

**CHAPTER 17  
MUNICIPAL CODE  
CITY OF MINERAL POINT, WISCONSIN**

**ZONING**

Sections 17.01 through 17.15 of Chapter 17 of the Municipal Code of Mineral Point, Wisconsin are hereby repealed in their entirety and recreated to read as follows:

**17.01 INTRODUCTION**

- (1) Authority. These regulations are adopted under the authority granted by Section 62.23(7) of Wisconsin Statutes.
- (2) Purpose. The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.
- (3) Intent. It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; 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 light, air, sanitation and drain-age; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.
- (4) Abrogation and Greater Restrictions. It is not intended by this Ordinance 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 laws. However, wherever this Ordinance imposes greater restrictions, the provision of this Ordinance shall govern.
- (5) Interpretation. The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.
- (6) Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (7) Title. This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, CITY OF MINERAL POINT, WISCONSIN."
- (8) Effective Date. This Ordinance shall be effective after proper public hearing, adoption by the City Council, and publication or posting as provided by law.

**17.02 GENERAL PROVISIONS**

- (1) Jurisdiction.
  - (a) Within the City. The jurisdiction of this Ordinance shall include all lands and water within the City of Mineral Point, Wisconsin.

- (b) Extraterritorial Jurisdiction. The provisions of this Ordinance relating to the unincorporated area shall become effective when adopted by the City Council in accordance with provisions of Section 62.23(7a), Wisconsin Statutes. The failure of the City Council to take such action shall in no way invalidate the application of this Ordinance to any property, building or structure located within the city.
- (2) Compliance. No structure, land or water shall hereafter be used, and no structure or part t hereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.
- (3) Enforcement. The provisions of this Ordinance shall be enforced by the Zoning Administrator.

He shall keep a record of all applications for Zoning Permits issued, with a notation of any complications for such Zoning Permits, and a record of all such Permits issued, with a notation of any conditions that may have been imposed by the Board of Appeals under the provisions of Section 17.11 of this Ordinance. He shall file and safely keep copies of all plans submitted. He shall also keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint. All such records and plans shall form a part of the records of his office and shall be available for the use of the City Council and of other official agencies and officials of the City of Mineral Point.

(4) Zoning Permit.

- (a) Applications for a Zoning Permit. Applications shall be made to the Zoning Administrator on forms furnished by him. Applications shall be submitted in duplicate, except that when a site plan approval under Section 17.02(4)(c) is required, they shall be submitted in quadruplicate. They shall include the following, where applicable.
  - 1. Names and addresses of applicant, owner of the site, architect, professional engineer or contractor.
  - 2. Description of the subject site by lot, block and recorded subdivision, or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
  - 3. Plat of survey prepared by a registered land surveyor, showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading, areas and driveways; existing highway access restrictions; existing and proposed front, side and rear yards. In addition , the play of survey shall show the location, elevation and use of any abutting lands and their structures within fort (40) feet of the subject site.
  - 4. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be reviewed by the City Engineer to ascertain that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state health agency regulations.
  - 5. Proposed water supply plan, if municipal water service is not available. This plan shall be reviewed by the City Engineer. The owner shall certify, in writing, that an adequate and safe supply of water will be provided.

6. Additional information as may be required by the Plan Commission; City Engineer; and Zoning, Building, Plumbing, or Health Inspectors; including all information required for site plan approval under Section 17.02(4)(c) of this Ordinance.

7. Fee receipt from the city clerk/treasurer in an amount computed on the estimated value of the building or improvement. A base fee of Fifty dollars (\$50.00), plus Three dollars (\$3.00) per One Thousand dollars (\$1,000), or portion thereof, of estimated value of the building or improvement.

(b) Zoning Permit Issuance. The Zoning Permit shall be granted or denied in writing by the Zoning Administrator within thirty (30) days of the date of application, or within sixty (60) days of said date when site plan approval or a conditional use permit is required. The Zoning Permit shall expire within six (6) months of date of issuance unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

(c) Site Plan Approval. All applications for Zoning permits for any construction, reconstruction, expansion or conversion, except for one and two-family residences in Residential Districts, shall require site plan approval by the Plan Commission in accordance with the requirements of this section.

1. Application. An application for any such Zoning Permit shall be submitted to the Zoning Administrator in quadruplicate. The applicant shall also submit, in quadruplicate, a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Ordinance.

2. Administration. The Zoning Administrator shall make a preliminary review of the application and plans, and refer them, along with a report of his findings, to the Plan Commission within ten (10) days. The Plan Commission shall review the application and may refer the application and plans to one or more expert consultants selected by the Commission to advise whether the application and plans meet all the requirements applicable thereto in this Ordinance. Within forty-five (45) days of its receipt of the application, the Commission shall authorize the Zoning Administrator to issue or refuse a Zoning Permit. The Zoning Administrator shall then act on the permit within five (5) days, in accordance with the recommendation of the Commission.

3. Requirements. In acting on any site plan, the Plan Commission shall consider the following:

a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

c. The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.

d. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking

shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.

4. Effect on Municipal Services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the City Engineer or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall forward its recommendations to the City Council and shall not issue final approval until the City Council has entered into an agreement with the applicant regarding the development of such facilities.

5. Certificate of Occupancy. No vacant land shall be occupied or used, except for agricultural purposes, and no buildings hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the Zoning Administrator. A Certificate of Occupancy is required for any change of type of occupancy or use of any building or land.

(a) Application. Application for a Certificate of Occupancy shall be made coincident with the application for a Zoning Permit. The application shall state the intended use of the land or building.

(b) Issuance. A Certificate of Occupancy shall be granted within ten (10) days after notification by the owner of completion of buildings or structural alterations indicated in the Zoning Permit, in accordance with the plans submitted with the permit application and applicable provisions of this Ordinance and the health and building laws and ordinances.

(c) Fees. No fees shall be charged for a Certificate of Occupancy.

6. Restrictions

(a) Establishment of Grades. Every building hereafter erected, structurally altered, or relocated shall be at a grade approved by the City Engineer as being in satisfactory relationship with the established street grades, or with the existing street grades where none is established, with particular consideration for proper drainage and safe vehicular access.

(b) Preservation of Topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1-1/2 horizontal to 1 vertical, within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Zoning Administrator, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

(c) Unsuitable Land. No land shall be used or structure erected where the land is held by the City Council to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(d) Lots. All lots shall abut upon a public street and each lot shall have a minimum frontage and area as established for each zoning district.

(e) Principal Structures. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot, except for planned area developments in accordance with the provisions of this Ordinance.

(f) Street Dedication. No Zoning Permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width, and located on that side thereof from which the required dedication has not been secured.

(g) Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, designed in accordance with Section H65, Wisconsin Administrative Code. In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with Section H65, Wisconsin Administrative Code, but for one-family dwellings, shall be not less than 100 feet and not less than 20,000 square feet, respectively.

7. Use Restrictions. The following use restrictions and regulations shall apply.

(a) Approved Uses. Only those approved uses specified for a district, essential services, and the following shall be permitted in that district.

(b) Accessory Uses and Structures. Are permitted in any district, but not until their principal structure is present or under construction. Accessory uses include professional home offices; household occupations; incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Except as herein otherwise regulated, accessory uses shall not include the keeping, propagation, or culture of pigeons, poultry or livestock.

(c) Conditional Uses. May be permitted when approved by the Plan Commission in accordance with the provisions of each zoning district and subject to the following requirements:

1. The applicant shall apply for a conditional use permit on forms furnished by the Zoning Administrator.

2. Fee receipt from the city clerk/treasurer in the amount of One Hundred Fifty Dollars (\$150.00).

3. Conditional Use permits must be renewed by re-application every two (2) years; the renewal application fee shall be Twenty-Five dollars (\$25.00).

(d) Unclassified or Unspecified Uses. May be permitted by the Plan Commission after the Commission has made a review and recommendation, 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 sales, field offices, or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator.

(f) Performance Standards. Performance standards listed in Section 17.10 shall be complied with by all uses in all districts.

(g) Mobile Homes. No mobile home shall be used for the purpose of habitation except within an approved mobile home park.

8. Joint Use. 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.

9. Violations. No person shall construct or use any structure, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the City Council, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

(10) Penalties. Any person or contractor who fails to comply with the provisions of this Ordinance (including the start of construction without first securing the proper, required permits) shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution for each violation, and in default of such forfeiture and costs shall be imprisoned in the County Jail of Iowa County until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate violation.

### 17.03 DEFINITIONS

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

- (1) Abutting. Having a common property line or district line.
- (2) Accessory Building. See Building, Accessory.
- (3) Accessory Use. See Use, Accessory.
- (4) Alley. A way which affords only a secondary means of access to abutting property.
- (5) Antenna, Satellite. Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from the transmitter of a transmitter-relay located in planetary orbit. This definition includes but is not limited to satellite receivers, satellite dish antennas, satellite disks, direct-broadcast systems, and television reception-only systems.
- (6) Apartment. A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.
- (7) Apartment House. See Dwelling, Multiple.
- (8) Approved Use. See Use, Approved.
- (9) Arterial Street. See Street, Arterial.
- (10) Basement. A space of full story height below the first floor which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.
- (11) Bed and Breakfast. A place of lodging as licensed by the State of Wisconsin which provides four (4) or

fewer rooms for rent to tourists or other transients for more than ten (10) nights in a twelve (12) month period. The establishment must be the owner's personal residence, it must be occupied by the owner at the time of rental, and the only meal served to guests is breakfast.

