

## **Extraterritorial Zoning Code**

### **CHAPTER 155: EXTRATERRITORIAL ZONING CODE**

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### **§ 155.01 INTRODUCTION.**

(A) *Authority.* These regulations are adopted under the authority granted by Wis. Stats. § 62.23(7a).

(B) *Purpose.* The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics, and general welfare of this community.

(C) *Intent.* It is the general intent of this chapter 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 drainage; 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 chapter and to provide penalties for its violation.

(D) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provision of this chapter shall govern.

(E) *Interpretation.* The provisions of this chapter 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.

(F) *Severability.* If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(G) *Title.* This chapter shall be known as, referred to, or cited as the "Extraterritorial Zoning Ordinance, City of Mineral Point, Wisconsin."

(H) *Effective date.* This chapter shall be effective after proper public hearing, adoption by the City Council and ETZ Committee, and publication or posting as provided by law.  
(Ord. 686, passed 12-6-2005)

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### **§ 155.02 GENERAL PROVISIONS.**

(A) *Jurisdiction.* The jurisdiction of this chapter shall include all lands and water within the ETZ jurisdiction of the city.

(B) *Compliance.* No structure, land or water shall hereafter be used, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable local, county, and state regulations.

(C) *Enforcement.* The provisions of this chapter shall be enforced by the Zoning Administrator of the City of Mineral Point.

(1) The Zoning Administrator 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 § 155.17.

(2) The Zoning Administrator shall file and safely keep copies of all plans submitted.

(3) The Zoning Administrator shall also keep a record of every identifiable complaint of a violation of any of the provisions of this chapter, and of the action taken consequent to each such complaint.

(4) All such records and plans shall form a part of the records of the Zoning Administrator's office and shall be available for the use of the City Council and of other official agencies and officials of the city.

(D) *Zoning permit.*

(1) Applications shall be made to the Zoning Administrator on forms furnished by him or her. Applications shall be submitted in duplicate, except that when a site plan approval under division (D)(3) below is required, they shall be submitted in quadruplicate. They shall include the following, where applicable.

(a) Names and addresses of applicant, owner of the site, architect, professional engineer or contractor.

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

(c) 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 plat of survey shall show the location, elevation and use of any abutting lands

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and their structures within 40 feet of the subject site.

(d) Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be reviewed by the Iowa Co. Sanitarian 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.

(e) 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.

(f) Additional information as may be required by the ETZ Committee, City Engineer, and Zoning, Building, Plumbing, or Health Inspectors; including all information required for site plan approval under division (D)(3) below.

(g) Fee receipt from the City Clerk/Treasurer in an amount computed on the estimated value of the building or improvement. A base fee of \$50, plus \$3 per \$1,000, or portion thereof, of estimated value of the building or improvement.

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

(3) *Site plan approval.* All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for 1 and 2-family residences in residential districts, shall require site plan approval by the ETZ Committee in accordance with the requirements of this section.

(a) *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 ETZ Committee or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter.

(b) *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 ETZ Committee within 10 days. The ETZ Committee shall review the application and may refer the application and plans to 1 or more expert consultants selected by the Committee to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 45 days of its receipt of the application, the Committee shall authorize the Zoning Administrator to issue or refuse a zoning permit. The Zoning Administrator shall then act on the permit within 5 days, in accordance with the recommendation of the Committee.

(c) *Requirements.* In acting on any site plan, the ETZ Committee shall consider the following:

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1. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
2. 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.
3. The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.
4. The landscaping and appearance of the completed site. The ETZ Committee 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.

(d) *Effect on municipal services.* Before granting any site approval, the ETZ Committee 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 ETZ Committee 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.

(e) *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.

1. *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.

2. *Issuance.* A certificate of occupancy shall be granted within 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 chapter and the health and building laws and ordinances.

3. *Fees.* No fees shall be charged for a certificate of occupancy.

(f) *Restrictions.*

1. *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.

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2. *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 1½ 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.

3. *Unsuitable land.* No land shall be used or structure erected where the land is held by the ETZ Committee 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 ETZ Committee, 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 ETZ Committee may affirm, modify, or withdraw its determination of unsuitability.

4. *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.

5. *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 chapter.

6. *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.

7. *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 Wis. Adm. Code, Section H65. 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 Wis. Adm. Code, Section H65, but for 1-family dwellings, shall be not less than 100 feet and not less than 20,000 square feet, respectively.

(g) *Use restrictions.* The following use restrictions and regulations shall apply.

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

2. *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

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private emergency shelters.

3. *Conditional uses.* May be permitted when approved by the ETZ Committee in accordance with the provisions of each zoning district and subject to the following requirements:

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

b. Fee receipt from the City Clerk/Treasurer in the amount of \$150.

c. Conditional use permits must be renewed by re-application every 2 years; the renewal application fee shall be \$25.

4. *Unclassified or unspecified uses.* May be permitted by the ETZ Committee after the Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

5. *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.

6. *Performance standards.* Performance standards listed in § 155.16 shall be complied with by all uses in all districts.

7. *Mobile homes.* No mobile home shall be used for the purpose of habitation except within an approved mobile home park.

(h) *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.

(Ord. 686, passed 12-6-2005)

### **§ 155.03 DEFINITIONS.**

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. 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.

**ABUTTING.** Having a common property line or district line.

**ACCESSORY BUILDING.** See **BUILDING, ACCESSORY.**

**ACCESSORY USE.** See **USE, ACCESSORY.**

**AGRICULTURAL USE.** Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of

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fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 U.S.C. 3831 to 2836; participating in the milk production termination program under 7 U.S.C. 1446 (d) and vegetable raising.

**ALLEY.** A way which affords only a secondary means of access to abutting property.

**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.

**APARTMENT.** A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

**APARTMENT HOUSE.** See **DWELLING, MULTIPLE.**

**APPROVED USE.** See **USE, APPROVED.**

**ARTERIAL STREET.** See **STREET, ARTERIAL.**

**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.

**BED AND, BREAKFAST.** A place of lodging as licensed by the State of Wisconsin which provides 4 or fewer rooms for rent to tourists or other transients for more than 10 nights in a 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.

**BILLBOARD.** An advertising device, either freestanding 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.

**BLOCK.** A tract of land bounded by streets or by a combination of streets and public parks, or other recognized lines of demarcation.

**BOARD.** The Board of Appeals, as provided in §155.17.

**BOARDING HOUSE.** A building, other than a hotel, where meals or lodging and meals are provided for compensation for not more 6 persons.

**BUILDING.** A structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or chattels.

**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 30% of the required rear yard.

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**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 1 location to another.

**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 of Appendix A, incorporated by reference as if set forth herein.)

**BUILDING, PRINCIPAL.** A building in which is conducted the main use of the lot on which said building is located.

**BUILDING LINE, FRONT.** A line parallel to the street, intersecting the foremost point of the building, excluding uncovered steps.

**BUSINESS.** A commercial establishment engaged in the purchase and sale of goods and services for a profit (not including manufacturing or industrial establishments).

**CANOPY or MARQUEE.** A roof-like structure, of a permanent nature, which projects from the wall of a building.

**CARPORT.** See **GARAGE, PRIVATE**.

**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 **BASEMENT**)

**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 chapter for the specified use and occupancy.

**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.

**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.

**CONDITIONAL USES.** See **USE, CONDITIONAL**.

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

**CONSISTENT WITH AGRICULTURAL USE.** Consistent with agricultural use means any activity that meets all of the following conditions:

- (1) The activity will not convert land that has been devoted primarily to agricultural use;
- (2) The activity will not limit the surrounding land's potential for agricultural use;

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(3) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement;

(4) The activity will not conflict with agricultural operations on other properties.

**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 chapter.

**DWELLING, MULTIPLE.** A building or portion thereof used or designated as a residence for 3 or more families as separate housekeeping units, including apartments, apartment hotels and group houses.

**DWELLING, SINGLE-FAMILY.** A detached building designed, arranged or used for, and occupied exclusively by 1 family. **DWELLING, SINGLE FAMILY** includes a manufacture home.

**DWELLING. TWO-FAMILY.** A building designed, arranged or used for, or occupied exclusively by 2 families, living independently of each other.

**DWELLING UNIT.** A separate housekeeping unit, designed and used for occupancy by a single family.

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

**ESSENTIAL SERVICES.** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas; electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as 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.

**EXPRESSWAY.** A divided arterial street with full or partial control of access and generally, with interchanges at major intersections. (See also **FREEWAY**)

**FAMILY.** Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in 1 dwelling as a single housekeeping entity.

**FARM.** Land consisting of 2 or more acres on which product, crops, livestock or flowers are grown primarily for off-premise consumption or use.

**FARM CONSOLIDATION.** The combination of 2 or more farms to create a smaller number of farms.

**FARM FAMILY BUSINESS.**

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- (1) Any lawful activity, except a farm operation, conducted primarily for any of the following:
  - (a) The purchase, sale, lease or rental of personal or real property;
  - (b) The manufacture, processing or marketing of products, commodities or any other personal property;
  - (c) The sale of services;
- (2) Such business shall be limited to existing farm residences or structures and no more than 2 persons who are not members of the resident farm family may be employed in the farm family business.

### ***FLOOR AREA.***

(1) 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.

(2) For uses other than residential, the area measured from the exterior faces of the exterior walls, or 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.

***FRONTAGE, BLOCK.*** All of the property abutting on one side of a street between 2 intersecting streets.

***FRONTAGE, LOT.*** The smallest dimension of a lot abutting a public street, measured along the street line. (See Figure 3 of Appendix A, incorporated by reference as if set forth herein.)

***FREEWAY.*** An expressway with full control of access and with grade separations at all intersections.

***GARAGE, PRIVATE.*** An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than 3 automobiles, or not more than 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 1 commercial vehicle, and in which space may be rented for not more than 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 1 or more vehicles.

***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.

***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,

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washing, spraying, dry cleaning, or otherwise cleaning or servicing such vehicles.

