.

### Article XIII. Plan Commission

§ 520-61. Membership.

See § 16-2, Plan Commission, of this Code.

§ 520-62. Powers and duties.

The Plan Commission shall have the powers and duties as prescribed in § 62.23, Wis. Stats., and as otherwise provided by law, and such other powers and duties as shall be vested in it, from time to time, by the Village Board.

### Article XIV. Board of Zoning Appeals

§ 520-63. Membership.

See § 16-3, Board of Zoning Appeals, of this Code.

§ 520-64. Organization.

The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

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

§ 520-65. Powers and duties.

The Board shall have the following powers and duties:

- A. Errors. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator.

- B. Variances. To hear and grant appeals for variances, as will not be contrary to the public interest where, owing to special conditions, literal enforcement will result in practical difficulty or unnecessary hardship so that the spirit and purposes of this chapter shall be observed and the public safety, welfare and justice secure. Use variances shall not be granted. The fee shall be set by the Village Board and shall be paid with the application for a variance.  
[Amended 5-6-2013 by Ord. No. 2013-01]
- C. Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Zoning Administrator has made a review and recommendation.
- D. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Zoning Administrator has made a review and recommendation. Whenever the Board permits such a substitution, the use any not thereafter be changed without application.
- E. Unclassified uses. To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Zoning Administrator has made a review and recommendation.
- F. Temporary uses. To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses, and the Zoning Administrator has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- G. Permits. The Board may reverse, affirm wholly or partly, or modify the requirements appealed from and may issue or direct the issue of a permit.
- H. Assistance. The Board may request assistance from other Village offices, departments, commissions, and boards.
- I. Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

§ 520-66. Appeals and applications.

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by an officer, department, board or bureau of the Village. Such appeals shall be filed with the secretary within 30 days after written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the secretary. Such appeals and application shall include the following:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. A copy of a plat map, scale map, or other suitable type map containing the information required under Article III of this chapter for a zoning permit.  
[Amended 12-7-2020]
- C. A fee as set by the Village Board, which shall be paid with the application for variance. [Amended 5-6-2013 by Ord. No. 2013-01]
- D. Additional information required by the Board of Zoning Appeals or the Zoning Administrator.

§ 520-67. Hearings.

[Amended 12-7-2020]

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give a Class 2 public notice thereof, and to the parties in interest. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

§ 520-68. Findings of facts and conditions.

[Amended 8-6-2018 by Ord. No. 520-68]

No variance to the provisions of this chapter shall be granted by the Board of Zoning Appeals unless it finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Unless the variance is granted, there will be an "unnecessary hardship," as that term is used herein, in that strict compliance with this Zoning Code would unreasonably prevent the property owner from using the property for a permitted purpose or would render conformity with this Zoning Code unnecessarily burdensome. The unnecessary, hardship is based on conditions unique to the property, rather than considerations, personal to the property owner, and that the unnecessary hardship was not created by the property owner.
- B. Granting the variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Zoning Code will result in practical difficulty or unnecessary hardship, and that the spirit of the Zoning Code shall be observed, public safety and welfare secured, and substantial justice done.
- C. For purposes of this section, the property owner bears the burden of proving "unnecessary hardship," as that term is used herein, for an area variance, by demonstrating that strict compliance with this Zoning Code would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with this Zoning Code unnecessarily burdensome. In all circumstances, the property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

§ 520-69. Decision; duration.

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

- A. Conditions may be placed upon any zoning permit ordered or authorized by the Board.
- B. Variances, substitutions, or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 520-70. Review by court of record.

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

## Article XV. Zoning Administrator

§ 520-71. Appointment.

See § 65-3, Listing of officials, of this Code.

§ 520-72. General powers and duties.

The Zoning Administrator shall enforce the provisions of this chapter and all other provisions of this Code in relation to the use of land and buildings within the Village. He shall also provide technical assistance to the Plan Commission and the Board of Zoning Appeals.

§ 520-73. Records.

The Zoning Administrator shall keep a record of all applications for zoning permits and the permits issued

in numerical order, and shall make a monthly report to the Village Board regarding the permits issued.  
Article XVI. Changes and Amendments

§ 520-74. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Village Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.

§ 520-75. Initiation.

A change or amendment may be initiated by the Village Board or by petition of one or more of the owners or lessees of the property within the areas proposed to be changed.

§ 520-76. Petitions.

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

- A. Plot plan drawn to a scale of at least one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Owners names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. A fee as set by the Village Board made payable to Village Treasurer.<sup>[1]</sup>
- D. Additional information required by the Village Board.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. II).*

§ 520-77. Referral to Plan Commission.