- (12) Billboard. An advertising device, either free-standing or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.
- (13) Block. A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.
- (14) Board. The Board of Appeals, as provided in Section 17.11 of this Ordinance.
- (15) Boarding House. A building, other than a hotel, where meals or lodging and meals are provided for compensation for not more than six (6) persons.
- (16) Building. A structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or chattels.
- (17) Building, Accessory. A use subordinate building, the use of which is purely incidental to that of the main building, and which does not occupy more than thirty percent (30%) of the required rear yard.
- (18) Building, Alterations of. Any change or re-arrangement 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.
- (19) Building, Height of. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point on a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs. (See Figure 1, Appendix.)
- (20) Building, Principal. A building in which is conducted the main use of the lot on which said building is located.
- (21) Building Line, Front. A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.
- (22) Business. A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).
- (23) Canopy or Marquee. A roof-like structure, of a permanent nature, which projects from the wall of a building.
- (24) Carport. See Garage, Private.
- (25) Cellar. A portion of a building located partly or wholly underground, and having two-thirds or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See paragraph entitled "Basement".)
- (26) Certificate of Occupancy. A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Ordinance for the specified use and occupancy.
- (27) Clinic. A building used by a group of doctors or dentists for the examination or treatment of persons on an out-patient or non-boarding basis only.

- (28) Club. A building owned, leased or hired by a non-profit association of persons who are bona fide members paying dues, the use of which is restricted to said members and their guests.
- (29) Conditional Uses. See Use, Conditional.
- (30) Conforming Use. Any lawful use of a building or lot which complies with the provisions of this Ordinance.
- (31) Curb Grade. The level of the established curb in the front of a building, measured at the center of such front. Where no curb has been established, the City Council shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Ordinance.
- (32) Dwelling Unit. A separate housekeeping unit, designed and used for occupancy by a single family.
- (33) Dwelling, Single-Family. A detached building designed, arranged or used for, and occupied exclusively by one (1) family. "Dwelling, Single Family includes a manufacture home.
- (34) Dwelling, Two-Family. A building designed, arranged or used for, or occupied exclusively by two (2) families, living independently of each other.
- (35) Dwelling, Multiple. A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, apartment hotels and group houses.
- (36) Expressway. A divided arterial street with full or partial control of access and generally, with interchanges at major intersections. (See also Freeway.)
- (37) Emergency Shelter. Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare, fire, flood, windstorm, riots or invasions.
- (38) Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas; electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as but not limited to, poles, 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, electric distribution substations, gas distribution regulation stations and hydrants but not including buildings.
- (39) Family. Any number of persons related by blood, adoption or marriage, or not to exceed four (4) persons not so related, living together in one (1) dwelling as a single housekeeping entity.
- (40) Farm. Land consisting of two (2) or more acres on which product, crops, livestock or flowers are grown primarily for off-premise consumption or use.
- (41) Floor Area.
- (a) For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.
- (b) For Uses Other than Residential, the area measured from the exterior faces of the exterior walls, or



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from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

- (42) Frontage, Block. All of the property abutting on one side of a street between two intersecting streets.
- (43) Frontage, Lot. The smallest dimension of a lot abutting a public street, measured along the street line. (See Figure 3, Appendix.)
- (44) Freeway. An expressway with full control of access and with grade separations at all intersections.
- (45) Garage, Private. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one (1) automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.
- (46) Garage, Repair. A building used for the care, repair or storage of motor vehicles, for where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.
- (47) Gasoline Station. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such vehicles.
- (48) Household Occupation. Any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises; does not exceed twenty-five percent (25%) of the area of any floor; uses only household equipment; and for which no stock in trade is kept or sold, except that made on the premises. A household occupation includes such uses as baby sitting, millinery, dress-making, canning, laundering, crafts, and insurance and real estate brokers; but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, or photographic studios.
- (49) Hotel. An establishment for transient guests having more than six (6) sleeping rooms without individual cooking facilities.
- (50) Interchange. A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets or highways.
- (51) Junk Yard. An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (52) 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.
- (53) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.
- (54) Lot, Corner. A lot abutting intersecting streets at their intersection.

- (55) Lot Coverage. The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.
- (56) Lot, Reversed Corner. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear. (See Figure 2, Appendix.)
- (57) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot", both public streets shall be deemed front lot lines. (See Figure 2, Appendix.)
- (58) Lot, Zoning. A single tract of land located within a single block, which at time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.
- (59) Lot Area. The total area in a horizontal plane within the peripheral boundaries of a lot.
- (60) Lot Lines: The peripheral boundaries of a lot as defined herein.
- (61) Lot Width. The width of a parcel of land measured along the front building line. (See Figure 3, Appendix.)
- (62) Manufactured Home. "Manufactured Home" means a structure certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426, which, when placed on the site:
- A. Is set on a permanent enclosed perimeter foundation wall in accordance with sec. 70.043(1). Stats.; and Subchapters III, IV, and V of ch. Comm 21; Wis. Admin. Code; or is set on a comparable enclosed foundation system approved by the building inspector. The building inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
  - B. Is installed in accordance with the manufacturer's instructions.
  - C. Is properly connected to utilities.
- (63) Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.
- (64) Mobile Home Park. Any lot on which two (2) or more mobile homes are parked for the purpose of temporary or permanent habitation.
- (65) Motel. A series of attached, semi-detached or detached sleeping units for the accommodation of transient automobile tourists.
- (65) Motor Freight Terminal. A building or area in which freight brought by motor truck is assembled or stored for routing in intra-state and interstate shipment by motor truck.
- (66) Motor Vehicle. Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.
- (67) Non-Conforming Building or Structure. Any building or structure which:
- (a) Does not comply with all of the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
  - (b) Is designed or intended for a non-conforming use.

(68) Non-Conforming Use. Any use of land, buildings or structures which does not comply with all of the regulations of this Ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

(69) Nursery. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

(70) Nursery School. Any building used routinely for the day-time care and education of pre-school age children and including all accessory buildings and play areas, other than the child's own home or the homes of relatives or guardians.

(71) Nursing Home. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(72) Parking Facility. A structure or an open area other than a street or alley used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for, clients or customers.

(73) Parking Stall. An off-street space, available for the parking of a motor vehicle and which, in this Ordinance, is held to be an area nine (9) feet wide and twenty (20) feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

(74) Planned Area Development. A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control; the development of which is unique and of a substantially different character than that of surrounding areas.

(75) Planned Residential Development. See Planned Area Development.

(76) Property Lines. The lines bounding a track of land in single ownership.

(77) Public Way. Any sidewalk, street, alley, highway or other public thorough-fare.

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

(79) Railroad Right-of-Way. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

(80) Restaurant. A space within a suitable building provided with adequate and sanitary kitchen equipment and dining room of related capacity, having employees for preparing, cooking and serving suitable food, but not intoxicating liquors, for sale to the general public.

(81) Satellite Antenna. See Antenna, Satellite.

(82) School, Private. An elementary or intermediate school, other than a parochial school, giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such, and operating at least five (5) days a week for a normal school year, and supported by other than public funds, but not including: (a) a school for mental defectives; or (b) a college or other institution of higher learning.

(83) School, Commercial. A school limited to special instruction, such as business, art, music,

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trades, handicraft, dancing or riding.

(84) Setback. The minimum horizontal distance between the front lot line and a structure.

(85) Shopping Center. A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit. (See Planned Area Development.)

(86) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which conveys information regarding the use or ownership of the establishment on the same property upon which it is located (as distinguished from a Billboard).

(87) Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

(88) Story, Half. A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) exterior walls are not more than two (2) feet above the floor of such story.

(89) Street. A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.

(90) Street, Arterial. 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 major thoroughfares, highways and parkways.

(91) Structure. Anything constructed or erected, the use of which requires location on the ground, or that it be attached to something having a location on the ground, except single poles supporting utility lines.

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

(93) Travel Trailer. A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of 4,500 pounds or a maximum length of 28 feet.

(94) Use. The "use" of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Ordinance.

(95) Use, Accessory. A use subordinate in nature, extent, or purpose to the principal use of a building or lot.

(96) Use, Approved. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards (if any) of such districts.

(97) Use, Conditional. A use, either public or private, which, because of its unique characteristics, cannot be properly classified as an "approved" use in any particular district or districts. In each case, after due consideration by the Plan Commission of the impact of such use upon neighboring land and of the public need for the particular use at the particular location, such "conditional" use may or may not be granted.

(98) Use, Principal. The main use of land or buildings as distinguished from a subordinate or accessory use. A "Principal Use" may be "approved" or "conditional".

(99) Utilities. Public and private facilities, such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, micro-wave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(100) Yard. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

(101) Yard, Front. A yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the front property line and a line parallel thereto through the nearest point of the principal structure. (See Figure 3, Appendix.)

(102) Yard, Rear. A yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the rear lot line and a line parallel thereto, through the nearest point of the principal structure. (See Figure 3, Appendix.)

(103) Yard, Side. A yard extending between the front and rear yards of a lot, having a width equal to the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. (See Figure 3, Appendix.)

(104) Yard, Corner Side. A side yard, which adjoins a public street.

(105) Yard, Interior Side. A side yard, which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

(106) Zoning District. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

(107) Zoning Permit. A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this Ordinance for the zone in which it is to be located.

**17.04 ZONING DISTRICTS**

(1) Establishment. For the purposes of this Ordinance, the City of Mineral Point is hereby divided into the following fourteen (14) use districts:

- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- R-4 Mobile Home Residential District
- C-1 Central Business District
- C-2 Highway Commercial District
- M-1 Light Industrial District
- M-2 Heavy Industrial District
- A-1 Agricultural Preservation District
- A-2 Agricultural Transition District
- CON Conservancy
- PUD Planned Unit Development
- FD Flood Hazard District
- H Historic District

Boundaries of these districts are hereby established as shown on a map entitled "City of Mineral Point,

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Wisconsin, Official Zoning Map," dated May 5, 1987, which is on file in the office of the *city* clerk and appears as Figure 8 in the Appendix. Such boundaries shall be construed to follow corporate limits, U.S. Public Land Survey lines, lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended, unless otherwise noted on the zoning map.