**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 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, dressmaking, 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.

**HOTEL.** An establishment for transient guests having more than 6 sleeping rooms without individual cooking facilities.

**INTERCHANGE.** A grade-separated intersection with 1 or more direct connections for vehicular travel between the intersecting streets or highways.

**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.

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

**LOT.** A parcel of land having frontage on a public street, occupied or intended to be occupied by 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 chapter.

**LOT, CORNER.** A lot abutting intersecting streets at their intersection.

**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 of Appendix A, incorporated by reference as if set forth herein.)

**LOT, THROUGH.** A lot having a pair of opposite lot lines along 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 of Appendix A, incorporated by reference as if set forth herein.)

**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.

**LOT AREA.** The total area in a horizontal plane within the peripheral boundaries of a lot.

**LOT COVERAGE.** The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.

**LOT LINES.** The peripheral boundaries of a lot as defined herein.

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**LOT WIDTH.** The width of a parcel of land measured along the front building line. (See Figure 3 of Appendix A, incorporated by reference as if set forth herein.)

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

- (1) Is set on a permanent enclosed perimeter foundation wall in accordance with Wis. Stats. § 70.043(1). Stats. and Wis. Adm. Code, Subchapters III, IV, and V of Ch. Comm. 21; or
- (2) 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;
- (3) Is installed in accordance with the manufacturer's instructions;
- (4) Is properly connected to utilities.

**MOBILE HOME.** A 1-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.

**MOBILE HOME PARK.** Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.

**MOTEL.** A series of attached, semi-detached or detached sleeping units for the accommodation of transient automobile tourists.

**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.

**MOTOR VEHICLE.** Any passenger vehicle, truck, truck-trailer, or semi-trailer propelled or drawn by mechanical power.

**NON-CONFORMING BUILDING OR STRUCTURE.** Any building or structure which:

- (1) Does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located;
- (2) Is designed or intended for a non-conforming use.

**NON-CONFORMING USE.** Any use of land, buildings or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

**NURSERY.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

**NURSERY SCHOOL.** Any building used routinely for the day-time care and education of pre-

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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.

**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.

**PARKING FACILITY.** A structure or an open area other than a street or alley used for temporary more than 4 self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for, clients or customers.

**PARKING STALL.** An off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 9 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

**PLANNED AREA DEVELOPMENT.** A tract of land which contains or will contain 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.

**PLANNED RESIDENTIAL DEVELOPMENT.** See **PLANNED AREA DEVELOPMENT**.

**PROPERTY LINES.** The lines bounding a tract of land in single ownership.

**PUBLIC WAY.** Any sidewalk, street, alley, highway or other public thorough-fare.

**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  $\frac{1}{2}$  of the area of only one floor of the residence and only 1 non-resident person is employed.

**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.

**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.

**SATELLITE ANTENNA.** See **ANTENNA, SATELLITE**.

**SCHOOL, COMMERCIAL.** A school limited to special instruction, such as business, art, music, trades, handicraft, dancing or riding.

**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 5 days a week for a normal school year, and supported by other than public funds, but not including:

## **Extraterritorial Zoning Code**

- (1) A school for mental defectives; or
- (2) A college or other institution of higher learning.

**SETBACK.** The minimum horizontal distance between the front lot line and a structure.

**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**)

**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**).

**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.

**STORY, HALF.** A story under a gable, hip or gambrel roof, the wall plates of which on at least 2 exterior walls are not more than 2 feet above the floor of such story.

**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.

**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.

**STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

**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.

**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.

**USE.** The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.

**USE, ACCESSORY.** A use subordinate in nature, extent, or purpose to the principal use of a building or lot.

## **Mineral Point - Land Usage**

**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.

**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 ETZ Committee 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.

**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.

**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.

**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.

**YARD, CORNER SIDE.** A side yard, which adjoins a public street.

**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 of Appendix A, incorporated by reference as if set forth herein.)

**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.

**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 of Appendix A, incorporated by reference as if set forth herein.)

**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 of Appendix A, incorporated by reference as if set forth herein.)

**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.

**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 chapter for the zone in which it is to be located.

## **Extraterritorial Zoning Code**

(Ord. 686, passed 12-6-2005)

### **§ 155.04 ZONING DISTRICTS.**

(A) *Establishment.* For the purposes of this chapter, all lands under the jurisdiction of this chapter shall be zoned according to the following districts:

(1) *Agricultural districts.*

- (a) A-1 Exclusive Agricultural Use District.
- (b) AC-1 Exclusive Agricultural Conservancy Overlay District.

(2) *Open space/recreational districts.*

- (a) C-1 Conservancy District.
- (b) CR-1 Conservation Recreational District.
- (c) H-1 Historic Preservation District.

(3) *Residential districts.*

- (a) AR-1 Agricultural Residential District.
- (b) R-1 Single Family Residential District.
- (c) R-2 Two-Family Residential District.
- (d) R-3 Multiple-Family Residential District.
- (e) R-4 Residential Boundary Agreement District.

(4) *Business districts.*

- (a) RB-1 Recreational Business District.
- (b) AB-1 Agricultural Business District.
- (c) B-1 Local Business District.
- (d) B-2 Highway Business District.
- (e) B-3 Heavy Business District.
- (f) B-4 Industrial Business District.
- (g) B-5 Adult Entertainment Business District.

## **Mineral Point - Land Usage**

### **(B) Agricultural districts.**

(1) *A-1 Exclusive Agricultural Use District.* The purpose of this district shall be to promote an area for agricultural uses on the best quality agricultural land.

(a) *General.* All uses allowed in the A-1 district must be either agricultural uses or uses that are consistent with agricultural use. No structure or improvement may be built on the land unless it is consistent with agricultural use.

1. *Permitted uses.*

a. Agricultural use.

b. Single-family residences existing as of the date of this amendment to the ordinance and additions thereto.

c. Telephone and electrical power distribution poles and lines, necessary accessory equipment and structures not requiring authorization under Wis. Stats. § 196.493(3).

2. *Conditional uses, general.* A conditional use permit is required for the following uses. Findings must be made to show that any conditional uses are consistent with agricultural use and must be found necessary in light of alternative locations available for that use. The Department of Agriculture, Trade, and Consumer Protection shall be notified of all final actions granting conditional uses for land within the A-1 Exclusive Agricultural Use District.

3. Agricultural related uses such as:

a. Airstrips or landing fields used by a farmer for personal or agricultural related business purposes;

b. Animal confinement facilities;

c. Animal hospitals or veterinarians serving primarily farm livestock;

d. Livestock sale barns;

e. Storage and sale of seed, feed, fertilizer and other products essential to agricultural operation.

4. Farm family businesses including home occupations which qualify as farm family businesses.

5. Governmental uses such as:

a. Community centers;

b. Libraries;

## **Extraterritorial Zoning Code**

- c. Parks and playgrounds;
  - d. Police and fire stations;
  - e. Public airports;
  - f. Public elementary or secondary schools;
  - g. Public emergency shelters;
  - h. Sewage treatment facilities.
6. Migrant labor housing certified under Wis. Stats. § 109.92.
7. Non-metallic mineral extraction if it is subject to a locally approved reclamation plan within the limits of Wis. Stats. § 91.75(9), submitted at application. The reclamation plan must provide for the restoration of the site to agricultural use.
8. Religious uses such as churches and parochial schools.
9. New single-family dwellings for occupancy by:
- a. A person who, or a family at least 1 adult member of which, earns the majority of his or her gross income from conducting the farm operations on the parcel;
  - b. A parent or child of an owner who conducts the majority of the farm operations on the parcel;
  - c. A parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
10. Utility uses other than those listed as permitted uses.
11. Farm consolidations. The separation of farm residences or structures from the larger farm parcel may be allowed as a conditional use if it meets all of the following requirements.
- a. The separation is for the purpose of farm consolidation;
  - b. The residence or structures existed prior to the adoption of this chapter;
  - c. The separated parcel is no larger than reasonably necessary to accommodate the proposed use;
  - d. The separation meets all of the standards applicable to conditional uses;
  - e. The created parcel must conform with all site restrictions set forth in § 155.02(D)(3)(f).

## **Mineral Point - Land Usage**

**NOTE:** Farm residences or structures and up to 5 acres of land which are separated from a larger farm parcel as part of a farm consolidation are not subject to tax credit paybacks.

12. Area, height and yard requirements. Within the A-1 Agricultural Preservation District the following standards shall apply:

- a. Maximum building height:
  - (i) Principal building: 50 feet.
  - (ii) Accessory buildings: 35 feet.
  - (iii) Agricultural structures exempt.
- b. Minimum front yard setback from highway or street right of way: 100 feet.
- c. Minimum rear yard setback:
  - (i) Principal building: 30 feet.
  - (ii) Accessory buildings: 50 feet.
- d. Minimum side yard setbacks:
  - (i) Principal building: 30 feet.
  - (ii) Accessory buildings: 50 feet.
- e. Minimum lot size: 35 acres, except that parcels for which a conditional use permit is obtained shall be a minimum of 1.5 acres.

13. A-1 Exclusive Agricultural Use District rezonings. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings of land into or out of the A-1 Exclusive Agricultural Use District. Decision on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings which consider the following:

- a. Adequate public facilities to serve the development are present or will be provided;
- b. Provision of these facilities will not be an unreasonable burden to local governments;
- c. The land is suitable for development;
- d. Development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas;

## **Extraterritorial Zoning Code**

- e. The potential for conflict with remaining agricultural uses in the area;
- f. The availability of alternative locations;
- g. The productivity of the agricultural lands involved;
- h. The location of the proposed district to minimize amount of agricultural land converted to nonagricultural uses; and
- i. The proposed rezoning will be consistent with goals and policies of the Iowa County Agricultural Preservation Plan and the City of Mineral Point Land Use Plan.

*(2) AC-1 Exclusive Agricultural Conservancy Overlay District.*

(a) This overlay district is intended to apply in combination with the underlying base A-1 zoning district to impose regulations and standards in addition to those required by the base A-1 zoning district.