[Amended 12-7-2020]

All proposed amendments to this chapter shall be referred to the Plan Commission. The Plan Commission shall submit its recommendation to the Village Board within 30 days.

§ 520-78. Hearings.

[Amended 12-7-2020]

The Plan Commission shall hold a public hearing upon each recommendation, giving a Class 2 notice under Ch. 985, Wis. Stats. Written notice of the time, place and purpose of such hearing shall also be given to the owners of every parcel of land within 100 feet of the area to be rezoned as well as the owners of all land which will be in the district to be rezoned.

§ 520-79. Village Board action.

[Amended 12-7-2020]

Following such hearing before the Plan Commission and the Plan Commission's recommendation, the Village Board shall vote to adopt or reject the proposed change or amendment.

§ 520-80. (Reserved)

[1] *Editor's Note: Former § 520-80, Protest, was repealed 12-7-2020.*

Article XVII. Violations and Penalties

§ 520-81. Violations.

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter or to violate conditions placed on conditional uses. In case of any violation, the Village Board, the Zoning Administrator, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

§ 520-82. Penalties.

Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit a penalty as provided in § 1-4 of this Code, and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Standards*	Zoning Districts						PUD	CON	Floodplain	
	R-1 (Two-Family standards)	R-2	MU - Mixed-Use District	C-1 Commercial District	M-1 Industrial District	A - Agricultural District				
Lot Frontage at Setback (min. ft.)	65ft, 48 ft for zero lot line (ZLL); (90ft)	90ft	45ft (25ft if fire-resistant construction)	45ft (25ft if fire-resistant construction)	100ft	500ft	-	-	-	
Lot area (min. SF)	8,500 SF (10,500 SF)	15,000 SF	15,000 SF	43,560 SF (1.0 Ac)	10.0 Ac		-	-	-	
Lot area (min. SF) per dwelling unit	8,500 SF (5,250 SF for ZLL or Two-Family)	750 SF	750 SF	-	-	-	-	-	-	
Lot coverage MAX % (principal & accessory structures)	35%	50%	75%	-	-	-	-	-	-	
Principal Building							****			
Maximum Building Height/ # of building stories	25ft (two stories)	35 ft (three stories)	35ft (three stories)	35ft	45ft	Max. 50ft for Farm Buildings	-	-	-	
Minimum Front Yard setback (ft)	25ft	25ft	25ft (if adjacent lot setback is 0 ft, then 0 ft)	None**	30ft	Min. 50ft for Farm Buildings	-	-	-	
Minimum Side Yard setback (ft)	8ft	10ft	10ft; 15ft street side yard	0ft	20ft		-	-	-	
Minimum Rear Yard setback (ft)	25ft	30ft	25ft	0ft if fire-resistant construction; otherwise 11ft	40ft		-	-	-	
Floor Area (min. SF)	950 SF (500 SF if studio in Two-Family)	Studio/ One BR: MIN 500 SF; Two BR: MIN 700 SF; Three BR: MIN 900 SF	Studio/ One BR: MIN 500 SF; Two BR: MIN 700 SF; Three BR: MIN 900 SF	-	-		-	-	-	
Accessory Buildings										
Maximum Building Height/ # of building stories	15ft, one story	15ft, one story	15ft, one story	-	-		-	-	-	
Minimum Front Yard setback (ft)	25ft	25ft	25ft	-	30		-	-	-	
Minimum Side Yard setback (ft)	8ft (10ft)	10ft	10ft	-	10		-	-	-	
Minimum Rear Yard setback (ft)	5ft (10ft)	10ft	10ft	-	-		-	-	-	
Off-Street Parking (garage, driveway, etc. combined)	See Article IX			*** *****	See Article IX	-	-	-	-	

\*More restrictive requirements may be applicable where lots abut state or county highways

\*\*Setback for new commercial development. All new commercial development on Blake Street (S.T.H. 78) from Lien Court to School Street, and Oak Street (S.T.H. 78) from Wilson Street to the Village limits, will have setbacks to conform to existing setbacks with a minimum of 25 feet

\*\*\* Off-street parking for new commercial development. All new commercial development on Blake Street (S.T.H. 78) from Lien Court to School Street, and Oak Street (S.T.H. 78) from Wilson Street to the Village limits, will provide for off-street parking

\*\*\*\* If Residence, same standards as R-1

\*\*\*\*\* Truck unloading area: sufficient space so that no streets or alleys need be blocked.