- (a) Vacation of public streets and alleys shall cause the land vacated to automatically revert to the same district as the abutting side.
  - (b) Annexations to or consolidations with the city subsequent to the effective date of this ordinance shall be placed in the A-2 Agri-cultural Transition District unless the annexation ordinance temporarily places the land in another district. Within one (1) year of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the City Council.
- (2) Zoning Map. A certified copy of the Official Zoning Map shall be adopted and approved with the text, as part of this ordinance, and shall bear upon its face the attestation of the mayor and city clerk, and shall be available to the public in the office of the *city* clerk. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.
- (3) **R-1 Single-Family Residential District**. The R-1 Single-Family Residential District is to provide for low-density detached single-family homes within Mineral Point's corporate limits.

(a) Permitted Uses.

1. Single-family dwellings.
2. Horticulture and gardening, but not including commercial gardens or greenhouses.
3. Essential facilities and services, including, but not limited to the educational facilities within an R-1 Single Family Residential District.
4. Accessory uses such as private garages and carports and paved parking areas when located on the same lot and not including the conduct of business, except as permitted household occupation or conditional use, provided that no such garage shall be erected prior to the execution of the principal building to which it is accessory.

(b) Conditional Uses.

1. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
2. Satellite antennas as defined in Section 17.03(5) and provided for in Section 17.06.
3. Utilities in all districts, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
4. Public, parochial, and private elementary and secondary schools, and churches, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any residential district boundary line.
5. Public recreation facilities including archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sports fields, stadiums, swimming pools, and zoological and botanical gardens, provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary, with approval from the Plan

Commission.

(c) Standards. Within the R-1 District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 30 feet, 2 1/2 stories
- b. Accessory Buildings: 15 feet, 1 story

2. Minimum Front Yard Setback from Highway or Street R.O.W.: 30 feet

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 30 feet
- b. Accessory Buildings: 8 feet (10 feet from an alley)

4. Minimum Side Yard Setback:

- a. Principal Buildings: 12 feet (15 feet for street side of corner lot)
- b. Accessory Buildings: 8 feet (15 feet for street side of corner lot)

5. Minimum Lot Width: 80 feet

6. Minimum Lot Area: 9,600 square feet

**(4) R-2 Two-Family Residential District.** The R-2 Two-Family Residential District is to provide for low-density developments of single and two-family homes within Mineral Point's corporate limits.

(a) Permitted Uses.

- 1. Any use permitted in the R-1 Single-Family Residential District.
- 2. Two-family dwellings.
- 3. Duplexes.
- 4. No more than two apartments within a single building.

(b) Conditional Uses.

- 1. Any conditional use permitted in the R-1 Single-Family Residential District.
- 2. Funeral parlors.
- 3. Rooming houses, boarding houses and bed and breakfast establishments.
- 4. Uses customarily incidental to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- 5. Home occupations and professional offices as defined in Sections 17.03(48) and (78), when incidental to the principal residential use, situated on the same property, and carried on by the resident occupant, subject

to the following conditions:

- a. Such use shall not exceed twenty-five percent (25%) of the classified floor area of the principal building in which it is located.
- b. Only household equipment may be used and no stock in trade may be kept or sold, except that made on the premises.
- c. Such uses shall not employ more than one person not a resident on the premises.
- d. Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

Standards. Within the R-2 District, the following standards shall apply:

- 1. Maximum Building Height:
  - a. Principal Buildings: 30 feet, 2 1/2 stories
  - b. Accessory Buildings: 15 feet, 1 story
- 2. Minimum Front Yard Setback from Highway or Street R.O.W.: 30 feet
- 3. Minimum Rear Yard Setback:
  - a. Principal Buildings: 30 feet
  - b. Accessory Buildings: 8 feet (10 feet from alley)
- 4. Minimum Side Yard Setback:
  - a. Principal Buildings: 12 feet (15 feet for street side of corner lot)
  - b. Accessory Buildings: 8 feet (15 feet for street side of corner lot)
- 5. Minimum Lot Width: 60 feet
- 6. Minimum Lot Area: 7,200 square feet

**(5) R-3 Multiple-Family Residential District.** The R-3 Multiple-Family Residential District is established to protect certain areas of land, both developed and undeveloped, with peculiar characteristics, such as present high density dwelling units, proximity to commercial developments, or proximity to major streets, and because of a probable, continued demand for such dwelling accommodations which are well designed, pleasant places in which to live.

(a) Permitted Uses.

- 1. Multiple-family housing units, including two-family units.
- 2. Horticulture and gardening, but not including commercial gardens or greenhouses.



3. Essential services.
4. Charitable or non-profit institutions and facilities.
5. Accessory uses.

(b) Conditional Uses.

1. Any conditional use permitted in the R-1 Single-Family Residential District.
2. Single-family detached residences.
3. Rooming houses, boarding houses, and bed and breakfast establishments.
4. Clubs, fraternities, lodges, and meeting places of a non-commercial nature; provided that all principal structures and uses are not less than twenty-five (25) feet from any lot line.
5. Rest homes, nursing homes, homes for the aged, clinics, and nursery schools; provided that all principal structures and uses are not less than fifty (50) feet from any lot line.
6. Home occupations and professional offices, subject to the conditions set forth under Section 17.04(4)(b)5.

(c) Standards. Within the R-3 District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 40 feet, 3 stories
- b. Accessory Buildings: 15 feet, 1 story

2. Minimum Front Yard Setback from Highway or Street R.O.W.: 25 feet

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 25 feet
- b. Accessory Buildings: 10 feet from alley

4. Minimum Side Yard Setback:

- a. Multi-Family Building: 12 feet (15 feet for street side of corner lot)
- b. Accessory Buildings: 15 feet for street side of corner lot

5. Minimum Lot Width: 66 feet, 70 feet for corner lots

6. Minimum Lot Area: 8,000 square feet, with at least 2,000 square feet and not less than 1,500 square feet per dwelling unit, plus 500 square feet per bedroom

**(6) R-4 Mobile Home Residential District.** The R-4 Mobile Home Residential District is established to protect certain areas of land, both developed and undeveloped, which are particularly suited to mobile home parks because of proximity to major roads or streets, topography, and the existence of mobile home developments in the area. All mobile homes, unless otherwise provided for in this ordinance, shall be placed only within a mobile home district.

(a) Permitted Uses.

1. Mobile home parks developed exclusively for mobile home use with the exception of community buildings, laundry facilities, or other common use buildings ancillary to the residential use of the development.

(b) Conditional Uses.

1. Any conditional use permitted in the R-1 Single-Family Residential District.

(c) Standards. Within the R-4 Mobile Home Residential District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 30 feet, 2 stories
- b. Accessory Buildings: 15 feet, 1 story

2. Minimum Front Yard Setback from Highway or Street R.O.W.: 30 feet

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 40 feet (50 feet when abutting residential areas)
- b. Accessory Buildings: 40 feet (50 feet when abutting residential areas)

4. Minimum Side Yard Setback:

- a. Principal Buildings: 40 feet (50 feet when abutting residential areas)
- b. Accessory Buildings: 40 feet (50 feet when abutting residential areas)
- c. In addition, each side of the entire park must be set back 80 feet from adjacent uses.

5. Minimum Park Width: 300 feet

6. Minimum Park Area: 217,800 square feet (5 acres)

7. Regulations and Standards: The following requirements shall be met by all mobile home parks:

- a. There shall be one (1) mobile home parking space for each mobile home in such park and such parking space shall be graveled or paved with concrete or bituminous material. Each mobile home parking space shall be not less in length than the length of the mobile home to be parked therein, plus five (5) feet.
- b. There shall be two (2) automobile parking spaces for each mobile home. Each space shall not be less than nine (9) feet wide and one-hundred eighty (180) square feet in area, exclusive of maneuvering and access space, and shall be surfaced as provided in (1) above.
- c. There shall be a system of driveways, not less than thirty-three (33) feet wide, surfaced with concrete or bituminous material, providing access from each mobile home and automobile parking space within such mobile home park, to the public street or highway; provided that there shall not be more than two (2) entrances from or exists to such street or highway from any one (1) such park without written approval of the Plan Commission. Portions of entrance drives from the street or highway to the nearest mobile home site may be not less than twenty-four (24) feet wide when approved by the Plan Commission.
- d. Each mobile home shall be separated from all other mobile homes by not less than thirty (30) feet and from access drives by not less than fifteen (15) feet. The dwelling unit density shall be as specified above.
- e. Each mobile home park shall provide suitable recreation areas in accordance with site development plans approved by the Plan Commission. Each park shall also provide an adequate storage area for recreational and seasonal equipment. Such storage area shall be enclosed by a well-maintained fence or other enclosure

approved by the Plan Commission.

f. Each mobile home park shall be completely surrounded, except for permitted entrances and exits, by a yard, in addition to all other required yards and open spaces, which shall not be less than twenty-five (25) feet wide.

g. A mobile home park beautification and landscaping plan may be submitted to the Plan Commission for approval. In lieu of such an approved beautification plan, there shall be established, within six (6) months after issue of the permit for location of such park, the following plantings, within the twenty-five (25) foot yards, as provided in (6) above.

1. A temporary planting of fast-growing material, capable of reaching a height of fifteen (15) feet or more, such as Lombardy poplar.