(b) Specifically, no structural development is allowed in this overlay district. The requirements of the overlay district shall apply whenever they are in conflict with and are more stringent than those in the base district. The intention of this overlay district is to create an implementation tool for development density goals by creating an overlay district that preserves underlying agricultural uses but prohibits structural development.

(c) As an overlay district, the AC-1 can only be used when the underlying land is zoned A-1 and meets the minimum contiguous lot size for the A-1 district. Any existing or proposed land division that would create a lot less than the required minimum lot size in the A-1 district is not eligible for this overlay district.

1. *General provisions:*

a. All structures are prohibited.

b. The proposed location of this overlay district must comply with any siting criteria listed within the Iowa County Comprehensive Plan and, in all cases, shall require a recommendation of the affected town or towns.

c. Description of this overlay district shall be, at a minimum, be one that can be accurately mapped and provides the area in acres. If deemed necessary, a plat of survey that includes area in acres may be required.

d. Application for this overlay district shall follow the provisions of § 155.18.

e. Applications for removal of lands from this overlay district may be made either by a Town Board or the ETZ Committee.

2. *Permitted principal uses:*

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- a. Agricultural cropping is allowed.
- b. Agricultural livestock pasturing is allowed, following the animal unit allowances of division (D)(1) below.
- c. Forestry is allowed.
- d. Prairie and natural flora restoration projects are allowed.
- e. Open space uses.

3. AC-1 Exclusive Agricultural Conservancy Overlay District lot dimensions and building setbacks:

- a. Lot width minimum: 50 feet.
- b. Lot area minimum 1 acre; no maximum.

(C) *Open space/recreational districts.*

(1) *C-1 Conservancy District.* The intention of this district is to provide for general agricultural and open space activities with the prohibition of any structures or buildings. It is intended to be used as a tool to preserve tracts of land that are to remain free from structural development, but can continue to be cropped.

(a) *Permitted principal uses:*

- 1. Agricultural cropping is allowed.
- 2. Agricultural livestock pasturing is allowed, following the animal unit allowances of division (D)(1).
- 3. Forestry is allowed.
- 4. Prairie and natural flora restoration projects are allowed.
- 5. Arboretums are allowed.

(b) *Conditional uses:* Nature trails, defined as areas open to the public without charge for the purposes of viewing the natural fauna and flora, may be requested.

(c) C-1 Open Space/Recreational District lot dimensions and building setbacks.

- 1. Lot width minimum: 50 feet.
- 2. Lot area minimum: 1 acre; no maximum.

(2) *CR-1 Conservancy Recreational District.* The intention of this district is to provide for a

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recreational use of property that does not involve commercial activities.

(a) *Principal permitted uses:* None.

(b) *Conditional uses:*

1. Church and other not-for-profit camps which may contain lodging accommodations including motels, hotels, cottage type facilities or tents owned by the management, eating and drinking establishments may be requested.

2. Agricultural uses, such as but not limited to, cropping and pasturing. The animal unit allowances of division (D)(1) below shall be followed.

(c) CR-1 Conservancy Recreational District lot dimensions and building setbacks:

1. Lot width: Minimum 100 feet.

2. Lot area: Minimum 20 acres; no maximum.

3. Rear yard setback: Minimum 20 feet.

4. Side yard setback: Minimum 20 feet.

5. Principal structure height: Maximum 50 feet.

(3) *H-1 Historical Preservation District.*

(a) It is the intent of this district to be used as a means for preserving those existing structures considered to have historical significance and importance that predate the adoption of this chapter and therefore may not meet the required setbacks or other stipulations. Examples would include single-room schoolhouses and churches or other similar places of worship.

(b) This district may be used to classify land on which there already exists a historically significant structure or structures to be used as provided below. It is not to be used for new construction of a principal structure.

(c) *Permitted principal uses:*

1. Churches and other similar places of worship are allowed.

2. Single-family residential use of a historical structure is allowed.

3. Accessory structures, providing the highway setbacks of § 155.09 are met and the provisions of § 155.12 are met, are allowed.

(d) *Conditional uses:*

1. The division of an existing H-1 lot, where the result is the creation of a new lot

## **Mineral Point - Land Usage**

that meets the dimensional standards of this section, may be requested.

2. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.

(e) H-1 Historical Preservation District lot dimensions and building setbacks:

1. Lot width: Minimum 100 feet.
2. Lot area: Minimum 20,000 square feet; maximum 5 acres.
3. Rear yards setbacks: Minimum 40 feet.
4. Side yards setbacks: Minimum 10 feet.
5. Street yards setbacks:
  - a. From right-of-way - state or federal highway: Minimum 25 feet; county trunk highway: minimum 15 feet; other public roads: minimum 10 feet.
  - b. From centerline - state or federal highway: Minimum 75 feet; county trunk highway: minimum 48 feet; other public roads: minimum 43 feet.
6. Principal structure height: Maximum 50 feet.

(D) *Residential districts.*

(1) *AR-1 Agricultural Residential District.* The intention of this district is to provide agricultural uses in a predominantly residential area or on lots that are not considered adequate to meet farm size.

(a) *Permitted principal uses:*

1. One single-family residence is allowed per lot.
2. Accessory structures are allowed.
3. Household occupations are allowed.
4. General farming, meaning cropping and pasturing, is allowed provided the following animal unit allowances are not exceeded:
  - a. Lot size, number of animal units allowed:
    - i. Less than 5 acres: by conditional use permit.
    - ii. 5 to 9.99 acres: 3 animal units.

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iii. 10 to 14.99 acres: 5 animal units.

(iv) 15-24.99 acres: 8 animal units.

(v) 25-39.99 acres: 11 animal units.

**(b) Conditional uses:**

1. The division of an existing AR-1 lot, where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.

2. Additional animal units may be requested provided the total number requested does not exceed twice the allowed total and evidence is submitted with the application stating the capability of the lot to support the intended animals. Each application shall include a waste management plan stating the anticipated volume to be generated on a monthly basis and how/where it is to be disposed of.

3. Professional home offices may be requested.

4. Wind energy systems, including wind turbines and related facilities, may be requested provided:

a. They are not located within  $\frac{1}{4}$  mile of any residential use on land under different ownership than the system site.

b. Any support facilities, including buildings, are located so as not to disrupt farming activities and shall be used only to house necessary mechanics, equipment and personnel to support the facility.

c. The proposed system exceeds 75 feet in height.

d. Telecommunication towers and facilities may be requested provided the provisions of the Iowa County telecommunication tower, antenna, and facilities siting ordinance are met.

**(c) AR-1 Agricultural Residential District lot dimensions and building setbacks:**

1. Lot width: Minimum 100 feet.

2. Lot area: Minimum 1 acre; maximum 39.99 acres.

3. Building height for residence: Maximum 50 feet.

4. Building height for accessory structures: 30 feet.

5. Street yards setback: Minimum 50 feet for all buildings.

6. Rear yards setback: Minimum 40 feet for all buildings.

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7. Side yards setback: Minimum of 10 feet or height of building, whichever is greater.

(2) *R-1 Single Family Residential District.*

(a) *Permitted principal uses:*

1. One single-family residence is allowed per lot.
2. Accessory structures are allowed.
3. Household occupations are allowed.

(b) *Conditional uses:*

1. The division of an existing R-1 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.
2. Churches and similar places of worship and instruction including parish houses may be requested, provided there is adequate parking area.
3. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
4. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than 50 feet from any residential district lot line.
5. Public, parochial and private elementary schools may be requested, provided the lot area is not less than 4 acres and all principal structures and uses are not less than 50 feet from any lot line, there is adequate parking area and an approved traffic flow plan.
6. 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 3 acres and all structures are not less than 50 feet from any district boundary, with approval from the ETZ Committee.
7. Professional offices may be requested.

(c) R-1 Single Family District lot dimensions and building setbacks:

1. Without public sewer and water:
  - a. Lot width: Minimum 100 feet.
  - b. Lot area: Minimum 1 acre.

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- c. Building height for residence: Maximum 50 feet.
  - d. Building height for accessory structure: Maximum 30 feet.
  - e. Street yards setback: Minimum 30 feet.
  - f. Rear yards setback: Minimum 40 feet.
  - g. Side yards setback: Minimum 10 feet.
2. With public sewer and water:
- a. Lot width: Minimum 100 feet.
  - b. Lot area: Minimum 20,000 sq. ft.
  - c. Building height for residence: Maximum 50 feet.
  - d. Building height for accessory structure: Maximum 30 feet.
  - e. Street yards setback: Minimum 25 feet.
  - f. Rear yards setback: Minimum 20 feet.
  - g. Side yards setback: Minimum 10 feet.

(3) *R-2 Two-Family Residential District.* The R-2 Two-Family Residential District is to provide for low-density developments of single and 2-family homes within the ETZ jurisdiction.

(a) *Permitted Uses.*

- 1. Any use permitted in the R-1 Single-Family Residential District.
- 2. Two-family dwellings.
- 3. Duplexes. No more than 2 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.

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5. Household occupations and professional home offices as defined in § 155.03, 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 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 1 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.

(c) R-2 Two-Family District lot dimensions and building setbacks:

1. Without public sewer and water:

- a. Lot width: Minimum 100 feet.
- b. Lot area: Minimum 2 acres.
- c. Building height for residence: Maximum 50 feet.
- d. Building height for accessory structure: Maximum 30 feet.
- e. Street yards setback: Minimum 50 feet.
- f. Rear yards setback: Minimum 40 feet.
- g. Side yards setback: Minimum 20 feet.

2. With public sewer and water:

- a. Lot width: Minimum 100 feet.
- b. Lot area: Minimum 20,000 sq. ft.
- c. Building height for residence: Maximum 50 feet.
- d. Building height for accessory structure: Maximum 30 feet.
- e. Street yards setback: Minimum 25 feet.