2. A permanent evergreen planting, such as white or Norway pine, the individual trees to be of such number and so arranged that, within ten (10) years, they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

h. It shall be a condition of the granting of a permit for the establishment of any such mobile home park and a continuing condition for the operation of the same that:

1. All parking spaces, walks, and driveways be constructed and maintained so as to prevent the accumulation of surface water and the formation of substantial muddy areas.

2. The planting screen or beautification and landscaping plan required by subparagraph (7) be established and maintained.

3. Sanitary facilities at least equal to the requirements of the City Health Department be established and maintained.

4. If any of the conditions of this subsection are not complied with, the permit may be revoked pursuant to the provisions of this ordinance.

i. Those mobile home parks presently in operation shall be non-conforming uses, but shall be subject to the screening or beautification requirements of this ordinance.

j. Any mobile home park operator whose mobile home park plans have been approved, prior to passage of this ordinance, by all appropriate governmental agencies, shall be allowed to complete construction of the park as approved.

k. If there shall be any expansion to an existing, non-conforming mobile home park, said expansion shall fully comply with the provisions of this ordinance. No mobile home park shall be divided or reduced in size in any way without full compliance with the provisions of this ordinance and all other applicable ordinances.

**7. C-1 Central Business District.** The C-1 Central Business District is established to encourage the grouping of compatible businesses that will aid in further developing the downtown area as a retail service center.

(a) Permitted Uses.

1. The following are all permitted uses in the C-1 District: art and school supply stores; automotive servicing and repairs; automotive parts sales stores; appliance stores; barber shops and beauty parlors; banks and other financial institutions, including loan and finance companies; business offices; candy and ice cream stores; caterers; clothing repair shops; clinics; clubs; cocktail lounges and taverns, with permit by

the Plan Commission; commercial schools; confectioneries, delicatessens; dental clinics; department stores; drug stores; electrical supply; florist shops; food lockers; furniture stores; gasoline stations; heating supply; hotels and motels; ice delivery stations; insurance and real estate agencies; jewelry stores; liquor stores; lumber yards; medical clinics; newspaper offices and light service printers; opticians and optical stores; paint stores, retail only; parking facilities; photographic studios; professional offices; restaurants; small animal hospitals; tourist information and hospitality centers; undertaking establishments; upholsterer's shops; variety stores; vegetable stores; grocery and convenience stores; and any other similar retail uses not specifically listed above which are compatible with established uses on adjoining properties. Also, dwelling units above the ground floor.

2. The above permitted uses are subject to the following restrictions:

- a. Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
- b. 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.
- c. All business, servicing or processing, except for off-street parking or loading, and eating establishments in which a portion of their trade is conducted outside, shall be conducted within completely enclosed buildings.
- d. The parking of trucks, as an accessory use when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 150 feet of a Residential District boundary line.

(b) Conditional Uses.

1. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
2. Utilities, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
3. Public passenger transportation terminals such as heliports and bus and rail depots, (excluding airports, airstrips, and landing fields), provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
4. Drive-in banks and other drive-in type establishments offering goods and services directly to customers waiting in parked motor vehicles.
5. Funeral homes, provided that all principal structures and uses are not less than twenty-five (25) feet from any lot line.
6. Vehicle service, washing, and repair stations; garages; taxi stands; and parking lots, provided that all gas pumps are not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line. Gasoline stations shall be a minimum of five hundred (500) feet from any church or public or parochial school.
7. Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access traffic ways, and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses, and no principal structures shall be erected closer than one hundred (100) feet to their rights-of-way.

8. Commercial recreational facilities such as arcades, bowling alleys, clubs, dance halls, gymnasiums, lodges, physical culture, pool and billiard halls, Turkish baths, skating rinks, and theaters.

9. Dwelling units below the second floor.

(c) Standards. Within the C-1 District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 40 feet, 3 stories
- b. Accessory Buildings: 20 feet, 1 story

2. Minimum Front Yard Setback from Highway or Street R.O.W.: None

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 30 feet
- b. Accessory Buildings: 15 feet

4. Minimum Side Yard Setback:

- a. Principal Buildings: 10 feet if side yard is provided, 15 feet if abutting a residential area
- b. Accessory Buildings: 15 feet if abutting a residential area

5. Minimum Lot Width: 33 feet

6. Minimum Lot Area: 3,700 feet

**(8) C-2 Highway Commercial District.** The C-2 Highway Commercial District is to provide an area for wholesale and service businesses that have large land area requirements. It is intended that the uses permitted in this district will not detract from the potential of revitalizing the downtown business district.

(a) Permitted Uses.

1. The following are all permitted uses in the C-2 District: agricultural services; automotive repair, services, and garages; bowling alleys, pool halls, handball and racquetball clubs; general building contractors; general contractors--heavy construction, lawn and garden services, miscellaneous repair services, motor freight transportation and warehousing; retail trade--building materials, lawn and garden supply, mobile home dealers, boat dealers, recreation and utility trailer dealers, and motor vehicle dealers; special trade contractors; wholesale trade--durable and non-durable goods; hotel and motel; restaurant; gas and service station; convenience stores.

(b) Conditional Uses.

- 1. Any conditional use permitted in the C-1 Central Business District.
- 2. Eating and drinking establishments.
- 3. Grocery and convenience stores.
- 4. Clinics.
- 5. Professional offices.
- 6. Archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, ice boating, music halls, polo fields, pools, riding academies, skating rinks, sports

fields, stadiums, swimming pools, and zoological and botanical gardens, provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary and with approval from the Plan Commission.

(c) Standards. Within the C-2 District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 30 feet, 2 1/2 stories
- b. Accessory Buildings: 20 feet, 1 story

2. Minimum Front Yard Setback from Highway or Street R.O.W.: 50 feet

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 30 feet
- b. Accessory Buildings: 15 feet

4. Minimum Side Yard Setback:

- a. Principal Buildings: 10 feet minimum, 30 feet total; 15 feet when abutting a residential area
- b. Accessory Buildings: 8 feet, 15 feet when abutting a residential area

5. Minimum Lot Width: 132 feet

6. Minimum Lot Area: 8,000 square feet

**(9) M-1 Light Industrial District.** The M-1 Light Industrial District is established to provide for the manufacture, distribution, and working with products and materials of a non-hazardous non-polluting nature which require extensive land areas, access to transportation and other public facilities, and which strengthen the city's economic base in a way which is compatible with surrounding uses.

(a) Permitted Uses. The following are all permitted uses in the M-1 District:

- 1. Automotive body repairs; automotive upholstery; cleaning, pressing, and dyeing establishments; commercial bakeries; commercial green-houses; distributors; farm machinery sale and repair; food locker plants; laboratories; machine shops; manufacture and bottling of non-alcoholic beverages; painting; printing; publishing; storage and sale of machinery and equipment; trade and contractor's offices; warehousing; and wholesaling.
- 2. Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles, and wood.
- 3. Manufacture, fabrication, processing, packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food, except cabbage, fish and fish products, meat and meat products, and *pea vining*; instruments; jewelry; pharmaceuticals; tobacco; and toiletries.
- 4. Inside storage.
- 5. Greenways, open spaces, and parking in open areas.

(b) Conditional Uses.

1. Airports, airstrips, and landing fields, provided the site area is not less than twenty (20) acres.
2. Governmental protection facilities such as fire and police stations, and public emergency shelters
3. Utilities, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
4. Public passenger transportation terminals such as heliports and bus and rail depots (excluding airports, airstrips, and landing fields), provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.
5. Animal hospitals, provided the lot area is not less than three (3) acres and all principal structures and uses are not less than one hundred (100) feet from any Residential District.
6. Disposal areas, incidental to the *manufacturing* operation, in which the waste is of a transient nature waiting to be hauled to a permanent disposal site; incinerators; and sewage disposal plants.
7. Outside storage, salvage yards, and manufacturing areas. Wrecking, junk, demolition, salvage and scrap yards shall be surrounded by a solid fence or evergreen planting screen, completely preventing a view from any other property or public right-of-way, and shall be at least six hundred (600) feet from any Residential District.
8. Commercial service facilities, such as restaurants and fuel stations, provided all such services are physically and sales-wise oriented toward Industrial District users and employees, and other users are only incidental customers.

(c) Standards. Within the M-1 District, the following standards shall apply:

1. Maximum Building Height:
  - a. Principal Buildings: 40 feet, 3 stories
  - b. Accessory Buildings: 20 feet, 1 story
2. Minimum Front Yard Setback from Highway or Street R.O.W.: 25 feet
3. Minimum Rear Yard Setback:
  - a. Principal Buildings: Equal to building height, 10 feet minimum
  - b. Accessory Buildings: 20 feet
4. Minimum Side Yard Setback:
  - a. Principal Buildings: Equal to building height, 10 feet minimum; if side yard is provided, it shall have a minimum width of 10 feet
  - b. Accessory Buildings: 25 feet
5. Minimum Lot Width: 100 feet
6. Minimum Lot Area; 15,000 square feet

**(10) M-2 Heavy Industrial District.** The M-2 Heavy Industrial District is established to provide for the manufacture and distribution of products and materials which, by their nature, could be considered as polluting or hazardous and which require segregation from other land uses because of these potential problems. Such

uses also require extensive land areas, access to transportation and other public facilities, and tend to strengthen the city's economic base consistent with community goals and objectives.

(a) Permitted Uses.

1. All uses permitted in the M-1 Light Industrial District.
2. Freight yards, freight terminals, and trans-shipment terminals.
3. Breweries.
4. Crematories.

(b) Conditional Uses.

1. All conditional uses permitted in the M-1 Light Industrial District.
2. Manufacturing and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickles, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lamp blacking, size, starch, stove polish, textiles and varnish; manufacturing, processing and storage of building materials, dry ice, explosives, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast; manufacturing and bottling of alcoholic beverages; bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges; foundries; garbage incinerators; lacquering; lithographing; offal, rubbish or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stock-yards; tanneries; and weaving, provided they are at least six hundred (600) feet from any Residential District or such further distance as is required by the Plan Commission.

3. Mineral extraction operations, including washing, crushing, or other processing, subject to the following restrictions and procedures:

a. Application. Application for a conditional use permit shall include the following items in addition to those previously specified:

1. An adequate description of the operation; 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 a minimum vertical contour interval of five (5) feet; trees; proposed and existing access roads; and the depth of all existing and proposed excavations.

2. A restoration plan provided by the applicant containing proposed contours after filling; depth of restored topsoil; type of fill; planting or reforestation; and restoration, commencement, and completion dates. The applicant shall furnish the necessary fees to provide for inspection and administrative costs and the necessary sureties which will enable the municipality to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based on a cost estimate prepared by the owner and approved by the City Engineer. The form and type of such sureties shall be approved by the City Attorney.

. Expiration and Renewal. The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years. Modifications or additional conditions may be imposed upon application for renewal.

c. Plan Commission. The Plan Commission shall particularly consider the effect of the proposed operation upon



existing streets, neighboring developments, 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.

(c) Standards. Within the M-2 District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 40 feet, 3 stories
- b. Accessory Buildings: 20 feet, 1 story

2. Minimum Front Yard Setback from Highway or Street R.O.W.: 50 feet

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 30 feet
- b. Accessory Buildings: 20 feet, 50 feet when abutting residential areas

4. Minimum Side Yard Setback:

- a. Principal Buildings: 25 feet
- b. Accessory Buildings: 25 feet, 50 feet when abutting residential areas

5. Minimum Lot Width: 250 feet

6. Minimum Lot Area: 87,120 square feet (2 acres)

**(11) A-1 Agricultural Preservation District.** The purpose of the A-1 Agricultural Preservation District is to preserve those agricultural lands, woodlands, and wetlands where it has been determined that their highest and best uses are in long-term agriculture or wildlife habitat, and to prevent uneconomical scattering of residential, commercial, and industrial development in such areas.

(a) Permitted Uses.

- 1. The following are all permitted uses in the A-1 District: beekeeping, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, nature trails, roadside stands not exceeding one per farm, greenhouses, viticulture, and similar agriculture uses.
- 2. Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses.

(b) Conditional Uses.

- 1. Dairying, paddocks, equestrian trails, stables, forest and game management, livestock and poultry raising, grazing, and hatcheries.
- 2. Airports, airstrips, and landing fields, provided the site area is not less than twenty (20) acres.
- 3. Utilities, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.
- 4. Colleges, universities, and vocational schools; hospitals; sanitariums; religious, charitable, penal,

and correctional institutions; cemeteries and crematories; provided that all principal structures and uses are not less than fifty (50) feet from any lot line.

5 Animal hospitals, provided the lot area is not less than three (3) acres and all principal structures and uses are not less than one hundred (100) feet from any Residential District.

6 Disposal areas, incidental to the manufacturing operation, in which the waste is of a transient nature waiting to be hauled to a permanent disposal site; incinerators; and sewage disposal plants.

7 Commercial raising, propagation, butchering or boarding of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; the hatching, raising, fattening or butchering of fowl; and pea vineries, creameries, and condenseries.

8. Housing for seasonal farm laborers.

9. Placement of a mobile home for use as farm-related housing.

10. Mineral extraction operations, including washing, crushing, or other processing, subject to the following restrictions and procedures:

a. Application. Application for a conditional use permit shall include the following items in addition to those previously specified:

1. An adequate description of the operation; 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 (5) feet; trees; proposed and existing access roads; and the depth of all existing and proposed excavations.

A restoration plan provided by the applicant containing proposed contours after filling; depth of restored topsoil; type of fill; planting or reforestation; and restoration, commencement, and completion dates. The applicant shall furnish the necessary fees to provide for inspection and administrative costs and the necessary sureties which will enable the municipality to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based on a cost estimate prepared by the owner and approved by the City Engineer. The form and type of such sureties shall be approved by the City Attorney.

b. Expiration and Renewal. The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years. Modifications or additional conditions may be imposed upon application for renewal.

c. Plan Commission. The Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring developments, 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.

(c) Standards. Within the A-1 District, the following standards shall apply:

1. Maximum Building Height:

- a. Principal Buildings: 50 feet
- b. Accessory Buildings: 35 feet, 2 1/2 stories

2. Minimum Front Yard Setback from Highway or Street R.O.W.: 100 feet

3. Minimum Rear Yard Setback:

- a. Principal Buildings: 30 feet
- b. Accessory Buildings: 50 feet

4. Minimum Side Yard Setback:

- a. Principal Buildings: 30 feet
- b. Accessory Buildings: 50 feet

5. Minimum Lot Width: 250 feet

6. Minimum Lot Area: 174,240 square feet (4 acres)

7. Other Use Standards:

- a. Pre-existing residences in the A-1 Agricultural Preservation District that do not conform to district standards may be continued in residential use and shall not be subject to any limitations applicable to nonconforming uses.

Any lot or parcel of less than 35 acres that is recorded under separate ownership 'in the Office of the Register of Deeds at the time of adoption of the Zoning Ordinance may be used as a single residential building site provided that it can comply with the standards of the R-1 Residential District.

- c. Farm-related structures remaining after farm consolidation may be divided from the farm provided that they can comply with the provisions of the R-1 Residential District.

8. Standards for Rezoning:

- a. Decisions on petitions for rezoning land from the A-1 Agricultural Preservation District shall be based on findings resulting from a comprehensive update to the City of Mineral Point Comprehensive Plan. Individual landowner requests for rezoning shall be held until the approving authorities have determined that such a Comprehensive Plan update is needed. Following the outcome of a plan update, if land is rezoned from the A-1 Agricultural Preservation District, the Department of Agriculture Trade and Consumer Protection shall be notified.

**(12) A-2 Agricultural Transition District.** The purpose of the A-2 Agricultural Transition District is to permit agricultural use of farmland that has been identified in the City of Mineral Point Comprehensive Plan as desirable for urban expansion within a 0-10 year period.

(a) Permitted Uses.

- 1. The uses and standards for the A-2 District are the same as those established for the A-1 Agricultural Preservation District.

(b) Conditional Uses.

- 1. Non-farm residential use of unsewered lots recorded at the time of adoption of the Zoning Ordinance; plus those listed in the A-1 Agricultural Preservation District.

(c) Standards. Within the A-2 District, the following standards shall apply:

- 1. Maximum Building Height: Same as the A-1 Agricultural Preservation District.
- 2. Minimum Front Yard Setback from Highway or Street R.O.W.: Same as the A-1 Agricultural Preservation

District.

3. Minimum Rear Yard Setback: Same as the A-1 Agricultural Preservation District.
4. Minimum Side Yard Setback: Same as the A-1 Agricultural Preservation District.
5. Minimum Lot Width: Same as the A-1 Agricultural Preservation District.
6. Minimum Lot Area: Same as the A-1 Agricultural Preservation District.
7. Other Use Standards: Same as the A-1 Agricultural Preservation District.
8. Standards for Rezoning:
  - a. Decisions on petitions for rezoning land from the Agricultural Transition District shall be based on findings that consider the following:
    1. Adequate public facilities to serve the development are present or will be provided.
    2. The land is suitable for development.
    3. The development is designed to minimize the potential for conflict with remaining agricultural uses in the area.

**(13) CON Conservancy District.** The purpose of the CON Conservancy District is to preserve the natural state of scenic areas in the city and to prevent the uncontrolled, uneconomical spread of residential or other development; to help discourage the intensive development of marginal lands, particularly floodplain lands and steep slopes; and to prevent other hazards to public and private property by the development of these lands.

(a) Permitted Uses.

1. The following are all permitted uses in the CON District: flood mitigation facilities; forestry and the management of woodlands; wildlife preserves; the management of wildlife, including water-fowl, fish, and other similar lowland animals, and non-residential buildings used solely in conjunction with such activities; hunting, fishing, and trapping; park and recreation areas; hiking trails and bridle paths; preservation of areas of scenic, historic, or scientific value; uses similar and customarily incidental to any of the above uses; essential services and facilities.

(b) Conditional

Uses. 1. None.

(c) There are no setback, lot size, or other dimensional standards applicable in the CON Conservancy District.

**(14) PUD Planned Unit Development District.** The purpose of the PUD Planned Unit Development District is to promote improved environmental design and innovative uses of land in the City of Mineral Point. To this intent, this District allows variation in the relationship of uses, structures, and open spaces in developments conceived and implemented as cohesive unified projects. It is further intended to encourage more rational development with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this Ordinance and the Comprehensive Plan of the City of Mineral Point.

(a) Permitted Uses.

1. Any permitted or conditional use in any of the other Districts in this Ordinance may be permitted subject to the criteria listed below, but such conditions or requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.

(b) Lot, Building, Yard, and Parking Requirements.

1. In the Planned Unit Development District, there shall be no specific lot area, lot width, yard, height, parking and open space requirements, but such requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.

(c) Criteria for Approval.

1. As a basis for determining the acceptability of application for rezoning to the Planned Unit Development District, the following criteria shall be applied to the proposed development plan:

a. The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation, and topography.

b. The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.

c. The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location of streets, other paving and lighting should be appropriate to the uses proposed. In no case shall standards be less than those necessary to ensure public safety as determined by the city.

d. The proposed development shall not place avoidable stress on the city's water supply, sanitary sewer, and storm water drainage systems.

e. The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.

(d) Procedure.