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f. Rear yards setback: Minimum 20 feet.

g. Side yards setback: Minimum 10 feet.

(4) *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 2-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 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 50 feet from any lot line.
6. Home occupations and professional offices, subject to the conditions set forth under division (D)(3)(b)5. above.

(c) R-3 Multiple-Family District lot dimensions and building setbacks:

1. Without public sewer and water:
  - a. Lot width: Minimum 100 feet.
  - b. Lot area: Minimum 2 acres.

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- c. Building height for residence: Maximum 50 feet.
  - d. Building height for accessory structure: Maximum 30 feet.
  - e. Street yards setback: Minimum 50 feet.
  - f. Rear yards setback: Minimum 40 feet.
  - g. Side yards setback: Minimum 20 feet.
2. With public sewer and water:
- a. Lot width: Minimum: 100 feet.
  - b. Lot area: Minimum: 20,000 sq. ft.
  - c. Building height for residence: Maximum 50 feet.
  - d. Building height for accessory structure: Maximum 30 feet.
  - e. Street yards setback: Minimum 25 feet.
  - f. Rear yards setback: Minimum 20 feet.
  - g. Side yards setback: Minimum 10 feet.

(5) *R-4 Residential Boundary Agreement District.* This district is established for high-density rural development within an approved Cooperative Plan area as prescribed by Wis. Stats. §66.0307. All property within this district must be serviced by a municipal water and sewer system. All development must occur within a platted subdivision. All construction must comply with the Uniform Dwelling Code (UDC) permits and inspections by Wisconsin certified UDC inspectors.

(a) *Permitted principal uses:*

- 1. One single-family residence is allowed per lot.
- 2. One 2-family residence is allowed per lot.
- 3. One multi-family residence with not more than 3 dwelling units is allowed per lot.
- 4. An attached or detached garage with 750 square feet area maximum and 15 feet height maximum is allowed
- 5. Garden and yard equipment sheds with 200 square feet area maximum are allowed.

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(b) *Conditional uses:*

1. Churches and similar places of worship and instruction including parish houses may be requested.
2. Public, parochial and private elementary and secondary schools may be requested.
3. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
4. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than 50 feet from any residential district lot line.
5. Public parks, recreation areas, playgrounds and community centers may be requested, not including trailer or tent camping or mobile home/manufactured home parks.
6. Home occupations and professional home offices may be requested.
7. Daycare centers may be requested.
8. Real estate offices may be requested with the condition that only 1 sign shall be allowed with a maximum size of 2 square feet.

(c) R-4 Residential Boundary Agreement District lot dimensions and building setbacks:

1. Lot width: Minimum 80 feet.
2. Lot area: Minimum 8,000 sq. ft.
3. Lot area per dwelling unit: Minimum 4,000 sq. ft.
4. Principal building height: Maximum 32 feet.
5. Street yards setback: Minimum 25 feet (This has control over § 155.09 setbacks).
6. Rear yards setback: Minimum 25 feet.
7. Side yards setback: Minimum 20 feet total; minimum 8 feet per side.
8. Percentage of lot coverage with structures: Maximum 25%.

(E) *Business districts.*

- (1) *RB-1 Recreational Business District.* The intent of this district is for businesses of a recreational nature that generally require larger tracts of land. These businesses are often more of a destination, versus relying primarily on passing traffic for business. All uses in this district must

## **Mineral Point - Land Usage**

maintain a minimum 200-foot buffer from any property line.

(a) *Principal uses:* Golf courses, including driving ranges, eating facilities and retail sales.

(b) *Conditional uses:*

1. The division of an existing RB-1 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.

2. Ski hills, including eating facilities and rental/retail sales may be requested

3. Horse stables, including boarding, grooming, training and riding paths may be requested.

4. Motorized and non-motorized race facilities may be requested, including but not limited to, race cars, go-carts all-terrain vehicles, dirt bikes, bicycle and 4-wheel drive trucks. This use may include racing events and limited retail sales.

5. Hunt clubs and hunting preserves may be requested

6. Outdoor recreation facilities may be requested. These uses may include, but are not limited to, paintball fields, rock wall climbing, remote-controlled vehicle fields, sporting fields, etc.

7. Private boat launches may be requested.

8. Outdoor theaters, amphitheaters and playhouses may be requested.

9. Campgrounds may be requested, provided the requirements of § 155.08 are met.

10. Amusement parks may be requested.

11. Boys/girls/church camps and resorts may be requested.

12. Agricultural uses may be requested.

(c) RB-1 Recreational Business District lot dimensions and building setbacks:

1. Lot frontage and width: Minimum 200 feet.

2. Lot area: Minimum 5 acres.

3. Principal building height: Maximum 50 feet.

4. Street yards setback: Minimum 50 feet.

5. Rear yards setback: Minimum 50 feet.

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6. Side yards setback: Minimum 50 feet.

(2) *AB-1 Agricultural Business District.* It is the intent of this district to provide a classification for businesses that directly support the agricultural economy.

(a) *Permitted principal uses:* Commercial grain storage bins.

(b) *Conditional uses:*

1. The division of an existing AB-1 lot where the result is the creation of a new lot that meets the dimensional standards of this section may be requested.

2. Feed mills, dryers and fertilizer plants may be requested.

3. Mining and extraction of minerals or raw materials may be requested, provided:

a. A restoration plan has been approved by the Committee and Town Board.

The restoration plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The plan shall also state the intended post-mining land use, which must be consistent with the underlying zoning and compatible with the surrounding land uses.

b. Active mining shall not take place within 500 feet of any residential district or any structure used for dwelling purposes.

c. Active mining shall not take place within 100 feet of the right-of-way of any railroad, public street, road or highway.

d. Active mining shall not impair property sight distances in any portion of the area within 300 feet of any street, road or highway intersection or within 300 feet of a railroad intersection, a street, road or highway.

e. The applicant shall furnish all necessary fees to provide for inspection and administrative costs and the necessary sureties of the site in the event of default by the applicant.

f. Public airports, airstrips and landing fields may be requested provided the site area is not less than 40 acres and there is provided an approved plan that takes into consideration the impacts on surrounding land uses.

g. Cheese factories, creameries, condensers and pea vineyards may be requested, provided there is a satisfactory method of disposing of waste.

h. Wind energy systems, including wind turbines and related facilities, may be requested provided:

(i) They are not located within  $\frac{1}{4}$  mile of any residential use on land under different ownership than the system site.

## **Mineral Point - Land Usage**

(ii) Any support facilities, including buildings, are located so as not to disrupt farming activities and shall be used only to house necessary mechanics, equipment and personnel to support the facility.

(iii) The proposed system exceeds 75 feet in height.

i. Telecommunication towers and facilities may be requested provided the provisions of the Iowa County telecommunication tower, antenna, and facilities siting ordinance are met.

j. Agricultural uses may be requested.

(c) AB-1 Agricultural Business District lot dimensions and building setbacks:

1. Lot frontage and width: Minimum 200 feet.
2. Lot area: Minimum 1 acre.
3. Principal building height: Maximum 50 feet.
4. Street yards setback: Minimum 50 feet.
5. Rear yards setback: Minimum 20 feet.
6. Side yards setback: Minimum 10 feet.

(3) *B-1 Local Business District.* This district is intended for compact, clustered developments, such as unincorporated hamlets, mini-malls or retail shopping outlets.

(a) *Permitted principal uses:*

1. Art gallery.
2. Apartment hotels.
3. Appliance stores.
4. Bakeries.
5. Barber shops.
6. Beauty shops.
7. Business offices.
8. Caterers.
9. Churches.

## **Extraterritorial Zoning Code**

10. Clinics.
11. Clothing repair shops.
12. Clothing stores.
13. Confectioneries.
14. Crockery stores.
15. Delicatessens.
16. Department stores.
17. Drug stores.
18. Electrical supply.
19. Financial institutions.
20. Furniture stores.
21. Furniture upholstery shops.
22. Gift stores.
23. Grocery stores.
24. Hardware stores.
25. Heating supply.
26. Hobby shops.
27. Hotels.
28. Laundry and dry-cleaning establishments.
29. Liquor stores.
30. Meat markets, not including the slaughtering of animals.
31. Music stores.
32. Newspaper offices and press rooms.
33. Office supplies.

## **Mineral Point - Land Usage**

34. Optical offices.
35. Pawn shops.
36. Pet shops.
37. Photographic supplies.
38. Portrait studios.
39. Printing.
40. Private schools.
41. Professional offices.
42. Public parking lots.
43. Publishing.
44. Radio broadcasting studios.
45. Restaurants.
46. Second-hand stores.
47. Self-service and pickup laundry and dry-cleaning establishments.
48. Soda fountains.
49. Sporting goods, not including sporting weapons.
50. Supermarkets.
51. Television broadcasting studios.
52. Tobacco stores.
53. Trade and contractor's offices.
54. Upholsterer's shops.
55. Variety and liquidator stores.
56. Vegetable stores.

(b) *Conditional Uses:*

## **Extraterritorial Zoning Code**

1. The division of an existing B-1 lot may be requested where the result is the creation of a new lot that meets the dimensional standards of this section.
2. Bars, clubs and night clubs.
3. Sales and service of sporting weapons, such as firearms, archery equipment and knives.
4. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
5. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than 50 feet from any residential district lot line.
6. Public passenger transportation terminals, such as bus and rail depots, may be requested provided all principal structures and uses are not less than 100 feet from any residential district boundary.
7. Drive-in banks and drive-in establishments serving food or beverages for consumption outside the structure may be requested.
8. Vehicle sales, including washing and repair, storage garages and automobile service stations may be requested subject to the following conditions:
  - a. No repair work is performed out-of-doors.
  - b. Pumps, lubricating or other devices must be located at least 20 feet from any lot line, street line or highway right-of-way.
  - c. All fuel, oil or similar substances must be stored at least 35 feet distant from any street or lot line.
  - d. All automobile parts, dismantled vehicles and similar articles must be stored within a building.
9. Proposed and existing single-family residences may be requested provided they are affiliated with the principal business.
10. Agricultural uses may be requested.

(c) B-1 Local Business District lot dimensions and building setbacks:

1. Lot frontage and width: Minimum 60 feet.
2. Lot area: Minimum 20,000 sq. ft.

## **Mineral Point - Land Usage**

3. Principal building height: Maximum 50 feet.
4. Street yards setback: Minimum 30 feet.
5. Rear yards setback: Minimum 50 feet.
6. Side yards setback: Minimum 15 feet.

(4) *B-2 Highway Business District.* This district is intended for business and commercial uses that provide a public benefit and are located in close proximity to a public highway adequate to serve the intended operation. In general, these are businesses that rely on passing traffic for a significant portion of their business.

(a) *Permitted principal uses:* Office of professional services including, but not limited to:

- (a) Physicians and other health care providers
- (b) Insurance agencies
- (c) Real estate agencies
- (d) Surveyors
- (e) Attorneys
- (f) Barbers and beauticians
- (g) Banks and financial institutions

(b) *Conditional uses:*

1. The division of an existing B-2 lot may be requested where the result is the creation of a new lot that meets the dimensional standards of this section.

2. Retail sales and service businesses may be requested including, but not limited to:

- a. Restaurants.
- b. Bars.
- c. Motels.
- d. Grocery stores.
- e. Hardware stores.
- f. Antique and gift stores.
- g. Bowling alleys.
- h. Skating rinks.
- i. Greenhouses.

## **Extraterritorial Zoning Code**

- j. Miniature golf courses.
  - k. Driving ranges.
  - l. Dance halls.
  - m. Public and private parking lots.
  - n. Taxidermy.
  - o. Mini-storage warehouses.
  - p. Department stores.
3. Office of professional services including, but not limited to:
- a. Physicians and other health care providers.
  - b. Insurance agencies.
  - c. Real estate agencies.
  - d. Surveyors.
  - e. Attorneys.
  - f. Barbers and beauticians.
  - g. Banks and financial institutions.
4. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.
5. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than 50 feet from any residential district lot line.
6. Public passenger transportation terminals such as bus and rail depots may be requested provided all principal structures and uses are not less than 100 feet from any residential district boundary.
7. Drive-in establishments serving food or beverages for consumption outside the structure may be requested.
8. Vehicle sales, including washing and repair, storage garages and automobile service stations may be requested subject to the following conditions:
- a. No repair work can be performed out-of-doors.

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- b. Pumps, lubricating or other devices must be located at least 20 feet from any lot line, street line or highway right-of-way.
  - c. All fuel, oil or similar substances must be stored at least 35 feet distant from any street or lot line.
  - d. All automobile parts, dismantled vehicles and similar articles must be stored within a building.
9. Boat liveries and boat storage facilities may be requested.
  10. Public and commercial swimming pools may be requested.
  11. Tourist attractions where the public is charged admission for the privilege of viewing or using the premises may be requested.
  12. Proposed and existing single-family residences may be requested provided they are affiliated with the principal business.
  13. Wind energy systems, including wind turbines and related facilities, may be requested provided:
    - a. They are not located within  $\frac{1}{4}$  mile of any residential use on land under different ownership than the system site.
    - b. Any support facilities, including buildings, are located so as not to disrupt farming activities and shall be used only to house necessary mechanics, equipment and personnel to support the facility.
    - c. The proposed system exceeds 75 feet in height.
  14. Telecommunication towers and facilities may be requested provided the provisions of the Iowa County telecommunication tower, antenna, and facilities siting ordinance are met.
  15. All uses listed in the B-1 district are permitted in B-2.
  16. Agricultural uses may be requested.
- (c) B-2 Highway Business District lot dimensions and building setbacks.
1. Lot frontage and width: Minimum 200 feet.
  2. Lot area: Minimum 1 acre.
  3. Principal building height: Maximum 50 feet.

## **Extraterritorial Zoning Code**

4. Street yards setback: Minimum 50 feet.
5. Rear yards setback: Minimum 20 feet.
6. Side yards setback: Minimum 15 feet.

(5) *B-3 Heavy Business District.* This district is intended to provide an area of more intensive business activity that may involve assembly, light fabrication, repairs and other services. Consideration should be given to the compatibility of the proposed use with surrounding land uses. When deemed appropriate, there may be a buffer imposed between the heavy business use and adjacent land uses.

(a) *Permitted principal uses:* Implement dealers, construction companies, bottled gas dealers and lumberyards.

(b) *Conditional uses:*

1. The division of an existing B-3 lot may be requested where the result is the creation of a new lot that meets the dimensional standards of this section.

2. Warehouses and transportation terminals, for exchange and storage of freight may be requested.

3. Food locker plants, commercial bakeries, cleaning, pressing and dyeing establishments may be requested.

4. Mobile home, manufactured home and modular home construction and sales may be requested.

5. Machine shops, printing and publishing may be requested.

6. Manufacture and sales of monuments, and burial vaults may be requested.

7. Governmental uses including but not limited to meeting halls, public offices, and informational centers may be requested.

8. Structures and facilities associated with utilities are allowed, with no minimum lot size, provided all structures and uses are not less than 50 feet from any residential district lot line.

9. Proposed and existing single-family residences may be requested provided they are affiliated.

10. Wind energy systems, including wind turbines and related facilities, may be requested provided:

a. They are not located within  $\frac{1}{4}$  mile of any residential use on land under different ownership than the system site.

b. Any support facilities, including buildings, are located so as not to disrupt

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farming activities and shall be used only to house necessary mechanics, equipment and personnel to support the facility.

c. The proposed system exceeds 75 feet in height.

11. Telecommunication towers and facilities may be requested provided the provisions of the Iowa County telecommunication tower, antenna, and facilities siting ordinance are met.

12. All uses listed in the B-2 Highway Business District are permitted in B-3.

13. Agricultural uses may be requested.

(c) B-3 Heavy Business District lot dimensions and building setbacks:

1. Lot frontage and width: Minimum 200 feet.
2. Lot area: Minimum 1 acre.
3. Principal building height: Maximum 50 feet.
4. Street yards setback: Minimum 50 feet.
5. Rear yards setback: Minimum 20 feet.
6. Side yards setback: Minimum 15 feet.

(6) *B-4 Industrial Business District.* The intent of this district is to provide an area where more intensive commercial activities take place that may involve fabrication, manufacturing, trucking, use of chemicals, etc. Consideration for rezoning to this district should be given on the impacts to surrounding land uses.

(a) *General conditions:*

1. Manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, goods or products, shall be carried on in such a manner as not to be injurious or offensive to the public by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious materials, odors, fires, or explosive hazards, or glare or heat.

2. No activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be permitted except as authorized by a special exception granted by the Committee. Such a special exception shall require submittal of a management plan approved by the county emergency government authority.

3. All activities involving the manufacturing, fabricating, repairing, storing, cleaning, servicing and testing of materials, products and goods shall be within completely enclosed buildings, or may be out-of-doors if completely screened by a solid wall or uniformly painted solid fence or suitable substitute at least 8 feet in height, and if there is no open storage at a greater height than that of screening element.

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4. Utilities are permitted provided structures and uses are not less than 50 feet from any residential lot line.

5. Public passenger transportation terminals are permitted provided all principal structures and uses are not less than 100 feet from any residential district boundary.

6. No building, structure or parcel of land shall be used for manufacturing, fabricating, repairing, storing, cleaning; servicing of materials, products, or goods, within 500 feet of any lot line adjoining a dwelling or residential district and, when directly across the street from a dwelling or residential district, there shall be provided for such use a front yard not less than 500 feet in depth along such street frontage. These buffers do not apply to residences on the property zoned B-4, provided they are used in conjunction with the business.

7. Sanitary landfills may be requested, including municipally operated or leased sanitary landfills, for the proper dumping of trash or garbage, provided:

a. The use shall not be located nearer than 1,000 feet to any zoned residential district or dwelling other than the lessee or owner of the site.

b. The operator of such sanitary landfill has obtained necessary state licenses and permits.

(b) *Permitted principal uses:* Automotive body repairs, cleaning, pressing and dyeing establishments, commercial bakeries, distributors, laboratories, machine shops, manufacture and bottling of non-alcoholic beverages, painting, printing, publishing, storage and sale of machinery and equipment, trade and contractors offices, warehousing and wholesaling, manufacture, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood.

(c) *Conditional uses:*

1. The division of an existing B-4 lot may be requested where the result is the creation of a new lot that meets the dimensional standards of this section.

2. Manufacture, fabrication, processing, packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food, fish, and fish products, meat and meat products, and pea vining; instruments; jewelry; pharmaceuticals; tobacco and toiletries; taxidermy all may be requested.

3. Freight yards, freight terminals and transshipment depots, inside storage, breweries, and crematories may be requested.

4. Junkyards.

5. Proposed and existing single-family residences may be requested provided they are affiliated with the business.

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6. Manufacture and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber shoddy, shoe manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammable, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, beverages, bag cleaning, bleacheries, canneries, cold storage warehouses, electrical and steam generating plants; electroplating; enameling, foundries, garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving all may be requested.

7. Outside storage and manufacturing area, wrecking, junk, demolition and scrap yards may be requested provided they are surrounded by a solid fence or evergreen planting screen at least 8 feet high completely preventing a view from any other property or public right-of-way.

8. Commercial service facilities such as restaurants and fueling stations may be requested, provided all such services are physically and sales-wise oriented toward industrial district users and employees and other users are only incidental customers.

9. Wind energy systems, including wind turbines and related facilities may be requested, provided:

a. They are not located within  $\frac{1}{4}$  mile of any residential use on land under different ownership than the system site.

b. Any support facilities, including buildings, are located so as not to disrupt farming activities and shall be used only to house necessary mechanics, equipment and personnel to support the facility.

c. The proposed system exceeds 75 feet in height.