1. Step 1: Procedure for Rezoning. The procedure for rezoning to the Planned Unit Development District shall be the same as for any other Zoning District change (Section 17.12), except that in addition a general development plan shall be submitted to the planning commission. The general development plan of the proposed project shall be presented at a scale of 1" — 100' and shall show at least the following information:

a. The pattern of public and private roads, driveways, and parking facilities.

b. A description of land uses and building types, size, and arrangements.

c. A utility feasibility analysis.

d. The location of recreational and open space areas reserved or dedicated to the public.

e. General landscape treatment.

f. The plan for phasing the development.

g. *Any* other data required by the City Plan Commission or Council.

Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions, and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.

2 Step 2: Specific Implementation Plan Approval. Detailed plans are not required to be completed at the time the zoning is approved; however, the review process may be made faster by doing so. Before any zoning permit is issued, the plan commission shall review and approve a Specific Implementation Plan. The applicant shall file the following with the Plan Commission:

- a. A final plat of the entire development area showing detailed lot layout; intended uses of each parcel; public dedication; public and private streets, driveways, walkways, and parking facilities.
- b. The location and treatment of open space areas.
- c. The arrangement of building groups other than single family residences and all final landscape plans.
- d. Architectural drawings and sketches illustrating the design of proposed structures.
- e. A utility plan locating all utility installations.
- f. A storm water drainage and erosion control plan.
- g. Agreements, by-laws, provisions or covenants which govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development.

At a regular meeting, the plan commission shall approve or require changes consistent with the approved general development plan. Upon final approval of the specific implementation plans, they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions, or contractual agreements with the city shall be recorded with the Register of Deeds before final issuance of zoning permits,

### 3. Modifications

Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the plan commission for approval. Minor changes can be granted administratively by the plan commission. Major changes shall require a public hearing preceded by a Class 1 Notice.

(15) **FD Flood Hazard District.** The boundaries of this District are established and identified on the City of Mineral Point, Wisconsin, Official Zoning Map. Restrictions enumerated in Chapter 19 of the Municipal Code of Mineral Point, Wisconsin, apply to areas which are subjected to periodic flooding and govern the types of activity permitted in these areas.

(16) **H Historic District.** The boundaries of this District are established and shown on the City of Mineral Point, Wisconsin, Official Zoning Map, as the Historic Overlay District. This District overlies existing districts as established by this Ordinance. Regulation of this District shall be construed to be supplementary to the regulations imposed on the same lands by the underlying district, unless specifically modified by determination of the Historic Preservation Commission for each individual establishment.

(a) When considering modifications under this section of the Ordinance, the Historic Preservation Commission shall, among other criteria, consider the following:

1. That the proposed modifications are in keeping with the historical character of the individual establishment

and its surrounding area.

2. That such modification will not adversely affect adjacent proper-ties or the community as a whole.
3. That such modification is necessary because provisions of the underlying district will require changes not in keeping with the historical character of the establishment or its surroundings.

**(17) BP BUSINESS PARK DISTRICT.** The BP Business Park District is to provide areas for professional office uses, and other clean high technology, light industry, and research facility uses, requiring large sites in an area with high aesthetic standards. The land area in this particular District shall be considered as suitable for "industrial sites" within the meaning of Section 66.52, Wisconsin Statutes, as further defined under Section 66.46 "Tax Increment Law".

The provisions of this Section are intended to:

Establish and maintain high aesthetic standards for improvements accruing within the District.

Preserve the District's natural beauty and visual character by assuring that improvements are properly related to their sites, and to surrounding developments.

Encourage originality, flexibility and innovation in site planning and development, including architecture, landscaping and graphic design.

(a) Permitted uses.

1. Offices: Corporate headquarters, regional headquarters, and administrative offices within ten (10) or more employees. Local services offices, such as real estate sales, insurance companies, doctor's offices, or other offices typically found in commercial areas, provided that they are part of a structure or integrated complex of at least 10,000 square feet of developed gross floor area.

2. Accessory uses: The following shall be allowed as accessory uses in the district.

- a. Uses and structures customarily accessory and incidental to the principal uses listed in subparagraph (a)1, excepting warehouses.
- b. Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.
- c. Day care facilities.
- d. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis or other courts, bike and walking trails, and pedestrian plazas and courts which are provided in association with the principal use listed in subparagraph (a)1.

(b) Conditional uses.

1. Light manufacturing uses: Industries which manufacture medical equipment; communications equipment; electronic components; or measuring, analyzing and controlling instruments.

2. Other manufacturing uses: Industries which are not prohibited uses as defined in Section (17)(c), and which, based upon a review of an application submitted by the Industry, are approved by the Plan Commission based upon the following criteria:

- a. The proposed use will have minimal adverse impact on the appropriate development principal uses on abutting properties and the surrounding area considering location, size, design and operating characteristics of the use.

- b. The proposed use will not create offensive odor, dust, smoke, fumes, noise, glare, heat, vibrations or truck traffic which are incompatible with principal uses allowed within the District.
- c. The proposed use will be located in a structure which is compatible with the character and scale of uses allowed within the District.

The proposed use will provide vehicular and pedestrian access, circulation, parking and loading areas which are compatible with similar facilities for uses on the same site or adjacent site.

Applications for an interpretation under this provision shall include a detailed description of the use, approximate number of employees, estimated volume of truck and automobile traffic to be generated, a site plan, building elevations, and preliminary landscaping plans.

- (c) Prohibited Uses. Uses with physical and operational requirements generating substantial truck traffic, noise, odors, dust, glare, heat, vibrations, or of a character which is not compatible with the high aesthetics of the area. These shall include, but not be limited to: wholesale and distribution activities; auto and truck storage and repairs; activities entailing movement of heavy equipment on or off the site except during construction; and machine shops.

- (d) Standards. Within the BP District, the following standards shall apply:

- 1. Maximum building height:
  - a. Principal buildings: 55 feet, 3 stories.
  - b. Accessory buildings: 20 feet, 1 story.
- 2. Minimum front yard setback from highway or street R.O.W.: 50 feet.
- 3. Minimum rear yard setback:
  - a. Principal buildings: 30 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.
  - b. Accessory buildings: 30 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.
- 4. Minimum side yard setback:
  - a. Principal buildings: 25 feet, 50 feet when abutting residential areas, plus 5 feet of



setback shall be added for each 10 feet or portion thereof of building height over 20 feet.

- b. Accessory buildings: 25 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.
- c. Minimum lot width: 250 feet.
- d. Minimum lot area: 43,560 square feet (1 acre).

7 Additional Design Standards: The BP District shall be considered an "Industrial District" under Section 17.05(7) and 17.08(4) of this Ordinance, and an "Industrial Park" under Section 17.08(4)(h) of this Ordinance. All other sections of this Ordinance intended to control the aesthetics of development within a District, inclusive of Section 17.05, 17.06, 17.07, 17.08, 17.09 and 17.10, shall apply as originally written and/or amended unless otherwise noted in this Section.

**17.05 MODIFICATIONS AND EXCEPTIONS**

(1) Lot Width and Area. Requirements as to lot width and area for the construction of a one-family dwelling shall not apply to any lot having less than the required area or width at the time of adoption of this Ordinance or any amendment thereof increasing the area or width required for such lot and held at that time in separate ownership from that of adjoining land, provided that the area and the width of such existing lot shall be no less than seventy-five percent (75%) of the required minimum standards identified in the appropriate Zoning District.

(2) Height.

(a) Height limitations of this ordinance shall not apply to chimneys, church spires, belfries, standpipes, water towers, flag poles, monuments, transmission towers or cables, or radio or television antennas or towers, and such utility structures whose height is governed by state or federal regulations.

(b) Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than twenty-five percent (25%) of the area of the roof on which it is located; provided, further, that no such exception shall be used for sleeping or house-keeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

(c) A parapet wall or cornice, solely for ornamental purposes, may exceed the height limit established for the district, but shall not exceed five (5) feet.

(3) Building Setbacks. In Residential Districts, except for a corner lot, the required setbacks shall be modified in the following cases:

(a) Where fifty percent (50%) or more of the frontage of a block is occupied by residences having setbacks less than that required by this Ordinance, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of 36 proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Ordinance.

(4) Extensions of Structures into Required Yards.

(a) The following extensions shall be permitted into required yards:

1. Canopies and marquees in Business Districts (not permitted in interior side yards) --- 6 feet
2. Cornices and similar extensions --- 1 foot
3. Open fireproof fire escapes --- 3 feet
4. Eaves --- 2 feet

(b) The following restrictions shall apply to the permitted extensions:

1. Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level.
2. Canopies shall, in no case, extend nearer than three (3) feet back of the face of a curb.

(5) Extensions of Structures Over Sidewalks. In the C-1 Central Business District, canopies attached to business structures at the front property line shall be permitted to extend over the sidewalk, subject to the width restriction of Section 17.05(4)(a) and the further restrictions of Section 17.05(4)(a). A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structures shall be revocable as provided in Chapter 86.04, Wisconsin Statutes.

(6) Corner Side Yards. The required side yard on the street side of corner lots shall be at least fifty percent (50%) greater than the minimum specified for the district.

(7) Required Buffer Strips in Industrial Districts. Where an Industrial District abuts a Residential District, there shall be provided along any rear, side or front line, coincidental with any Industrial-Residential boundary, a buffer strip not less than forty (40) feet in width, as measured at right angles to said lot line. Plant materials at least six (6) feet in height, of such variety and growth habits as to provide a year-round effective visual screen when viewed from the Residential District, shall be planted within the exterior twenty-five (25) feet abutting the Residential District. If the required planting screen is set back from the Industrial-Residential boundary, the portion of the buffer strip facing the Residential District shall be attractively maintained. The exterior twenty-five (25) feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior fifteen (15) feet may be devoted to parking of vehicles.