10. Telecommunication towers and facilities may be requested provided the provisions of the Iowa County telecommunication tower, antenna, and facilities siting ordinance are met.

11. All uses listed in the B-3 Heavy Business District are permitted in B-4.

12. Agricultural uses may be requested.

(d) B-4 Industrial Business District lot dimensions and building setbacks:

1. Lot frontage and width: Minimum 200 feet.
2. Lot area: Minimum 5 acres.
3. Principal building height: Maximum 50 feet.

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4. Street yards setback: Minimum 50 feet.
5. Rear yards setback: Minimum 50 feet.
6. Side yards setback: Minimum 50 feet.

(7) *B-5 Adult Entertainment Business District.* The intent of this district is to provide for adult entertainment businesses where so designated within the Iowa County Comprehensive Plan.

(a) *Permitted principal uses:* Agricultural

(b) *Conditional uses:*

1. The division of an existing B-5 lot may be requested where the result is the creation of a new lot that meets the dimensional standards of this section.
2. Adult bookstores, being establishments that sell or rent materials that depict, describe, or relate to specified sexual activities.
3. Adult entertainment, being establishments that feature topless or bottomless dancers, waitresses, waiters or entertainers or that include a theater in which the primary or principal attraction is the presentation of material that relates to specified sexual activities.
4. Casinos and other gambling, gaming or wagering establishments.

(c) *General conditions:*

1. No adult entertainment business shall be located closer than 1,320 feet from any residential zoning district.
2. No adult entertainment business shall be allowed within 1,320 feet from an existing adult entertainment business.
3. No adult entertainment business shall be located closer than 1,320 feet from any religious institution, school, park, playground or public building.

(d) *B-5 Adult Entertainment Business District lot dimensions and building setbacks:*

1. Lot frontage and width: Minimum 200 feet.
2. Lot area: Minimum 5 acres.
3. Principal building height: Maximum 35 feet.
4. Street yards setback: Minimum 50 feet.
5. Rear yards setback: Minimum 50 feet.

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6. Side yards setback: Minimum 50 feet.

(Ord. 686, passed 12-6-2005)

### **§ 155.05 CONDITIONAL USES.**

A conditional use is a use that may be considered in a particular zoning district if it is adaptable to the limitations of a particular site or made to be complimentary to adjacent land uses. Conditional uses are generally not acceptable everywhere within a zoning district and, when approved, may be restricted by conditions reasonable to the proposed use. The granting of a conditional use is discretionary and shall only be granted if it can be tailored to a particular site without harm to the objectives of this chapter. Conditions may be imposed that are related to the requested use and reasonable to ensure compliance with the intentions of this chapter.

(A) *Permit.* The ETZ Committee may authorize the Zoning Administrator to issue a conditional use permit (CUP) for conditional uses after review and approval at a public hearing, provided that such conditional uses or structure are in accordance with the provisions and intent of this chapter. The approval criteria in division (D) below must be complied with and the uses must not be hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the area.

(B) *Application.* Application for a conditional use permit shall be made on forms supplied by the Zoning Administrator. Review of each application shall involve an administrative review by the Office followed by a public hearing before the Committee.

(C) *Fee.* The application fee for a conditional use hearing shall be set by City Council resolution and shall be considered separate from any required subsequent hearing fee or permit fee.

(D) *Review and approval.*

(1) The applicant shall provide the opportunity for the Zoning Administrator to review the site, existing and proposed structures, architectural plans, neighboring use, parking areas, driveway locations, highway access, traffic generation, and circulation, drainage, sewerage and water systems, and the proposed operation.

(2) Any development within 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 specifically reviewed by the highway agency that has jurisdiction over the traffic-way. The Committee shall request such review and await the Highway Agency's recommendations for a period not to exceed 60 days before taking final action.

(3) The Committee may grant a CUP only if all of the following criteria have been met:

(a) The proposed use complies with all applicable provisions of this chapter.

(b) The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (house of operation, traffic generation, lighting, noise, odor, dust and other external impacts).

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(c) There are no significant adverse impacts to the surrounding legal uses and environment resulting from the proposed conditional use.

(d) Any adverse impacts resulting from the use will be mitigated or offset to the maximum practical extent.

(e) Public safety, transportation and utility facilities and services will be available to serve the subject property while maintaining sufficient levels of service for existing development.

(f) Adequate assurances of continuing maintenance are provided.

(g) The proposed use is consistent with the Iowa County Comprehensive Plan.

(h) To bring all situations to a vote by the ETZ Committee.

(4) Conditions may be required by the Committee upon its finding that these are necessary to fulfill the purpose and intent of this chapter, such as but not limited to:

(a) Landscaping

(b) Architectural design.

(c) Type of construction.

(d) Construction commencement and completion dates.

(e) Financial sureties.

(f) Lighting.

(g) Fencing or planting screens.

(h) Operational control.

(i) Hours of operation.

(j) Improved traffic circulation.

(k) Deed restrictions.

(l) Highway access restrictions.

(m) Increased yards.

(n) Parking requirements.

(5) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic and highway access, shall be required of all conditional uses.

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(6) A conditional use permit shall expire 12 months after its approval date or at such alternative time specified as a condition to approval, unless:

- (a) Construction has been diligently pursued;
- (b) A certificate of compliance has been issued;
- (c) The use is established; or
- (d) The conditional use permit is renewed, for a period not to exceed 1 year, following the application process within this section.

(Ord. 686, passed 12-6-2005)

### **§ 155.06 PLANNED UNIT DEVELOPMENT DISTRICTS.**

The purpose of the PUD Planned Unit Development District is to promote improved environmental design and innovative uses of land in the ETZ. 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 chapter and of the ETZ.

(A) *Definitions.* A **PLANNED UNIT DEVELOPMENT** is a development on a large parcel of land, held in single ownership, where more than 1 principal use or building is to be permitted on a lot. Lot area and yard requirements as normally specified are not applicable to this situation. Planned unit developments may include realization in phases, each to be reviewed and approved before developed.

(B) *Where permitted.* A planned unit development may be permitted in any zoning district, provided all uses are permitted in the district as a principal or conditional use.

(C) *Application.*

(1) Application and approval for a planned unit development shall follow the procedures specified for a conditional use permit. The application shall be accompanied with a fee as established by County Board resolution.

(2) All applications shall include a plan showing the location and dimensions of all principal buildings and uses, circulation system, parking areas, permanent open space, pedestrian ways, utilities, and any other information that may be needed to enforce the requirements of this chapter. In the event the proposed development is to take place over a period of time, the plan shall include each phase of development in as much detail as can be provided at the time of application. The ETZ Committee shall have the discretion to approve or deny any portion of the plan and require subsequent review for each proposed phase.

(D) *Enforcement.*

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(1) Once the plan has been approved, uses and locations are fixed as shown on the plan. Modification, additions and deviation from the approved plan, shall be permitted only after application and approval, following the same conditional use procedures required for approval of the original plan.

(2) The approved plan shall be binding upon all present and future owners of the development. If a part of the development is sold or transferred to a new owner, the new owner shall build or improve his property only in accordance with the approved plan, or request a change in accordance with the procedure established above. Where permanent open space, streets, parking areas, utilities, etc., are designated on the plan they shall be maintained as such by present and future owners of the property.

*(E) Special modification.*

(1) Since more than 1 principal structure is permitted on a lot, the lot area, frontage and yard requirements of this chapter are not applicable for a planned unit development. In every case, however, the average density of use shall be no greater than that which would otherwise be permitted for the district in which the development is located. Densities and structure layout shall not diminish or prevent the capability of emergency services, such as fire protection. The developer is encouraged to site buildings in clusters, or otherwise concentrate them so as to create usable open space areas.

(2) In residential districts special types of residential structures such as garden apartments, row houses, and condominiums may be permitted. Single-family homes or apartments may be arranged in cluster developments so as to make maximum use of open space areas to retain or enhance aesthetic values, or for efficiency of design.

*(F) Spacing and orientation of residential building groups shall conform to the following principles:*

(1) Walls containing main window exposures or main entrances shall be so oriented as to insure adequate light and air exposure.

(2) Buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.

(3) A building wall exposing both windows and an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 50 feet.

(4) A building wall exposing only windows or only an entranceway shall be located no closer to another building than a distance equal to the height of the taller building of the two, but in no case less than 25 feet.

(5) A building group may not be so arranged that any temporary or permanently inhabited building is inaccessible to emergency vehicles.

(6) Structures that are clustered and have plumbing are encouraged to be connected to public water and sewer services. Where this is not feasible, additional area must be provided for private septic

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systems and consideration shall be given to shared systems.

(G) Spacing and orientation of commercial and industrial buildings shall conform to the following principles:

(1) Exterior walls of opposite buildings shall be located no closer than a distance equal to the height of the taller building.

(2) A building group may not be so arranged that any permanently or temporarily occupied building is inaccessible to emergency vehicles.

(3) Structures that are clustered and have plumbing are encouraged to be connected to public water and sewer services. Where this is not feasible, additional area must be provided for private septic systems and consideration shall be given to shared systems.

(4) Circulation. There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space.

(a) There shall be an adequate amount, in a suitable location, of pedestrian walks, malls, and landscaped spaces to prevent pedestrian use of vehicular ways and parking spaces and to separate pedestrian walks, malls, and public transportation loading places from general vehicular circulation facilities.

(b) Buildings and vehicular circulation open spaces shall be arranged so pedestrians moving between buildings are exposed to a minimum of vehicular traffic.

(5) Paving and drainage shall be designed with grades, paving, gutter, drainage, and treatment of turf to handle storm waters, prevent erosion and formation of dust.

(H) Signs and lighting devices shall be properly arranged with respect to traffic control devices and adjacent residential districts and comply with the provisions of this chapter.