## **17.06 SATELLITE ANTENNAS**

(1) Purpose. Satellite antennas, as defined in Section 17.03, are of such a nature as to require additional standards to ensure the safety, quality and aesthetics of the neighborhood of which they are a part. This section shall regulate all radio and television transmitting and receiving equipment, including satellite antennas, antenna towers and other electronics equipment requiring outdoor structures.

(2) Permits Required. Every person intending to install a satellite antenna must first apply for and receive a Zoning Permit and a Conditional Use Permit.

(3) Size. No ground mounted satellite antenna shall be higher than 12 feet above grade or exceed 10 feet in diameter. Rood mounted satellite antenna shall be allowed, provided said antenna is less than 4 feet in diameter when mounted on the structure located within a C-1, C-2, M-1, M-2 or BP District, and less than 2 feet in diameter when mounted on a structure located in any other district.

(4) Number. No more than one ground mounted or one roof mounted satellite antenna shall be permitted on each lot unless specifically authorized in a conditional use permit.

(5) Location. No portion of a ground mounted satellite antenna shall be located:

(a) In front of a house or principle structure, or between any house or principal structure and a public street adjoining the lot on which such house or principle structure is located.

(b) Closer than 15 feet to any public street or closer than 8 feet to any rear or side property lines except that more restrictive standards for a particular zoning district shall apply in the event of a conflict with these dimensions.

(c) In the case of a corner lot, no satellite antenna shall be located in the side yard so as to project beyond the front yard (existing or required) on the adjacent lot.

(6) Aesthetics. The satellite antenna and any supporting wires or structures shall be located and designed so as to minimize the visual impact on surrounding properties and from public streets. The materials used in constructing the satellite antenna shall not be unnecessarily bright, shiny, garish or reflective. The satellite antenna shall be totally screened, for its entire height, from view at ground level from any adjacent lot or street, public or private, on all sides but not to the exclusion of reception. Screening shall be provided by any one or more of the following (which either may exist or be erected):

(a) The dwelling on the lot where the antenna is located.

(b) A garage.

(c) A storage building.

(d) Landscaping and plantings which provide year-round screening.

(7) Safety. Satellite antennas shall be installed and maintained in accordance with the Building Code and manufacturer's specifications. The finish on the satellite antenna must be such as to guard against the elements. Every antenna must be adequately grounded for protection against a direct strike of lightning, with an adequate ground wire. Ground wires shall be the type approved by the latest edition of the Electrical Code and shall be installed in a mechanical manner with as few bends as possible, maintaining a clearance of at least two feet from combustible materials. Transmission lines must be kept at least 24 inches clear of telephone or electrical service wires.

#### **17.07 TRAFFIC, PARKING, AND ACCESS**

(1) Traffic Visibility. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) and ten (10) feet above a plane through the mean curb grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines, located a minimum of fifteen (15) feet from their intersection. (See Fig. 4, Appendix.) Official signs and one utility pole or street light may be permitted within each segment of an intersection traffic visibility area, provided it is so placed as to cause the least visual obstruction possible.

In the case of arterial streets intersecting with other arterial streets or railways, the distances establishing the triangular vision clearance space shall be increased to fifty (50) feet. This greater restriction shall not apply in the C-1 Central Business District.

(2) Loading Requirements. In all districts, except the C-1 Central Business District, adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading shall be completely off the public ways and so that all vehicles need not back onto any public ways.

(3) Parking Requirements. Off-street parking stalls shall be provided for all vehicles, in all districts except the C-1 Central Business District, and in connection with every use and every building at the time said use starts or

said building is erected, in accordance with the following:

- (a) Adequate access to a public street shall be provided for each parking space.
- (b) Size of each parking stall shall be not less than one-hundred-eighty (180) square feet, exclusive of the space required for ingress and egress.
- (c) Location shall be on the same lot as the principal use, or not over four-hundred (400) feet from the principal use. No commercial or industrial parking area shall be closer than twenty-five (25) feet to a Residential District lot line or to the street line when opposite a Residential District.
- (d) All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (e) No front yard of a lot in any Residential District, and no front yard of a lot in any Business District upon which a dwelling unit is located shall be used for the parking of motor vehicles, nor shall motor vehicles parked on any other front yard be permitted within five (5) feet of the right-of-way line of a street.
- (f) Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines.

(4) Number of Parking Stalls Required.

(a)	Single-family dwellings & mobile homes	2 stalls/dwelling unit		
(b)	Multi-family dwellings	1.5 stalls/dwelling unit		
(c)	Hotels, motels	1 stall/guest room + 1 stall/3 employees		
(d)	Hospitals, clubs, lodges, sororities, dormitories, lodging & boarding homes	1 stall/2 beds + 1 stall/3 employees		
(e)	Sanitariums, institutions, rest & nursing homes	1 stall/5 beds + 1 stall/3 employees		
(f)	Medical and dental clinics	3 stalls/doctor		
(g)	Churches, theaters, auditoriums, community centers, vocational & night schools, and other places of public assembly	1 stall/5 seats		
(h)	Colleges, secondary & elementary schools	1 stall/2 employees		
(i)	Restaurants, bars, places of entertain- ment, repair shops, retail & service stores	1 stall/150 sq. ft. of floor area		
(j)	Manufacturing & processing plants, laboratories & warehouses	1 stall/3 employees		

(k)	Financial institutions; business, governmental & professional offices	1 stall/300 sq. ft. of floor area
(l)	Funeral homes	1 stall/4 seats + 1 stall/vehicle used in the business
( )	Bowling alleys	5 stalls/alley

(5) Driveways. All driveways installed, altered, changed, replaced, or extended after the effective date of this Ordinance shall meet the following requirements:

(a) Openings for vehicular ingress and egress and driveways shall be at least ten (10) feet wide at the property line for residential proper-ties, and a minimum of sixteen (16) feet wide at the property line for all other uses, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening. (See Figure 7, Appendix.)

(b) Islands between driveway openings shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.

(c) Vehicular entrances and exists to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall not be less than two-hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

(6) Highway Access.

(a) 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) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways, and their interchanges or turning lanes, nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.

2. At intersections of all other arterial streets within one-hundred (100) feet of the intersection of the right-of-way lines.

3. At intersections of arterial streets with all lesser streets within fifty (50) feet of the intersection of the right-of-way lines.

(c) 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 to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

**17.08 SIGNS**

(1) Permit Required. No sign except official signs such as traffic control and parking restriction, information,

and notices required by state and federal regulations, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Zoning Permit or, in the case of the Historic District, without a Certificate of Appropriateness issued by the Historic Preservation Commission, except those signs listed in Section 17.08(3), and without being in conformity with the provisions of this Ordinance. In addition, all signs shall be registered and assigned a permit number which must be displayed on the face of the sign in such a manner as to be visible for verification by the Zoning Administrator that the sign complies with the provisions of Section 17.08. A fee of Twenty dollars (\$20.00) shall be required for all signs so registered. The sign shall also meet all the structural requirements of the Building Code.

(2) Responsibility. The Zoning Administrator shall be responsible for the proper enforcement of all regulations pertaining to signs and signage and shall issue a Zoning Permit only after it has been satisfactorily demonstrated to the Zoning Administrator that the proposed sign conforms with the requirements hereby set forth.

(3) Signs in Residential and Agricultural Districts. Only those signs listed below are permitted in Residential and Agricultural Districts. All other signs are prohibited.

(a) Signs over shop windows or doors of a non-conforming business or industrial establishment, announcing without display or elaboration only the name and occupation of the proprietor, and not to exceed two (2) feet in height and twenty (20) feet in length. Non-conforming signs on such establishment shall be removed within five (5) years from the date of adoption of this Ordinance.

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

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

(d) Bulletin boards for public, charitable, or religious institutions, not to exceed sixteen (16) square feet in area, located on the premises.

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

(f) Official signs, such as traffic control and parking restrictions, information, and notices.

(g) Temporary signs or banners, when authorized by the Plan Commission.

(4) Signs in Business and Industrial Districts. Signs are permitted in all Business and Industrial Districts, subject to the following restrictions.

(a) Signs Prohibited in Public Ways. Except for traffic signs and signals, signs specifically permitted to project into the public way by this Ordinance, or any other sign so authorized by law, no signs shall be placed upon, over, or in any public way. Except for signs projecting from business structures located on the front property line, any signs located upon or encroaching upon any public way shall be removed within one (1) year of the adoption of this Ordinance. Permits for signs projecting into the right-of-way of any street shall be revocable as provided in Chapter 86.04, Wisconsin Statutes.

(b) Signs Not to Constitute a Public Hazard. No sign shall be erected at any location where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal, or other traffic device, nor shall any sign make use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER" or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

(c) Lighting. No sign shall be illuminated by intermittent, rotating, or flashing lights.

(d) Ground Signs. Ground signs will be permitted in lieu of signs mounted on building facades, subject to the size restrictions of the sign replaced, and must observe all applicable building setback lines, and shall not

exceed thirty (3) feet in height.

(e) Billboards on Vacant Lots. Vacant lots upon which billboards now exist shall be maintained in an orderly fashion by the frequent and periodic removal of rubbish and maintenance of any verdure growing on the lot.

(f) Signs Projecting into Street. No sign shall project over any part of any street, except where a business structure is located on the front property line. In such case, a sign may not extend more than forty-eight (48) inches into any street.

(g) Termination of a Business. At the termination of a business, commercial, or industrial enterprise, all signs shall forthwith be removed from the public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings.

(h) Shopping Centers or Industrial Parks. In a shopping center or industrial park, one (1) free-standing identification sign may be permitted, showing the name of said center or park and the represented businesses or industries. The area of said sign shall not exceed one-hundred (100) square feet on one (1) face and two-hundred (200) square feet on all faces. Said sign shall not be permitted within twenty (20) feet of the right-of-way line of the street. (See Figure 6, Appendix.)