(I) *Residential uses and subdivisions in the complex.* Residential development within the complex shall comply with the standards and listed for the zoning classification at the site of the proposed development. Development proposing the creation of multiple lots must comply with the platting requirements of any local, county or state subdivision ordinance or statute.  
(Ord. 686, passed 12-6-2005)

## **§ 155.07 MOBILE HOME/MANUFACTURED HOME PARKS.**

(A) Special requirements for a mobile home/manufactured home park are as follows:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage, and free from stagnant pools of water.

(2) A park shall contain at least 10 acres.

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(3) No more than 6 mobile/manufactured home sites shall be allowed per acre of land in the park.

(4) Each home site must be large enough to physically locate a typical mobile or manufactured home and allow provide for all required setbacks.

(5) A green belt planting strip at least 20 feet in width shall be maintained along all lot lines of the park not bordering on a street, and shall be appropriately landscaped with trees, shrubs and ornamental fencing, so as to provide a buffer for noise and lights generated within the park.

(6) Homes shall have a clearance of at least 20 feet from any other home or any building on an adjacent site, except in end-to-end clearance. For homes parked end-to-end, the clearance shall be at least 15 feet.

(7) Accessory structures must be at least 10 feet from any building on an adjacent site.

(8) Homes shall not be located closer than 50 feet to any property line of the park abutting upon a public street or highway. All spaces shall abut upon a driveway of not less than 24 feet in width, which shall have unobstructed access to a public street, alley, or highway.

(9) All thoroughfares within the park shall be hard-surfaced.

(10) All thoroughfares shall be adequately lighted at night.

(11) An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and home spaces within the park, and each home space shall be connected to an approved sewage disposal system.

(12) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation, and plumbing and sanitation systems as determined by the appropriate state agency.

(13) Each service building shall be equipped with not less than 2 5-gallon water hand-pump fire extinguishers, or 3 2½-gallon soda and acid extinguishers; also, 2 approved dry chemical extinguishers.

(B) The addition or replacement of a mobile home or manufactured home shall require a zoning permit as indicated in § 155.02(D), as well as any other relevant permits, such as sanitary, driveway, etc. However, the zoning permit for a replacement home shall be applied for no more than 24 hours from when the replacement home was moved to the property. In no case shall such a home be occupied until all required permits have been issued.

(C) *Garbage, waste and rubbish.* Unless a garbage pick-up service is provided, metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least 1 receptacle for every 4 spaces and shall be located not farther than 50 feet from any space. The cans shall be tightly covered and shall be kept in a sanitary condition. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.

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(D) *Application.* The application for a mobile home/manufactured home park follows the conditional use permit process as outlined in § 155.05 and shall be accompanied by a plan of the proposed development drawn to scale showing all information listed in this section. The plan will show the location and paved width of internal vehicular circulation ways and the location of mobile/manufactured home sites as well as location of utilities, etc. as needed to show how the special conditions applicable to a mobile home/manufactured home park are to be met.

(E) *Mobile home/manufactured home park license.* The application for a mobile home/manufactured home park must provide evidence at the time of application of the ability to achieve any local, state or federally required license. Granting of a proposed mobile home/manufactured home park may be made contingent upon securing such license.

(F) *Register of occupants in mobile home/manufactured home park.* It shall be the duty of the license holder to keep a register containing a record of all homeowners and occupants located within the park. The register shall contain the following information:

- (1) Name and address of each lease holder.
- (2) The make, model license number and year of all homes.
- (3) The dates of arrival and departure of each home.
- (4) The park shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of 3 years following the date of registration or departure.  
(Ord. 686, passed 12-6-2005)

## **§ 155.08 CAMPGROUNDS.**

(A) Special requirements for campgrounds are as follows:

- (1) A campground shall make its campsites available to campers on a temporary basis only, for not more than 30 days.
- (2) The campground shall be located on a well-drained site, properly graded to insure rapid drainage, and free from stagnant pools of water.
- (3) A park shall contain at least 5 acres.
- (4) No more than 10 campsites shall be allowed per acre of land in the park.
- (5) Campsites shall be located no closer than 50 feet to any property line of the park. All spaces abut upon a driveway of not less than 20 feet in width for 2-way traffic, and 10 feet in width for 1-way traffic, which shall have unobstructed access to public street, alley and highway.

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(6) An adequate supply of safe water for drinking and domestic purposes shall be available within reasonable walking distance of each cluster of campsites. Sanitary facilities shall be within reasonable walking distance of each cluster of campsites. Sites equipped with individual water and sewer connections for homes may be more remote, provided they are made available only to mobile units that are equipped to use them.

(7) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installation, and plumbing and sanitation systems as determined by the appropriate state agency.

(8) Metal garbage receptacles or a serviceable equivalent shall be provided on the basis of at least 1 receptacle for every 4 spaces and shall be located not farther than 50 feet from any space. The cans shall be tightly covered and shall be kept in a sanitary condition. Garbage and rubbish shall be collected and disposed of at least once a day. Sufficient receptacles shall be provided to prevent littering the ground with rubbish and debris.

(9) Campgrounds shall be designed for camping units only and shall not allow the placement of buildings, structures or structural additions to camping units on any sites.

(B) *Plan.* The plan accompanying the conditional use application shall be drawn to scale, showing all pertinent information required to evaluate the acceptability of the campground with respect to the terms of this chapter.

(C) *Register of occupants in campgrounds.*

(1) It shall be the duty of the permit holder to keep a register containing a daily record of the occupants of each campsite. The register shall contain the following information:

(a) Name and address of each occupant.

(b) The make, model and year of all automobile and mobile camping units.

(c) License number and owner of each automobile and mobile camping unit, and the state issuing the license.

(d) The date and time of arrival and date of departure.

(2) The campground manager shall keep the register available for inspection at all times by law enforcement officers, and other officials whose duties necessitate acquisition of the information contained in the register. The register shall not be destroyed for a period of 3 years following the date of registration.

(Ord. 686, passed 12-6-2005)

### **§ 155.09 HIGHWAY SETBACKS.**

(A) *Highway setbacks.* The minimum setback from the right-of-way line or centerline to any structure shall be established in accordance with the following table unless the normal yard

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requirements as established in the district requirements are greater, in which case the normal yard requirements shall be met.

	<b><i>Minimum Setback From Right-of-Way</i></b>	<b><i>Minimum Setback from Centerline</i></b>
State and federal highways	50 feet	110 feet
County trunk highways	42 feet	75 feet
Town public roads	30 feet	63 feet

(B) *Visual clearance triangle.* In each quadrant of every public road intersection, there shall be a visual clearance triangle bounded by the road centerlines and a line connecting points on them by the visual clearance distance from the intersection, with dimensions as stated below:

(C) *Highway classification visual clearance distance.*

(1) State and federal highways: 300 feet.

(2) County trunk highways: 200 feet.

(3) Other roads: 150 feet.

(4) The measurement is taken at the intersection of the centerlines of each public road as they traverse away from each other for the distances indicated above. A line is drawn between the conclusion of each centerline traverse to create the hypotenuse of the visual clearance triangle.

(5) No visual obstructions, such as structures, parking, or vegetation with the exception of annual agricultural crops above a height 2½ feet or less than 10 feet above the plane passing through the mean centerline grades shall be permitted in any district within the area of the visual clearance triangle. Open fences and utility poles are permitted.

(D) Illustration of visual clearance triangle is adopted by reference as if incorporated in full herein.  
(Ord. 686, passed 12-6-2005)

## **§ 155.10 DRIVEWAYS AND ACCESSES.**

All accesses and driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements. For the purposes of this chapter, an access shall be that portion of a driveway that is within the right-of-way of a public road with the driveway being that portion from the right-of-way to the point of termination.

(A) When there is a dispute as to the adequacy of an alleged existing or proposed access to a public road, the governmental unit having jurisdiction over the road to be accessed shall control. Evidence of approval shall be a written approval from the governmental unit having jurisdiction over the public road to be accessed.

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(B) All alleged existing and proposed driveways shall require approval by the ETZ Committee.  
(Ord. 686, passed 12-6-2005)

### **§ 155.11 PARKING REQUIREMENTS.**

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

- (A) Adequate access to a public street shall be provided for each parking space.
- (B) Size of each parking space shall be not less than 180 square feet exclusive of the space required for the ingress and egress.
- (C) Surfacing of 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 5 vehicles shall have the aisles and spaces clearly marked.
- (D) Curbs and barriers shall be installed so as to prevent the parked vehicles from extending over any lot line.
- (E) Number of parking stalls required shall be, unless otherwise approved as a condition of the conditional use approval:
  - (1) Single-family dwellings and multi-family dwellings: 2 stalls for each dwelling unit.
  - (2) Mobile and manufactured homes: 2 stalls for each dwelling unit.
  - (3) Hotels, motels: 1 stall for each guest room plus 1 stall for each 3 employees.
  - (4) Hospitals, clubs, lodges, dormitories, lodging and boardinghouses: 1 stall for each bed plus 1 stall for each 3 employees.
  - (5) Sanitariums, institutions, rest and nursing homes: 1 stall for each 5 beds plus 1 stall for each 3 employees.
  - (6) Medical and dental clinics: 3 stalls for each doctor.
  - (7) Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly: 1 stall for each 5 seats.
  - (8) Colleges, secondary and elementary schools: 1 stall for each 2 employees.
  - (9) Restaurants, bars, places of entertainment, repair shops, retail and service stores: 1 stall for each 150 square feet of floor area.
  - (10) Manufacturing and processing plants, laboratories and warehouses: 1 stall for each 2

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employees.

- (11) Financial institutions; business, governmental and professional offices: 1 stall for each 300 square feet of floor area.
- (12) Funeral homes: 1 stall for each 4 seats.
- (13) Bowling alleys: 5 stalls for each alley.
- (14) Uses not listed. In the case of structures or uses not mentioned the provision for use that is similar shall apply.
- (15) Combination of any of the above uses shall provide the total of the number of stalls required for each.