(i) Surface Display Area. The total surface display area of business or industrial signs on the front facade of a building shall not exceed three (3) square feet per linear foot of width of the building front-age. In the case of a building located on a corner lot, such display area on the side facing the secondary street may be increased by one (1) square foot per linear foot of the length of the building which faces the secondary street. Said increased permitted display area shall be used only for the erection of a permitted sign on the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 square foot per linear foot of width or length of the building fronting on such parking lot. Such increased display area shall only be utilized for the erection of a permitted sign on that part of the building which abuts said parking lot. In no case, shall the wall area usable for sign display be in excess of two-hundred (200) square feet, and in no case shall more than one of the above-mentioned criteria be used to calculate allowable sign area on any one (1) building facade. (See Figure 5, Appendix.)

(j) Projections Beyond Building Line. Business and industrial signs mounted on buildings shall not be permitted to project more than forty-eight (48) inches beyond the building line.

(k) Number of Signs. No more than one (1) business or industrial sign shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one (1) business or industrial sign

shall be permitted on each side or rear wall of a business or industrial building.

(l) Directional Signs. Necessary directional ground signs, not exceeding four (4) square feet in area, will be permitted. Permission to erect such signs must be obtained from the Police Department and from the Plan Commission.

(m) Lighting. Business and industrial signs may be internally lighted or illuminated by a hooded reflector, provided, however, that such lighting shall be arranged to prevent glare, and no sign shall have lighting of an intermittent or varying intensity. Animated signs, or signs having moving parts, or signs which may be mistaken for traffic signal devices, or which diminish the visibility or effectiveness of such traffic signal devices are prohibited.

(n) Obstruction of Openings. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door, or opening used as means of ingress or egress, or for fire fighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.

- (o) Street Intersections. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- (p) Height. No sign shall be erected above the roof line of a building or more than thirty (3) feet from the ground.
- (q) Billboards. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised, shall not be permitted in any district.
- (r) Hanging Signs. Signs shall be permitted to hang from canopies or covered walks in Business or Industrial Districts, provided that there shall be only one (1) sign (not to exceed five (5) square feet in area) for each business and that the sign shall be at least ten (10) feet above ground level.
- (5) Existing Signs. Except for billboards and signs on non-conforming uses, signs lawfully existing at the time of adoption or amendment of this Ordinance may be continued, although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a non-conforming use. or structure, and the provisions of Section 17.09 shall apply.
- (6) Billboards to be Removed. Billboards shall be removed by the person owning such billboard, or the owner of the property on which such billboard is located within one year from the date of the passage of this Ordinance. Should the owner of the billboard or the owner of the property on which a billboard is located fail to remove such billboard within one year, the Building Inspector shall, following sixty (60) days written notice to the owner of the billboard and the owner of the property on which the billboard is located, cause the billboard to be removed at the expense of the owner of the billboard.

#### **17.09 NON-CONFORMING USES, STRUCTURES, AND LOTS**

- (1) Existing Non-Conforming Uses. The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued, although the use does not conform with the provisions of this Ordinance, provided, however:
  - (a) 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 Ordinance.
  - (b) The total lifetime structural repairs or alternations shall not exceed fifty percent (50%) of the fair market value of the structure at the time of its becoming a non-conforming use, unless it is permanently changed to conform to the use provisions of this Ordinance.
  - (c) Substitution of new equipment may be permitted by the Board of Appeals, if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.
- (2) Abolishment or Replacement. If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than fifty percent (50%) of its current fair market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

A current file of all non-conforming uses shall be maintained by the Zoning Administrator, listing the following: owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a non-conforming use.



(3) Existing Non-Conforming Structures. The lawful non-conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered, except when required by law or order or so as to comply with the provisions of this Ordinance.

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

(5) Substandard Lots. In any Residential District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the office of the County Register of Deeds before the effective date or amendment of this Ordinance, provided the requirements set forth in Section 17.05(1) are met.

### **17.10 PERFORMANCE STANDARDS,**

(1) Compliance. This Ordinance permits specific uses in specific districts, and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

(2) Air Pollution. No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas, nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mine's "Information Circular 7718", in any Industrial District.

(3) Fire and Explosive Hazards. All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.

(4) Glare and Heat. Any operation producing intense glare or heat, such as combustion or welding, shall be performed within a completely enclosed building, in such a manner as not to create a public nuisance or hazard across lot lines. Exposed sources of light shall be shielded so as not to create a nuisance across lot lines. Illumination which has its source in a manufacturing district shall, in no case, be permitted to exceed 0.1 foot candle in an adjoining Residential District.

(5) Liquid or Solid Wastes. No activity shall discharge, at any point, onto any land or into any water or public sewer, any materials of such nature, quantity, noxiousness, toxicity, or temperature that they can contaminate, pollute, or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

(6) Noises. No activity shall produce a sound level outside its premises that exceed the following sound level, measured by a sound level meter and associated octave band filter.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character or shrillness.

(7) Vibration. There shall be no vibrations emanating from any operation which will be discernible to human feeling beyond the boundaries of the immediate site.

- (8) Odors. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.
- (9) Radioactivity and Electrical Disturbances. No activity shall emit radio-activity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Octave Band Frequency (cycles per sound)	Sound Level (decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

**17.11 BOARD OF APPEALS**

(1) Establishment. There is hereby established a Board of Appeals for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance in harmony with the purpose and intent of the Zoning Ordinance.

(2) Membership. The Board of Appeals shall consist of five (5) members appointed by the Mayor and confirmed by the City Council.

- (a) Terms shall be for staggered three (3) year periods.
- (b) The Chairman shall be designated by the Mayor.
- (c) An alternate member may be appointed by the Mayor for a term of three (3) years. Such alternate member shall act only when a regular member is absent or refuses to vote because of interest.
- (d) One member shall be a Plan Commissioner, and one member shall be a registered architect, registered professional engineer, builder, or real estate appraiser.
- (e) The secretary shall be the City Clerk.
- (f) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (g) Official oaths shall be taken by all members in accordance with Chapter 19.01, Wisconsin Statutes, within ten (10) days of receiving notice of their appointment.
- (h) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3) Organization. The Board of Appeals shall organize the adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- (a) Meetings shall be held at the call of the Chairman and shall be open to the public.
- (b) Minutes of the proceedings and a record of all actions 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 Board and shall be a public record.

(c) The concurring vote of four (4) members of the Board shall be necessary to correct an error, grant a variance, make an interpretation, or permit a utility, temporary, unclassified or substitute use.

(4) Powers. The Board of Appeals shall have the following powers:

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

(b) Variations. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this Ordinance shall be observed and the public safety, welfare and justice be secured. Use variances shall not be granted.

(c) Interpretations. To hear and decide application for interpretations of the Zoning Regulations and the boundaries of the Zoning Districts after the Plan Commission has made a review and recommendation.

(d) Substitutions. To hear and grant applications for substitution of more restrictive non-conforming uses for existing non-conforming uses, provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may 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 Plan Commission 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, are compatible with the neighboring uses, and that the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

(g) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

(h) Assistance. The board may request assistance from other officers, departments, commission and boards.

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

(5) Appeals and Applications. Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board or bureau. Such appeals shall be filed with the Secretary within thirty (30) days after the date of written notice of the decision or order of the 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) Names and addresses of the appellant or applicant and all abutting and opposite property owners of record.

(b) Plat of survey prepared by a registered land surveyor, showing all of the information required under Section 17.02(4) for a Zoning Permit.

- (c) Additional information required by the Plan Commission, City Engineer, Board of Appeals or Zoning Administrator.
- (d) Fee receipt from the City Clerk/Treasurer in the amount of One Hundred Fifty (\$150.00).
- (6) Hearings. The Board of Appeals shall fix a reasonable time and place for the hearing, give public notice thereof at least ten (10) days prior to the hearing, and shall give due notice to the parties of interest, Zoning Administrator, and the Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- (7) Findings. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
- (a) Exceptional Circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (b) Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity.
- (c) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (8) Decision. The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator and Plan Commission.
- (a) Conditions may be placed upon any Zoning Permit ordered or authorized by the Board.
- (b) Variances, substitutions or use permits ordered by the Board shall expire within six (6) months, unless substantial work has commenced pursuant to such grant.
- (9) Review by Court of Record. Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

## 17.12 CHANGES AND AMENDMENTS

- (1) Authority. Whenever the public necessity, convenience, general welfare or good zoning practice require, the City may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
- (2) Initiation. A change or amendment may be initiated by the City Council, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (3) Petitions. Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the City Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

(a) Plot plan drawn to a scale of one inch equals one hundred feet (1" — 100'), showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two-hundred (200) feet of the area proposed to be rezoned.

(b) Names and addresses of owners of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission or City Council.

(d) Fee receipt from the City Clerk / Treasurer in the amount of One Hundred Fifty dollars (\$150.00)

(4) Recommendations. The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the City Council. The Plan Commission shall review all proposed changes and amendments within the zoning jurisdiction and shall vote on the matters within its jurisdiction.

(5) Hearings. The City Council shall hold a public hearing upon each recommendation, giving at least ten (10) days prior notice, or by publication at least two (2) times during the preceding thirty (30) days, listing the time, place and changes or amendments proposed. The City Council shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

(6) Adoption. Following such hearing, and after careful consideration of the Plan Commission's recommendations, the City Council shall vote on the passage of the proposed change or amendment. The Plan Commission's recommendations may, only be overruled by three-fourths (3/4) of the full City Council membership.

(7) Protest. In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full City Council membership.