(Ord. 686, passed 12-6-2005)

### **§ 155.12 STRUCTURAL MODIFICATIONS.**

*Height.* The district height limitations stipulated elsewhere in this chapter may be exceeded in accord with the following:

- (A) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys shall not exceed in height their distance from the nearest lot line, but in no case shall exceed 50 feet in height.
- (B) The following structures are exempt from height limitations of this chapter: agricultural structures, such as barns, silos, grain elevators; gas tanks; radio and television receiving antennas; manufacturing equipment and necessary mechanical appurtenances; cooling towers; fire towers; substations; and smoke stacks.
- (C) Essential public services, such as water towers, electrical power and communications, transmission and distribution lines are exempt from the height limitations of this chapter.
- (D) Public and semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 50 feet.
- (E) Accessory structures shall not exceed 20 feet in height unless otherwise stated within this chapter.

(Ord. 686, passed 12-6-2005)

### **§ 155.13 YARDS.**

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

- (A) Uncovered stairs, landings and fire escapes may project into any side or rear yard but not by more than 6 feet and shall not be closer than 3 feet to any lot line.

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(B) Architectural projections, such as chimneys, flues, sills, belt courses and ornaments, may project into any required yard up to two feet.

(C) Accessory uses and detached accessory structures are permitted; they shall not be closer than 10 feet to the principal structure, shall not occupy more than 20% of the yard area, and shall not be closer than 10 feet to any lot line, except in the A-1 and AR-1 districts. In any platted subdivision, accessory buildings are not allowed in the front yard.

(D) Essential services, such as electrical power and communications transmission and distribution lines are exempt from the yard and distance requirements of this chapter, but shall not impede visibility of traffic as determined by the authority with highway jurisdiction.

(Ord.686, passed 12-6-2005)

### **§ 155.14 SIGNS.**

(A) *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 § 155.14(C), and without being in conformity with the provisions of this chapter. 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 § 155.14. A fee of \$20 shall be required for all signs so registered. The sign shall also meet all the structural requirements of the Building Code.

(B) *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.

(C) *Signs in residential and agricultural districts.* Only those signs listed below are permitted in residential and agricultural districts. All other signs are prohibited.

(1) 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 2 feet in height and 20 feet in length. Non-conforming signs on such establishment shall be removed within 5 years from the date of adoption of this chapter.

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

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

(4) Bulletin boards for public, charitable, or religious institutions, not to exceed 16 square

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feet in area, located on the premises.

(5) 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.

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

(7) Temporary signs or banners, when authorized by the ETZ Committee.

(D) *Signs in business and industrial districts.* Signs are permitted in all business and industrial districts, subject to the following restrictions.

(1) *Signs prohibited in public ways.* Except for traffic signs and signals, signs specifically permitted to project into the public way by this chapter, 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 1 year of the adoption of this chapter. Permits for signs projecting into the right-of-way of any street shall be revocable as provided in Wis. Stats. Ch. 86.04.

(2) *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.

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

(4) *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 30 feet in height.

(5) *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.

(6) *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 48 inches into any street.

(7) *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.

(8) *Shopping centers or industrial parks.* In a shopping center or industrial park, 1 freestanding 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 100 square feet on 1 face and 200 square feet on all faces. Said sign shall not be permitted within 20 feet of the right-of-way line

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of the street.

(9) *Surface display area.* The total surface display area of business or industrial signs on the front facade of a building shall not exceed 3 square feet per linear foot of width of the building frontage. 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 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 200 square feet, and in no case shall more than 1 of the above-mentioned criteria be used to calculate allowable sign area on any 1 building facade.

(10) *Projections beyond building line.* Business and industrial signs mounted on buildings shall not be permitted to project more than 48 inches beyond the building line.

(11) *Number of signs.* No more than 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 1 business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.

(12) *Directional signs.* Necessary directional ground signs, not exceeding 4 square feet in area, will be permitted. Permission to erect such signs must be obtained from the Police Department and from the ETZ Committee.

(13) *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.

(14) *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 firefighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.

(15) *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.

(16) *Height.* No sign shall be erected above the roof line of a building or more than 30 feet from the ground.

(17) *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.

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(18) *Hanging signs.* Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided that there shall be only 1 sign (not to exceed 5 square feet in area) for each business and that the sign shall be at least 10 feet above ground level.

(E) *Existing signs.* Except for billboards and signs on non-conforming uses, signs lawfully existing at the time of adoption or amendment of this chapter may be continued, although the use, size, or location does not conform with the provisions of this chapter. However, it shall be deemed a non-conforming use, or structure, and the provisions of § 155.15 shall apply.

(F) *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 1 year from the date of the passage of this chapter. 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 Zoning Administrator shall, following 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. (Ord. 686, passed 12-6-2005)

### **§ 155.15 NON-CONFORMING USES, STRUCTURES AND LOTS.**

(A) *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 chapter may be continued, although the use does not conform with the provisions of this chapter, provided, however:

(1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

(2) The total lifetime structural repairs or alternations shall not exceed 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 chapter.

(3) 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.

(B) *Abolishment or replacement.* If such non-conforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than 50% of its current fair market value, it shall not be restored except so as to comply with the use provisions of this chapter.

(C) 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.

(D) *Existing non-conforming structures.* The lawful non-conforming structure existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this

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chapter. 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 chapter.

(E) *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.

(F) *Substandard lots.* In any residential district, a 1-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 chapter, provided that the area and the width of such existing lot shall be no less than 75% of the required minimum standards, identified in the appropriate Zoning District.

(Ord. 686, passed 12-6-2005)

### **§ 155.16 PERFORMANCE STANDARDS.**

(A) *Compliance.* This chapter 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.

(B) *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.

(C) *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.

(D) *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.

(E) *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

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persons or property.

(F) *Noises.*

(1) 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.

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

<i>Octave Band Frequency (cycles per sound)</i>	<i>Sound Level (decibels)</i>
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

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

(H) *Odors.* No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious or unhealthful outside their premises.

(I) *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.

(Ord. 686, passed 12-6-2005)

### **§ 155.17 BOARD OF APPEALS.**

(A) *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 chapter in harmony with the purpose and intent of the chapter.

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

(1) Terms shall be for staggered 3-year periods.

(2) The Chairman shall be designated by the Mayor.

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(3) An alternate member may be appointed by the Mayor for a term of 3 years. Such alternate member shall act only when a regular member is absent or refuses to vote because of interest.

(4) One member shall be an ETZ Committee Member who is a member of the Plan Commission, and 1 member shall be a registered architect, registered professional engineer, builder, or real estate appraiser.

(5) The secretary shall be the City Clerk.

(6) The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Committee.

(7) Official oaths shall be taken by all members in accordance with Wis. Stats. Ch. 19.01 within 10 days of receiving notice of their appointment.

(8) Vacancies shall be filed for the unexpired term in the same manner as appointments for a full term.

(C) *Organization.* The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

(1) Meetings shall be held at the call of the Chairman and shall be open to the public. 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.

(2) The concurring vote of 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.

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

(1) *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.

(2) *Variances.* 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 chapter shall be observed and the public safety, welfare and justice be secured. Use variances shall not be granted.

(3) *Interpretations.* To hear and decide application for interpretations of the zoning regulations and the boundaries of the Zoning Districts after the ETZ Committee has made a review and recommendation.

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

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(5) *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 ETZ Committee has made a review and recommendation.

(6) *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 ETZ Committee 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 12 months. Compliance with all other provisions of this chapter shall be required.

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

(8) *Assistance.* The Board may request assistance from other officers, departments, commission and boards.

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

(10) *Appeals and applications.* Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board or bureau. Such appeals shall be filed with the Secretary within 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 § 155.02(D) for a Zoning permit.

(c) Additional information required by the ETZ Committee, City Engineer, Board of Appeals or Zoning Administrator.

(d) Fee receipt from the City Clerk/Treasurer in the amount of \$150.

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

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

(13) *Exceptional circumstances.* There must be exceptional, extraordinary or unusual

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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 this chapter should be changed.

(14) *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.

(15) *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 chapter or the public interest.

(16) *Decision.* The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator and ETZ Committee.

(E) Conditions may be placed upon any zoning permit ordered or authorized by the Board.

(F) Variances, substitutions or use permits ordered by the Board shall expire within 6 months, unless substantial work has commenced pursuant to such grant.

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

(Ord. 686, passed 12-6-2005)

### **§ 155.18 CHANGES AND AMENDMENTS.**

(A) *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 ETZ Committee.

(B) *Initiation.* A change or amendment may be initiated by the City Council, ETZ Committee, or by a petition of 1 or more of the owners or lessees of property within the area proposed to be changed.

(C) *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:

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

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

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(3) Additional information required by the ETZ Committee or City Council.

(4) Fee receipt from the City Clerk/Treasurer in the amount of \$150.

(D) *Recommendations.* The ETZ Committee 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 ETZ Committee shall review all proposed changes and amendments within the zoning jurisdiction and shall vote on the matters within its jurisdiction.

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

(F) *Adoption.* Following such hearing, and after careful consideration of the ETZ Committee's recommendations, the City Council shall vote on the passage of the proposed change or amendment. The ETZ Committee's recommendations may, only be overruled by  $\frac{3}{4}$  of the full City Council membership.

(G) *Protest.* In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of  $\frac{3}{4}$  of the full City Council membership.

(Ord. 686, passed 12-6-2005)

## **ZONING MAP AMENDMENTS**

### **§ 155.30 ZONING MAP AMENDMENTS.**

The following zoning map amendments are hereby adopted by reference as if set out in full herein:

Ordinance Numbers 705, 715, 716, 740.

### **§ 155.99 PENALTY.**

(A) *Violations.* No person shall construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the City Council, the Zoning Administrator, the ETZ Committee or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

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(B) *Penalties.* Any person or contractor who fails to comply with the provisions of this chapter (including the start of construction without first securing the proper, required permits) shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 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 30 days. Each day a violation exists or continues shall constitute a separate violation.

(Ord. 686, passed 12-6-2005)